

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2016SYW005
DA Number	992/2016/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	A MASTERPLAN WHICH ENCOMPASSES A STAGE 1 BUILT FORM COMPONENT FOR A SENIORS LIVING DEVELOPMENT PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004.
Street Address	LOT 1 DP 1217654 - 26-30 NORBRIK DRIVE, BELLA VISTA
Applicant/Owner	MULPHA NORWEST PTY LIMITED
Number of Submissions	THIRTY (30) SUBMISSIONS
Regional Development Criteria (Schedule 4A of the Act)	CIV Over \$20 Million – General Development
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy (State and Regional Development) 2011 • 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) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C (1)(a)(i) <ul style="list-style-type: none"> - The Hills Local Environmental Plan 2012 - DCP 2012 Part C Section 6 – Business - DCP 2012 Part B Section 5 – Residential Flat Buildings - DCP 2012 Part C Section 1 – Parking • 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) - Nil • List any coastal zone management plan: s79C(1)(a)(v) - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - Environmental Planning and Assessment Act Regulation 2000
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	Submissions
Recommendation	APPROVAL
Report by	DEVELOPMENT ASSESSMENT COORDINATOR JAMES MCBRIDE
Report date	18 AUGUST 2016

EXECUTIVE SUMMARY

The Development Application is for a Masterplan which encompasses a Stage 1 built form component for a Seniors Living Development pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Masterplan comprises of 10 buildings including 446 self-contained dwellings, a residential aged care facility including 144 beds, retail and restaurants, common area facilities and a basement car park containing 512 car spaces. The Masterplan is proposed to be carried out over six stages and will include an easement for public access through the site which will enable a pedestrian connection between the Circa Shopping Centre and the southern side of the site (through to Prestige Avenue).

The Stage 1 built form component proposes the construction of two buildings being 10 storeys (Building A) and 9 storeys (Building B) in height. Building A will comprise of 64 retirement living units (7 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 69 vehicles. Building B will comprise of 67 retirement living units (10 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 70 vehicles. All other stages would be subject to further development applications which would be guided by the masterplan.

The application is accompanied by a request to vary two development standards pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). Clause 4.3 of the LEP prescribes a maximum building height limit of RL 108 and RL 116 for the site. Building A will breach the height limit of RL 108 by 1.87 metres. Clause 4.4 of the LEP prescribes a maximum floor space ratio of 1:1 for the subject site. The Masterplan proposes a floor space ratio of 1.05:1 which represents a 5% variation to the LEP standard.

In the absence of the JRPP process, this matter would be determined by Council's Development Assessment Unit.

The proposal is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	AVEO Southern Gateway Pty Ltd	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	B7 Business Park	2.	<u>SEPP (Housing for Seniors or People with a Disability) 2004</u> - Satisfactory
Area:	5.944 Hectares	3.	<u>SEPP (State & Regional Development) 2011</u> - Satisfactory
Existing Development:	Vacant Land and dry detention basin	4.	<u>LEP 2012</u> - Satisfactory
		5.	<u>The Hills DCP 2012</u> - Satisfactory
		6.	<u>Section 94 Contribution</u> - \$747,750.75

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. First Exhibition:	14 days	1.	Capital Investment Value in excess of \$20 million
2. Second Exhibition:	30 days		
3. Third Exhibition:	14 days		
4. Notice Adj Owners:	Yes, 30 days		
5. Number Advised:	125		
6. Submissions Received:	16 submissions including a petition were received during the first exhibition period, 5 submissions received during the second exhibition period and 12 submissions received during the third exhibition period. 14 submissions were received at the Conciliation Conference. In total, submissions were received by 30 different property owners.		

HISTORY

22/11/2007

Development Application No. 82/2008/HA approved for landscaping and earthworks along the western and southern

boundary and the erection of an entry wall, water feature and site identification signage at the Old Windsor Road and Norbrik Drive intersection.

01/04/2008	Development Application No. 1128/2008/HA approved for the construction of a data centre comprising three buildings and associated car parking. (Consent was not enacted)
10/06/2008	Development Application No. 83/2008/HA approved for the construction of a wet and dry detention basin including discharge through Francesco Avenue Reserve.
25/03/2009	Development Application No. 900/2009/HA approved for the construction of a dry detention basin with storage capacity of 10,000m ³ .
30/10/2015	Pre-lodgement meeting held.
23/12/2015	Subject Development Application lodged.
04/01/2016	The applicant was requested to submit further advice pertaining to the permissibility of the proposal and a cumulative investment value for the masterplan component.
04/01/2016	The applicant submitted further advice addressing the matter of permissibility.
18/03/2016	The applicant was requested to provide additional information in relation to planning, heritage, engineering and tree management matters.
18/03/2016	Development Application No. 485/2016/HC approved for the construction of a permanent wet detention basin (in the form of a lake) with a storage capacity of approximately 5,275m ³ . The proposal involved the construction of a supplementary dry storage detention facility with a storage capacity of 10,850m ³ with associated earthworks and landscaping.
06/04/2016	Conciliation Conference held.
04/05/2016	Meeting held with applicant to discuss outcomes of Conciliation Conference and outstanding information in relation to planning, heritage, engineering and tree management matters.
26/05/2016	Meeting held with applicant to discuss amended plans.
08/06/2016	The applicant submitted amended plans and additional information. The amendments include a reduction in the height of Building F from 5 to 4 storeys, a reduction in floor space ratio from 1.10:1 to 1.09:, minor increase in the height of Building A and B and a reduction in unit yield from 449 units to 441 units.
19/07/2016	Meeting held with applicant to discuss concerns regarding the height and scale of buildings adjacent to the southern boundary and amelioration measures to provide for a sympathetic interface to residential properties.

27/07/2016

The applicant submitted amended plans and additional information. The amendments included a reduction in massing for Buildings D, E, F, G and H, reduction in floor space ratio from 1.09:1 to 1.05:1 and an increase in unit yield from 441 units to 446 units as a result of the reconfiguration of unit mix.

SITE SPECIFIC PLANNING PROPOSAL

The site is subject to a Planning Proposal (Ref. No 15/2015/PLP) to amend Schedule 1 of the Hills Local Environmental Plan 2012 to permit an additional use for 'seniors living'.

The Planning Proposal was supported at Council's Ordinary Meeting of 28 July 2015 to be forwarded to the Department of Planning and Environment for Gateway Determination. Council resolved to support the following resolution: 'A planning proposal to amend Schedule 1 Additional Permitted Uses of The Hills Local Environmental Plan 2012 to permit a 'seniors housing' at 26-30 Norbrik Avenue, Bella Vista be forwarded to the Department of Planning and Environment for Gateway Determination'. The Planning Proposal was approved at Gateway with conditions on 19 November 2015.

The Planning Proposal has been publicly exhibited and a post exhibition report will be prepared for Council to determine whether the matter will be forwarded to the Department of Planning and Environment for finalisation. This matter is listed to be considered by Council on 9 August 2016.

It is noted that the subject Development Application was lodged prior to the public exhibition of the Planning Proposal. In this regard, the proposed development is permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by virtue of 'hospitals' being permitted in the B7 Business Park zone.

CIRCA PRECINCT PLANNING PROPOSAL

The site is subject to a precinct wide Planning Proposal (Ref. No. 19/2015/PLP) to facilitate development of an additional 450,000m² of commercial floor space (under the current controls 240,000m² could be delivered) through a range of commercial office, café and restaurant developments which could provide up to 25,000 jobs. Specifically, the planning proposal seeks to:

- a. Increase the maximum building height from RL 108 and RL 116 to RL 116 and RL 140 (which would allow eight (8) to 17 storey buildings); and
- b. Increase the maximum floor space ratio, in specific locations, from 1:1 to 1.2:1, 2:1 and 3:1.

With respect to the subject site, the Planning Proposal seeks to increase the current height limit of RL 108 and RL 116 to RL 116 and increase the floor space ratio from 1:1 to 1.2:1.

The Planning Proposal was supported at Council's Ordinary Meeting of 26 April 2016 and has been forwarded to the Department of Planning and Environment for Gateway Determination.

DEVELOPMENT APPROVAL FOR A STORMWATER DETENTION BASIN

Development Application No. 485/2016/HC was approved under delegated authority on 18 March 2016 for the construction of a permanent wet detention basin (in the form of a lake) with a storage capacity of approximately 5,275m³. The proposal involved the construction of a supplementary dry storage detention facility with a storage capacity of 10,850m³ with associated earthworks and landscaping. A staged weir structure will be constructed to control the rate of discharge into the supplementary detention storage

facility. The proposed detention basins form part of the overall stormwater drainage for the Circa Business Park and will connect to Lalor Creek to the south.

The development consent consists of temporary civil construction works to allow for the detentions basin overflow while the permanent basin is being constructed in addition to the decommissioning of the existing detention basin.

The proposal also included landscaping works between the detention basin and Norbrik Drive. These works will include the provision of earth batters and grassed embankments which will facilitate a recreational interface to the detention basin. Retaining walls are proposed to provide stepped terraces adjacent to the eastern edge of the detention basin. A pathway wholly within the subject site is proposed around the perimeter of the detention basin in addition to a timber viewing platform adjacent to the detention basin and Norbrik Drive. Temporary mass planting is proposed adjacent to the residential properties to the south.

It is noted that the earthworks presently occurring on site are in relation to this development consent.

PROPOSAL

The Development Application is for a Masterplan which encompasses a Stage 1 built form component for a Seniors Living Development pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Masterplan comprises of 10 buildings including 446 self-contained dwellings, a residential aged care facility including 144 beds, retail and restaurants, common area facilities and a basement car park containing 512 car spaces. The Masterplan is proposed to be carried out over six stages and will include an easement for public access through the site which will enable a pedestrian connection between the Circa Shopping Centre and the southern side of the site (through to Prestige Avenue). The proposed development is detailed in the Site Plan below:



The proposed development and staging are summarised in the table below:

Building	Stage	Height	Unit Yield
Building A	Stage 1	10 Storeys and RL 109.87	64

Building B	Stage 1	9 Storeys and RL 106.01	67
Building C	Stage 2	8 Storeys and RL 100.60	62
Building D	Stage 3	6 Storeys and RL 93.80	46
Building E	Stage 3	4 Storeys and RL 87.20	30
Building F	Stage 3	4 Storeys and RL 89.40	25
Building G	Stage 5	4 Storeys and RL 90.00	30
Building H	Stage 5	4 Storeys and RL 92.20	30
Building I	Stage 4	6 Storeys and RL 98.70	45
Building J	Stage 4	7 Storeys and RL 100.30	47
RACF	Stage 6	4 Storeys and RL 93.20	-
			TOTAL – 446 units

The Stage 1 built form component proposes the construction of two buildings being 10 storeys (Building A) and 9 storeys (Building B) in height. Building A will comprise of 64 retirement living units (7 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 69 vehicles. Building B will comprise of 67 retirement living units (10 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 70 vehicles. The buildings are proposed to be located adjacent to a wet detention basin approved under DA485/2016/HC. The buildings will be separated from Norbrik Drive by a wet detention basin and will be accessible via a boardwalk surrounding the perimeter. Building A and B will include the provision of communal facilities including two commercial tenancies, a communal library, resident dining, resident function room and communal open space facilities. A porte cochere is proposed to provide secondary access adjacent to Building A in addition to 20 at-grade car parking spaces.

Stage 2 will involve the construction of Building C which will have a height of 8 storeys and will be orientated towards Old Windsor Road. Building C will have access to 64 car parking spaces and will involve the completion of communal facilities including the bowling green.

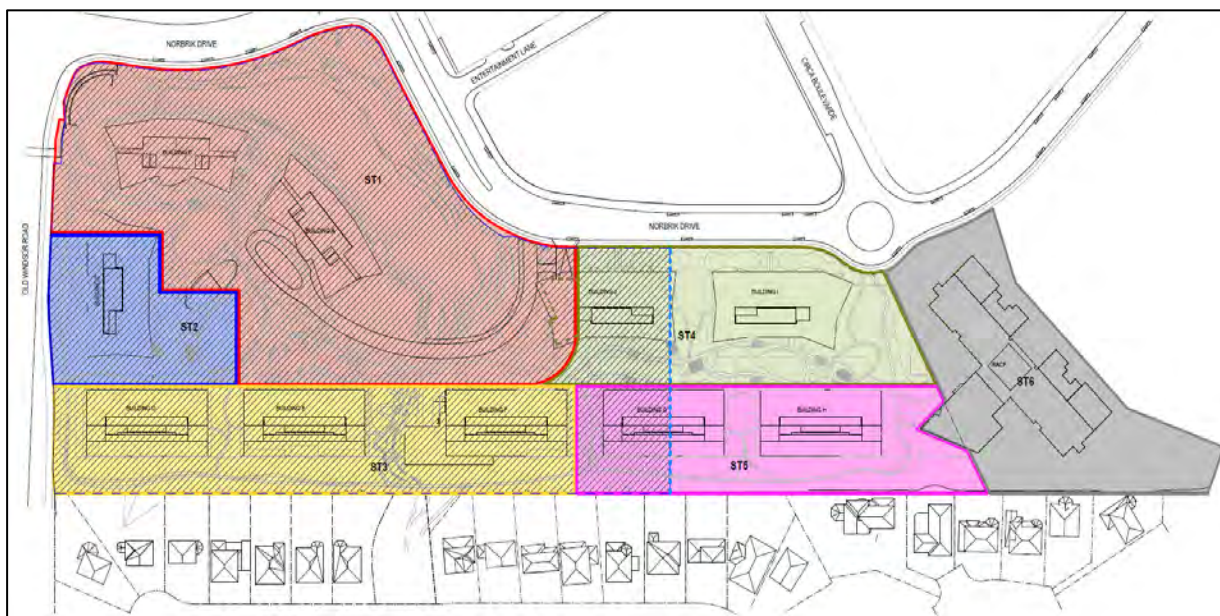
Stage 3 will involve the construction of Building D, E and F adjacent to the southern boundary. Buildings D, E and F will have access to 104 car parking spaces and will involve the provision of a public access easement through the site which will enable a pedestrian connection between the Circa Shopping Centre and the southern side of the site (through to Prestige Avenue). Stage 3 will also include a Wellness Centre.

Stage 4 will involve the construction of Building I and J fronting Norbrik Drive. Building I and J will have access to 100 car parking spaces.

Stage 5 will involve the construction of Building G and H adjacent to the southern boundary. Buildings G and H will have access to 65 car parking spaces.

Stage 6, being the final stage, will involve the construction of the residential aged care facility. The residential aged care facility is proposed to be a 4 storey building containing 144 beds. The residential aged care facility will have access to 40 car parking spaces.

The staging plan is detailed below:



The proposal will involve a comprehensive landscape scheme which is proposed to be staged in accordance with the above staging plan. The landscape scheme involves provision of significant canopy trees combined with native shrub and grass vegetation below the canopy. The canopy trees are proposed to extend the length of the curtilage for all buildings in order to provide a strong landscape buffer between buildings and adjoining residential properties. The landscape scheme will also include the provision of accessible walking paths, feature planting and communal facilities including BBQ areas, dining areas and fitness stations.

It is noted that Stages 2 to 6 will be the subject of separate Development Applications.

THE SITE AND SURROUNDING AREA

The site is located at 30 Norbrik Drive which is legally known as Lot 1 DP 1217654. The site has a frontage to Norbrik Drive and Old Windsor Road with a site area of 5.944 hectares. The site is undeveloped however was formerly used as a quarry and has since been remediated. The site also contains a dry detention system known as the Norbrik Detention Pond being the commencement of Lalor Creek, with several easements on the Site to allow water to drain **into Council's stormwater infrastructure.**

The site is bordered by Old Windsor Road to the west and low density residential dwellings to the south fronting Prestige Avenue, Sharleen Court, Patrine Place and Zane Close. To the east is 24 Norbrik Drive which contains a 5-8 storey serviced apartment building operated by Quest. To the north is the Norwest Circa Shopping Centre containing Woolworths and Norwest Private Hospital.



On a wider context, the site is located in the southern part of the Norwest Business Park, and the State Heritage listed Bella Vista Farm Park located to the north-west.

The frontage of the site is relatively at-grade to Norbrik Drive with levels varying between RL 73-75. Given the dry detention system on site, the site falls from Norbrik Drive to the southern boundary with a low point of approximately RL 63-64 adjacent to the discharge point to Lalor Creek.

CONCILIATION CONFERENCE

A Conciliation Conference was held on 6 April 2016 due to the number of submissions received to the proposal. Issues discussed at the conference included:

- Building height, setbacks and design.
- Traffic, parking and access.
- Amenity impacts including privacy, overshadowing and noise.

The following outcomes were achieved as a result of the Conciliation Conference:

- The applicant is to consider all issues raised. If there are significant amendments to the proposed design, then the application will be renotified.
- The applicant is to further consider reducing the height of the proposed buildings adjacent to existing residential properties.
- The broader traffic and parking issues in the local area will be referred to Council's Traffic Section.
- The applicant will be requested to submit further Section Plans which details the interface to adjoining residential properties including finishes levels, privacy measures, landscaping and fence details.

- The applicant will be requested to submit further analysis on the overshadowing to adjoining residential properties.
- The easement for public access through the site will be further considered.
- Council staff are to inspect the site adjacent to residential properties to gain an understanding of impact on those properties.

In response to issues raised at the Conciliation Conference, amended plans were lodged which included further section plans detailing the interface to adjoining residential properties and a further analysis on the overshadowing of adjoining properties. The amendments to the proposal included:

- A reduction in the height of Building F from 5 storeys to 4 storeys.
- A reduction in unit yield from 449 units to 441 units.
- A reduction in floor space ratio from 1.10: 1 to 1.09: 1
- Minor increase in the height of Building A and B.

The amendments to the proposal were re-notified for a period of 14 days. In response, 12 submissions were received.

A second set of amendments to the proposal were lodged which included:

- A reduction in massing for Buildings D, E, F, G and H. The upper two storeys of the building adjacent to the southern boundary were offset from the floor plates below in order to enhance separation.
- A reduction in floor space ratio from 1.09: 1 to 1.05: 1
- An increase in unit yield from 441 units to 446 units as a result of the reconfiguration of unit mix.

The second set of amendments to the proposed development were not re-notified given that the amendments do not result in additional environmental impact.

ASSESSMENT

1 STRATEGIC PLANNING FRAMEWORK

1.1 A Plan for Growing Sydney

In the next 20 years, Sydney's population will grow by 1.6 million people. To meet the needs of a larger and changing population a wider variety of housing is needed to suit the changing make-up of the population. More than 1 million people will be over the age of 65 years by 2031.

Goal 2 of 'A Plan for Growing Sydney' is to 'provide a city of housing choice', with homes that meet our needs and lifestyles. As the population ages, many people will choose to downsize their homes, with most preferring to remain in their communities. Research from the Metropolitan Development Program and the Demography Unit at the Department of Planning and Environment estimates that around 50 per cent of people looking to purchase a new residence stay within their current Local Government Area. Housing choice is also increasingly about 'universal housing' that allows people to stay in their home as they age. The private sector, supported by community groups and governments, are making this type of housing more available. The proposal would include dwellings that are designed in accordance with 'universal housing' principles.

The Hills Shire has an ageing population and the delivery of this specific type of housing will meet the metropolitan housing choice goal as well as a key need in the Shire. It will increase housing choice close to existing services and with access to public transport. The retirement precinct in this location will provide a more manageable housing opportunity

for empty nesters and seniors, looking to downsize, remain close to family and maintain social networks. Empty nesters and seniors were the two largest growing age groups in **The Hills Shire increasing from 13.6% of the Shire's population to 16.6% from 2006 to 2011.**

1.2 North West Rail Link

The North West Rail Link (NWRL) has been identified by the NSW Government as a priority transport infrastructure project which will consist of a heavy rail line extending from Epping, through the North West Growth Centre, to Cudgegong Road. The North West Rail Link will support metropolitan planning objectives by putting in place a key transport project which extends the connectivity of the existing rail network and will support future growth within North West Sydney.

1.3 North West Rail Link Corridor Strategy

To ensure that future development supports the public transport infrastructure, a precinct planning process for the North West Rail Link Corridor has been undertaken by the NSW Department of Planning & Infrastructure.

The North West Rail Link Corridor Strategy provides a vision for how the eight precincts surrounding the proposed railway stations could be developed to integrate with the new rail link. The Corridor Strategy includes a structure plan for each station precinct to inform appropriate zonings and amendments to built form controls and to guide the assessment of major projects and development applications within the corridor.

A key principle informing the corridor strategy is the integration of land use and transport planning by the provision of transit orientated development. This is defined as mixed use communities within walking distance of a transit node that provides for a range of residential, commercial, open space and public facilities in a manner that makes it convenient and attractive to walk, cycle or use public transport for the majority of trips. Accordingly, the strategy highlights that the new rail line provides significant opportunities for transit orientated development around the proposed rail stations.

The site is identified in the Bella Vista Station Structure Plan as 'Business Park'. It anticipates built form consisting of four to six storey commercial offices. The objective of this area is to provide for the employment needs of a growing community and to encourage the emergence of a prominent employment area with direct access to the new rail link and station.

The subject site is approximately 2 kilometres from both the Bella Vista and Norwest Stations, outside the ideal 400 to 800 metre walking distance for commuters. This distance makes the site less desirable for high intensity commercial or business park development.

While the seniors housing and residential aged care facility are not business park uses, the development will provide approximately 120 jobs in the service and support industries. It will also provide a catalyst for other development and activity in this area.

The retirement precinct will provide a transition from commercial activity to the existing low density residential uses to the south. The proposed built form of 4 storeys with a predominately 15 metre setback adjacent to the low density residential character is consistent with the Bella Vista Station Precinct Structure Plan.

The proposed land use is inconsistent with the Bella Vista Station Precinct Structure Plan. However, it is considered that the distance from the stations, the job creation and the transition to the low density residential character to the south will result in a better outcome than that envisaged by the structure plan.

1.4 Local Strategy

The Residential Direction forms part of the Draft Local Strategy and considers how housing for seniors can be accommodated in The Hills Shire. It references the Seniors Housing SEPP 2004 and describes how it seeks to increase the supply and diversity of accommodation for seniors and people with a disability.

The Residential Direction outlines the approach to appropriately address housing needs for seniors and people with a disability:

- *Encouragement in areas close to centres which incorporate retail, medical and community facilities and access to public transport (not necessarily commuter transport);*
- *Opportunities for residents to stay in areas they are familiar with so that social networks can be retained;*
- *Discouragement in isolated areas without sufficient infrastructure or with environmental or topographical constraints;*
- *Encouragement of a high proportion of adaptable dwellings in multi unit housing developments; and*
- *Opportunities for residents to 'age in place' in larger developments with a range of self-care, low care and high care living options.*

The site is located adjacent to the existing Circa Shopping Centre, which includes retail and medical facilities. The development is nearby existing residential areas and will diversify the housing choice in this location for people looking to downsize and remain in a familiar area.

The subject site is consistent with this direction and the approach in the Residential Direction.

2 STATUTORY MATTERS FOR CONSIDERATION

2.1 SEPP (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel: -

Development that has a capital investment value of more than \$20 million.

The Stage 1 component of the proposed development has a capital investment value of \$71,432,707.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. The overall masterplan has an estimated capital investment value of \$237,981,197.00.

In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2.2 SEPP 55 – Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states: -

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment:

A historical investigation into previous land uses and potential sources of contamination has been carried out. The site was part of a large parcel of undeveloped vacant land with no specific usage noted prior to the early 1950s. The site was then used for brick manufacturing activities between the late 1950s and early 2000s.

The Development Application was accompanied by a Preliminary Contamination Assessment prepared by Geotechnique Pty Ltd and dated December 2015. The findings of the investigation revealed that soil tested at certain sampling locations will not present a risk of harm to human health and the environment under the proposed residential land use condition. The report indicates that additional soil sampling and testing will be required in accordance with the NSW EPA '*Sampling Design Guidelines for Contaminated Sites*'.

Council's Senior Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the Preliminary Contamination Assessment. Accordingly, appropriate conditions of consent have been recommended to ensure that the recommendations of the report are implemented during the course of construction.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

2.3 SEPP (Infrastructure) 2007

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to development adjacent to a rail corridor, traffic generating development and development with access to a classified road.

2.3.1 Development with frontage to a classified road

Clause 101 'Development with frontage to classified road' of the SEPP states: -

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Comment:

The site is directly adjacent to Old Windsor Road which is a classified road under the Roads Act 1993. Accordingly, the consent authority must be satisfied that the proposed development will not affect the safety, efficiency and ongoing operation of the classified road. Additionally, the consent authority must also consider the impacts of traffic noise and vehicle emissions from the adjacent classified road.

The proposed development does not rely on direct vehicular access to Old Windsor Road. Accordingly, the proposal will not adversely affect the safety, efficiency and ongoing operation of Old Windsor Road.

The Development Application was accompanied by an Acoustic Assessment prepared by Renzo Tonin and Associates and dated December 2015. The assessment identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The assessment concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Industrial Noise Policy and Road Noise Policy subject to the implementation of noise mitigation measures.

Additionally, the assessment considers existing levels of traffic noise pursuant to Clause 87 of the SEPP. The assessment recommends noise mitigation measures to offset the impact of traffic noise. The assessment concludes that subject to recommendations being carried out, the proposed development will comply with Clause 87 of the SEPP, however additional assessment will be required with subsequent stages of the development.

Council's Senior Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the Acoustic Assessment. Accordingly, appropriate conditions of consent have been recommended to ensure that the recommendations of the Acoustic Assessment are implemented into the proposed development.

2.3.2 Traffic generating development

Clause 104 'Traffic-generating development' of the SEPP states: -

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, relevant size or capacity means:*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) take into consideration:*

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Comment:

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the NSW Roads and Maritime Service where the development results in 200 or more vehicles with access to any road. The proposed development comprises of 532 car spaces with access to Norbrik Drive.

The Development Application was referred to the NSW Roads and Maritime Service for review. The NSW Roads and Maritime Service raised no objections to the proposal subject to conditions. On this basis, a condition of consent will be recommended to ensure that the requirements of the NSW Roads and Maritime Service in their letter dated 28 January 2016 are complied with.

Additionally, Council's Principal Traffic & Transport Coordinator has reviewed the proposal and raised no objection with respect to traffic generation. Refer to Section 3.2 of this report.

2.4 SEPP (BASIX) 2004

State Environmental Planning Policy (BASIX) 2004 applies to the proposed development and aims to reduce the consumption of mains-supplied water, reduce emissions of greenhouse gases and improve the thermal performance of the building.

A BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. The commitments as detailed in the BASIX Certificate will be recommended as a condition of consent.

2.5 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and

(b) make efficient use of existing infrastructure and services, and

(c) be of good design.

The Masterplan comprises of 10 buildings including 446 self-contained dwellings, a residential aged care facility including 144 beds, retail and restaurants, common area facilities and a basement car park containing 512 car spaces.

2.5.1 Clause 4 – Land to Which This Policy Applies

Clause 4 of the SEPP stipulates the land to which this policy applies.

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

- (i) dwelling-houses,*
- (ii) residential flat buildings,*
- (iii) hospitals,*
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*

(b) the land is being used for the purposes of an existing registered club.

The site is zoned B7 Business Park under the provisions of the Hills Local Environmental Plan 2012. The proposed development is permissible under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by virtue of 'hospitals' being permitted in the B7 Business Park zone.

2.5.2 Clause 11 – Residential Care Facilities

Clause 11 of the SEPP defines a residential care facility as follows:

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

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

Stage 6 of the proposed masterplan will involve the provision of a residential care facility comprising of 144 beds located on the eastern side of the site. The proposed residential care facility will be assessed in detail with a subsequent development application.

2.5.3 Clause 13 – Self Contained Dwellings

Clause 13 of the SEPP defines a self-contained dwelling as follows:

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The proposed development will comprise of 446 self-contained dwellings located in Buildings A, B, C, D, E, F, G, H and I. The proposed development is considered to be consistent with the definition of a self-contained dwelling.

2.5.4 Clause 18 – Restriction on Occupation of Seniors Housing

Clause 18(1) of the SEPP restricts the occupation of seniors housing as follows:

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:*
 - (a) seniors or people who have a disability,*
 - (b) people who live within the same household with seniors or people who have a disability,*
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*
- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:*
 - (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and*
 - (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).*

A condition of consent is recommended to ensure that the proposed occupation is in accordance with the SEPP and that a restriction on title be imposed to limit the use of any accommodation to the kinds of people referred to in subclause (1). Refer to condition no. 4.

2.5.5 Clause 19 – Use of Seniors Housing in Commercial Zones

Clause 19 of the SEPP restricts the occupation of seniors housing as follows:

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

Stage 1 of the proposed development will involve the use of part of the ground floor of Building B, which fronts Norbrik Drive, for residential purposes. With respect to the masterplan, it is likely that the ground floor of Buildings C, J and I which front Norbrik Drive will involve the use of the ground floor for residential purposes.

The site is zoned B7 Business Park and accordingly is zoned primarily for commercial purposes. However in this instance, it is considered that the provision is not applicable to the site and the proposed development.

The reference contained in the provision to a building that fronts a street would be a reference only to a building where the primary frontage abuts the street. That is, where

the building has a nil setback to the street. Given that Buildings B, C, J and I are setback in excess of 10 metres and contain landscaped areas between Norbrik Drive, it is considered that the buildings do not directly abut the street frontage of the site.

Furthermore it is noted that the provision aims to restrict the use of the ground floor for residential purposes in commercial zones that front a street. This would typically apply to streets in commercial zones that are affiliated with shopping areas or town centres where the development would be directly abutting a footpath and where the streetscape is active and frequently traversed by members of the public.

In this regard, it is considered that given the context of the site, the siting of the buildings and their separation to the street, Clause 19 of the SEPP is not applicable.

2.5.6 Clause 26 - Location and Access to Facilities

Clause 26 of the SEPP stipulates locational requirements for a development made under the SEPP as follows:

(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and

(b) community services and recreation facilities, and

(c) the practice of a general medical practitioner.

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or

(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).....

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

The site has access to facilities detailed under Clause 26(1) given its proximity to the Circa shopping centre which includes a variety of retail/services including a pharmacy, ATMs and a supermarket. Recreational facilities will be provided on-site and will include the provision of a wellness centre, pool, bowling green, library and function centre exclusive to residents. The site is also located within 400 metres walking distance to Norwest Private Hospital as required by subclause (1).

However the range of facilities only partially complies with Clause 26(1) noting that the Circa Shopping Centre does not contain a bank service provider. With respect to bank service providers, the site is adjacent to two bus stops located on Norbrik Drive and is located in close proximity to the Bus Transitway on Old Windsor Road. The bus stops are located within 400 metres of the site and are frequently serviced by bus routes which provide hourly services to Norwest Marketown, Rouse Hill Town Centre, Parramatta Town Centre, Macquarie Park and Sydney City. These locations contain bank service providers and other facilities as required by subclause (1) and (2).

The facilities as required pursuant Clause 26 are located by means of a suitable access pathway. The gradients of the existing footpath network to the above mentioned facilities comply with the gradient requirements stipulated by subclause (2) and (3).

2.5.7 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 application was referred to Endeavour Energy and Sydney Water. No objections were raised by the service authorities and the existing infrastructure is adequate to service the proposed development.

2.5.8 Clause 31 – Design of in-fill self-care housing

Clause 31 of the SEPP requires consideration of the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.*

It is noted that the Seniors Living Policy is geared towards low scale development located in residential zones. The key principles of the policy have been reviewed and the proposed development is considered to enhance internal site amenity and respond appropriately to its context.

2.5.9 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.

2.5.10 Clause 33 - Neighbourhood Amenity and Streetscape

The proposed development should:

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

The proposed development is considered to be consistent with the character envisaged for the Circa Precinct. The Circa Precinct is currently undergoing re-development with the proposed built form commensurate with existing developments within the precinct including Norwest Private Hospital and Quest Serviced Apartments. The proposed built form sensitively transitions down in building height to the adjoining low density residential development to the south and provides a high quality landscape buffer. The proposed buildings will contribute to the quality and identity of the area.

- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

The subject site is located in close proximity to Bella Vista Farm Park which is located approximately 650 metres to the north of the subject site and is identified as a State listed heritage item. Bella Vista Farm Park comprises of a grouping of early farm buildings, surrounding parklands and a prominent row of Bunya Pines that sits above the Circa Precinct. The heritage listing of Bella Vista Farm Park includes the built form and the Bunya Pines in addition to the protection of key vistas to and from the Park.

Further, the subject site is affected by height plane controls detailed in the Hills Development Control Plan 2012 which relate to the preservation of views to Bella Vista Farm Park and the prominent ridgeline from the key locations of Old Windsor Road and the Pearce Family Cemetery.

Council's Forward Planner has reviewed the impacts of the proposed development on the heritage significance of Bella Vista Farm Park and Pearce Family Cemetery. No objections are raised to the proposed development on heritage grounds. Refer to Section 3.2 of this report.

- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*

- (i) providing building setbacks to reduce bulk and overshadowing, and*

The proposed building setbacks are considered to provide sufficient curtilage to property boundaries in order to reduce building massing, minimise the extent of overshadowing and to provide a sufficient landscape buffer between adjoining properties.

- (ii) using building form and siting that relates to the site's land form, and*

The proposed built form and siting is considered to respond appropriately to the sites land form.

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and

The height of buildings at the street frontage is considered to be compatible with the scale of existing buildings in the locality including Norwest Private Hospital and Quest Serviced Apartments. The proposed building height at the street frontage is considered to be consistent with the desired future character of the area.

(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and

The proposed development will not result in buildings with walls that are located on the boundary.

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

The proposed front setback is considered to be in compatible with the established building lines within the locality.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

The proposed landscaping and selection of plant species is considered to provide a high quality landscape outcome that will define landscaping for the Circa Precinct. Council's Landscape Assessment Officer has raised no objection to the landscaping scheme.

(f) retain, wherever reasonable, major existing trees, and

All existing trees within and surrounding the Stage 1 works are to be retained and protected.

(g) be designed so that no building is constructed in a riparian zone.

The proposed development will not result in any building being located within a riparian zone.

2.5.11 Clause 34 - Visual and Acoustic Privacy

Clause 34 of the SEPP stipulates the following:

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

(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and

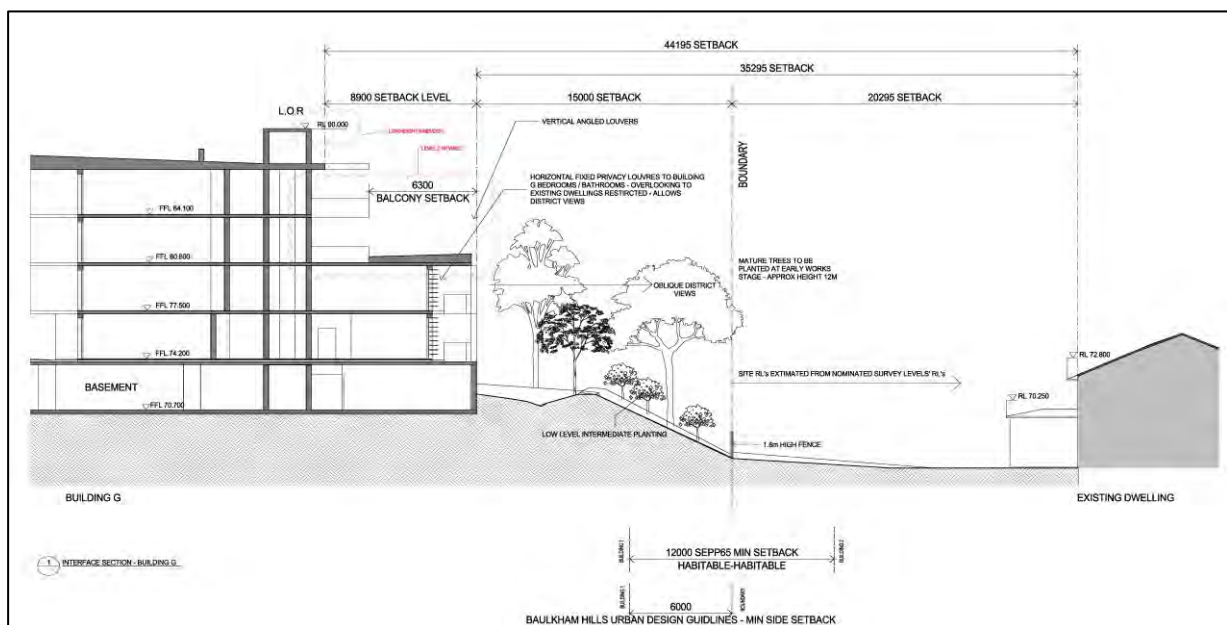
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

The proposed Stage 1 component will not result in undue privacy and acoustic impacts given the significant separation distance of approximately 79 metres between Building A and adjoining residential properties to the south, in addition to sufficient internal separation distances and the provision of privacy screens and louvres between Building A and B to mitigate any direct overlooking.

The proposed masterplan involves the siting of six buildings adjacent to the southern boundary and adjoining residential dwellings fronting Sharleen Court, Prestige Avenue, Patrine Place and Zane Close. The original plans submitted with the development application involved buildings along the southern boundary ranging from 4 to 6 storeys in height. Given concerns raised with respect to the amenity of adjoining residents, the applicant was requested to reduce the massing of buildings adjacent to the southern boundary.

Accordingly, amended plans were submitted detailing a reduction in the massing for all buildings adjacent to the southern boundary. The proposed buildings will still range in height from 4 to 6 storeys, however, the top two storeys of each building have been offset significantly from lower floors thereby reducing the area of the floor plate and enhancing separation to the southern boundary. It is noted that the maximum proposed building height adjacent to the southern boundary translates to RL 93.8 for Building D which is significantly below the LEP height limits prescribed for the site of RL 108 and RL 116.

In response to alleviating impacts upon the privacy of adjoining properties, louvered privacy screens set at oblique angles have been incorporated to balconies to offset direct overlooking. Furthermore, it is anticipated that any windows located on the southern elevation of the buildings will be treated as highlight windows to alleviate any potential for overlooking. The figure below depicts a cross section of Building G and the adjoining residential properties:



The above figure demonstrates that the built form will comprise of two levels of habitable floor area set back 15 metres from the boundary in accordance with the setback controls of the DCP. The upper two levels are setback 23.9 metres from the boundary which enhances the separation distance to adjoining residential properties and limits the sightline for overlooking.

The proposed development incorporates a landscape scheme within the setback area of the southern boundary that will substantially enhance the landscaped setting of the site and surrounds, with provision made for significant canopy trees combined with native shrub and grass vegetation below the canopy. The canopy trees are proposed to extend the length of the southern perimeter boundary in order to provide a strong landscape buffer. The proposed masterplan seeks to modify the profile of the existing mound located adjacent to sections of the southern boundary. The modification to the profile will result in

mounding along the southern boundary with landscaping on top to assist in shielding the buildings on the southern elevation from adjoining residential properties.

The proposed buildings adjacent to the southern boundary comply with the 15 metre building setback controls applicable to the site with the exception of a point encroachment to the Wellness Centre located within Building F. The building setback to the boundary in addition to the building separation to adjoining dwellings is considered to be sufficient when combined with the massing of the buildings, privacy measures and landscaping treatment.

In this regard, it is considered that the masterplan adequately demonstrates that opportunities for direct overlooking into adjacent residential properties have been minimised given the reduction in building massing, privacy measures to balconies, the setback of the building to the boundary in addition to the proposed landscaping scheme which will provide a buffer between the development site and adjoining properties.

With respect to acoustic privacy, the application was accompanied by an Acoustic Assessment prepared by Renzo Tonin and Associates and dated December 2015. The assessment identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The assessment concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Industrial Noise Policy and Road Noise Policy subject to the implementation of noise mitigation measures. Council's Senior Environmental Health Officer concurs with the recommendations of the report and has raised no objections in this regard.

It should be noted however that the masterplan detail is conceptual in nature and forms part of a staged development. Further consideration of the impacts associated with Buildings D, E, F, G, H and the RACF adjacent to the southern interface will be further evaluated with subsequent development applications. Furthermore, the nature walk trail proposed around the perimeter of the site including the bridge overpass above the discharge point to Lalor Creek is recommended to be removed from the masterplan.

2.5.12 Clause 35 - Solar Access and Design for Climate

The proposed development should:

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

The SEPP requires adequate daylight to the main living areas of neighbours and adequate sunlight to substantial areas of private open space. It is noted that the SEPP references the AMCORD guidelines in order to establish adequate solar access, however the guidelines only specify a prescriptive requirement of 3 hours solar access to living areas between 9am and 3pm on 21 June and does not provide any measure for private open spaces. In the absence of any prescriptive measure for private open spaces, the DCP will be used as a guide to evaluate the performance of solar access to adjoining residential properties. In this regard, the DCP requires that adjoining properties receive at least 4 hours of direct sunlight to 50% of the required private open space area between 9am and 3pm on 21 June.

The original plans and shadow diagrams submitted with the development application reveal that of the 22 adjoining residential properties to the south, 15 will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June. Given concerns raised with respect to the amenity of adjoining residents, the applicant

was requested to reduce the massing of buildings adjacent to the southern boundary in order to maximise the solar access of adjoining residential properties.

Accordingly, amended plans were submitted detailing a reduction in massing for all buildings adjacent to the southern boundary. Revised shadow diagrams accompanied the amended plans which detail the shadow cast of the proposed development during half hourly intervals between 9am and 3pm on 21 June. The shadow diagrams clearly demonstrates that all of the 22 residential properties to the south will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June. Additionally, the living areas of the adjoining dwellings will receive at least 3 hours solar access between 9am and 3pm on 21 June in accordance with AMCORD guidelines.

With respect to the proposed development, the building form and orientation takes advantage of the northerly aspect with windows facing north, enabling rooms to accommodate ESD principles such as the provision of natural light and ventilation.

2.5.13 Clause 36 - Stormwater

The proposed development seeks to discharge stormwater to an on-site detention system approved under a preceding consent. The detention system will discharge stormwater at a controlled rate to Lalor Creek located in the adjoining Council reserve. In addition to stormwater discharge, the proposal includes a number of Water Sensitive Urban Design measures such as rainwater collection and filtered landscape swales to improve water **quality on site and downstream of the site. Council's Development Engineer has assessed** the proposal and concurs with the proposed stormwater design and appropriate conditions are recommended.

2.5.14 Clause 37 - Crime Prevention

The application was accompanied by a Crime Prevention Report prepared by JBA Urban Planning Consultants. The report considers the key principles of Crime Prevention Through Environmental Design (CPTED) and the NSW Police Safer By Design Guidelines. The report concludes that the proposed development has been designed to promote casual surveillance, territorial reinforcement, lighting, space management and access control. The report recommends further measures to improve the safety and security of the development which will be recommended as a condition of consent. Refer to Condition No. 6.

Further, the application has been referred to the NSW Police Local Area Command for review and design recommendations pertaining to CPTED principles will be recommended as a condition of consent. Refer to Condition No. 9.

2.5.15 Clause 38 - Accessibility

Clause 38 of the SEPP stipulates the following:

The proposed development should:

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

The proposed development has clearly identified and easily accessible pedestrian links that provide for safe pedestrian movement within the site and to the public domain.

The proposed development provides appropriate, safe access to, from and within the facility for pedestrians and motorists using the site. The site contains adequate parking accessible via lift access for visitors, residents and staff.

The proposed development will involve the provision of a through-site link which will promote pedestrian only movements from Prestige Avenue and Sharleen Court to the south through an existing reserve known as Francesco Avenue Reserve. Further detail of the through-site link will be submitted with subsequent development applications.

2.5.16 Clause 39 - Waste Management

The proposed development will involve the on-site collection of waste by a private waste contractor. The proposed waste storage area is located adjacent to the loading dock within the basement car park and is accessible from Norbrik Drive. The proposed waste storage area will be constructed as part of Stage 1. The Development Application is accompanied by a detailed waste management plan prepared by Elephants Foot which involves the incorporation of a chute system for each building. **Council's Resource Recovery Officer** has reviewed the proposed development and raises no objection to waste management during construction and ongoing waste generated by the proposed development.

2.5.17 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 ²	59,440m ²	Yes
Site frontage	The site frontage must be at least 20 metres wide at the building line.	The site frontage is approximately 460 metres.	Yes
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) 8 metre maximum (b) 2 storeys where adjacent to a boundary (c) building within the rear 25% not be greater than 1 storey	The subject site is zoned B7 Business Park and accordingly is not a residential zone. Therefore, despite the fact that residential flat buildings are not permitted in the zone, the site is zoned for commercial purposes and is excluded from the application of this development standard.	N/A

2.5.18 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 purposes of a residential care

facility if the development standards for building height, density and scale, landscaping and parking are complied with. This does not mean that development that does not comply with the standards cannot be approved on merit.

DEVELOPMENT STANDARD	SEPP REQUIRES	PROPOSED DEVELOPMENT	COMPLIANCE
Height	Maximum 8 metres	RACF – 16.5 metres (RL 93.2) (Approximate height when expressed as a height in metres above ground level)	No
Density and Scale	Maximum FSR 1:1	1.05: 1	No
Landscaped area	25 square metres of landscaped area per residential care facility is provided	The RACF will require 3,600 square metres of landscaped area. The site comprises of 25,286 square metres of landscaped area.	Yes
Parking	1 space per 10 beds 1 space per 2 persons employed 1 space suitable for an ambulance	The RACF will comprise of 144 beds and 35 employees. The requirement for parking equates to 31.9 car spaces. The proposed RACF will provide 40 car parking spaces which are all accessible and suitable for an ambulance. Further it is noted that ambulances will have access to an at-grade pick-up and drop-off collection point adjacent to the RACF.	Yes

Variations to the development standards for height and density are addressed in Section 2.5.19 below.

2.5.19 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 self-contained dwellings if the development standards for building height, density and scale, solar access, landscaping, private open space, deep soil and parking are complied with. This does not mean that development that does not comply with the standards cannot be approved on merit.

DEVELOPMENT STANDARD	SEPP REQUIRES	PROPOSED DEVELOPMENT	COMPLIANCE
Height	Maximum 8 metres	Stage 1 (Building A) – 41.5 metres (RL 109.87) (Approximate height when expressed as a height in metres above ground level)	No
Density and Scale	Maximum FSR 1:1	1.05:1	No
Landscaped area	30% of the area of the site is to be landscaped.	The site comprises of 25,286 square metres of landscaped area which equates to 42% of the site.	Yes
Deep Soil Zones	15% of the site area. Two-thirds should preferably located at the rear of the site.	The site comprises of 20,218 square metres of deep soil zone which equates to 34% of the site.	Yes
Solar Access	Living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	72% of dwellings will receive 2 hours direct sunlight between 9am and 3pm in mid-winter in accordance with the Apartment Design Guidelines.	No
Private Open Space	15 square metres of private open space per dwelling.	All dwellings contain a balcony or private open space area that exceeds 14 square metres in area in accordance with the Apartment Design Guidelines.	No
Parking	0.5 space per each bedroom	0.5 x 899 bedrooms = 449.5 spaces. 472 accessible spaces are	Yes

		provided.	
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2.5.19.1 Height

The SEPP stipulates that a consent authority must not refuse a development on the basis of height if the building height does not exceed 8 metres. This does not mean a higher building cannot be approved. The maximum height of Building A is 41.5 metres and the maximum height of the residential aged care facility is 16.5 metres.

The applicant has provided the following justification:

Clause 40 and 48 refer to an 8m building height or less that cannot be used as ground for refusal. This development standard does not exclude a building height greater than 8m which is argued as the merits of this application. The building height has had regard to the proposed LEP building height and setbacks to design a development that is commensurate with a commercial development built that could be accommodated on the Site.

The site is subject to a height limit of RL 108 and RL 116 under the LEP which provides for a height that would exceed 8 metres. The SEPP and the associated Seniors Living Policy typically applies to a lower scale form of seniors living development such as multi-unit dwellings or attached/detached dwellings. The proposed development is in the form of a residential flat building and it is considered more appropriate in this instance to consider the development in the context of the height limits prescribed for the site. Furthermore, the application has been accompanied by a Clause 4.6 variation to the maximum building height of RL 108 which is addressed in Section 2.6 of this report.

2.5.19.2 Density and Scale

The SEPP stipulates that a consent authority must not refuse a development on the basis of density and scale if the floor space ratio does not exceed 1:1. The proposed floor space ratio of the masterplan is 1.05:1.

The applicant has provided the following justification:

A note associated with Clause 48 states that "the provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant consent".

Given the above, a consent authority can assess developments that are above the standards identified in Clause 48. The proposed development is in accordance with the LEP building height provision and seeks a minor variation to the FSR provisions. As such the proposed development is in character with the development in the area with the bulk and scale commensurate with what the adjoining neighbours would expect in a business park.

The site is subject to a maximum floor space ratio of 1:1 under the LEP. The application has been accompanied by a Clause 4.6 variation to vary the floor space ratio of 1:1 which is addressed in Section 2.6 of this report.

2.5.19.3 Solar Access

The SEPP stipulates that at least 70% of dwellings within the development receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter. The SEPP and the associated Seniors Living Policy typically applies to a lower scale form of seniors living development such as multi-unit dwellings or attached/detached dwellings. The proposed development is in the form of a residential flat building and it is considered more appropriate in this instance to assess the performance of solar access in accordance with the Apartment Design Guidelines prescribed under SEPP 65.

In this regard, the Apartment Design Guidelines specifies that at least 70% of dwellings within the development should receive a minimum of 2 hours solar access during 9am and 3pm at mid-winter. The proposed development will achieve 2 hours solar access during 9am and 3pm at mid-winter for 72% of units and accordingly complies.

2.5.19.4 Private Open Space

The SEPP stipulates that 15 square metres of private open space should be provided per dwelling. As noted above, the SEPP and the associated Seniors Living Policy typically applies to a lower scale form of seniors living development such as multi-unit dwellings or attached/detached dwellings. The proposed development is in the form of a residential flat building and it is considered more appropriate in this instance to assess the requirement for private open space accordance with the Apartment Design Guidelines prescribed under SEPP 65.

In this regard, the Apartment Design Guidelines specifies that at least 8-12 square metres of private open space should be provided dependent on the unit type. The proposed development provides private open space areas that exceed 14 square metres and accordingly complies with this requirement.

2.6 The Hills Local Environmental Plan 2012

The site is zoned B7 Business Park under The Hills Local Environmental Plan 2012. Under the LEP, the proposed development is defined as 'seniors housing' as follows:

seniors housing means a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

but does not include a hospital.

Seniors housing is not permissible in the B7 Business Park zone. The application has been made pursuant to Clause 4 of the SEPP (Housing for Seniors or People with a Disability) as detailed in Section 2.5 of this report. Nevertheless, the relevant development standards and provisions of the LEP are required to be addressed.

The table below contains the relevant development standards of the LEP applying to the proposed development:

DEVELOPMENT STANDARD	LEP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Floor Space	1:1	1.05:1	No – refer to

Ratio			discussion below.
Building Height	RL 108 RL 116	Building A – RL 109.87, exceeding RL 108. It is noted that Buildings B, C, D, E, F, G, H, I, J and RACF comply.	No – refer to discussion below.

2.6.1 Clause 4.6 Exceptions to development standards

2.6.1.1 Floor Space Ratio

The applicant has provided the following written request seeking a Clause 4.6 variation to the development standard for floor space ratio:

Under Clause 4.6 of Council's LEP a degree of flexibility to planning controls can be applied given the circumstances of the case, the outcomes to be achieved and support by an appropriate justification.

The submitted SEE indicated that the proposed development "will be in the public interest as it is consistent with the objectives of both the building height and FSR development standard."

The SEE also stated that "The proposed development is consistent with the objectives relating to the floor space ratio development standards as the development will result in built form that is commensurate with the bulk, scale and character to development permissible in the business park. The impact of the minor variation on the bulk, scale and character would be negligible.

As discussed above, the proposed development meets the following relevant B7 Business Park land use zone objectives:

- To encourage employment opportunities*
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area*

The proposed development includes entertainment facilities for the seniors housing residents and two small tenancies which will provide employment opportunities for people within the locality. This development also provides facilities and services to meet the day to day needs of the residents" (page 12-13, SEE).

In support of the current amendments and variation the following is considered relevant:

- The previous SEE sought to justify a variation of up to 11% of the FSR – this variation has now been reduced to 5%;*
- The original crafting of the planning controls envisaged employment in the form of a more commercial development whereas the current proposal is oriented to a retirement housing and managed care facility which is significantly different in terms of operating environment from traditional commercial activities, requiring a critical mass to enable a high level service provision in a managed residential retirement housing environment;*
- The variation is not considered unreasonable given the size of the development, significant public benefit, proximity to services and demonstration that there is no adverse impacts arising on adjoining development from the variation in floor space; and*

- *The amendments seek to address issues raised by Council.*

For these reasons Council's support for the variation to the floor space ratio is sought.

Comment:

The objectives of Clause 4.4 Floor Space Ratio of the LEP are:

- (a) To ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) To provide for a built form that is compatible with the role of town and major centres.*

The objectives of Clause 4.6 of the LEP are:

- (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.*

Clause 4.6(3) of LEP 2012 states:

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.*

Clause 4.6(4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

(a) The consent authority is satisfied that:

(i) The applicant has adequately addressed the matters required to be demonstrated by subclause (3)

(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 development is proposed to be carried out, and

Comment

The proposed development comprises a floor space ratio of 1.05:1 which exceeds the development standard of 1:1 by 5%. It is noted that during the course of assessment, the applicant reduced the floor space ratio of the development from 1.09:1, resulting in the reduction of 2,112 square metres of gross floor area. The reduction in gross floor area is attributed to the reduction in massing to buildings located adjacent to the southern interface which form part of the masterplan.

The objective of Clause 4.4 'Floor Space Ratio' is to ensure that development is compatible with the bulk, scale and character of existing and future surrounding development. Additionally, the floor space ratio development standard aims to restrict the amount of gross floor area and should be considered in conjunction with controls relating to the building envelope. As such, the development standard for building height and the development controls for landscaping, building design and amenity will be considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed development predominately complies with the building height controls pursuant to Clause 4.3 of the LEP with the exception of Building A which encroaches the height limit of RL 108 by 1.87 metres. It is noted that the extent of the height encroachment does not translate to gross floor area. The heights of the proposed buildings, particularly adjacent to the southern interface will vary in height from RL 87.20 to RL 93.80 which is below the maximum RL of 108 by approximately 14.2 to 20.8 metres. In addition, the proposed development will comply with the height plane incorporated under the DCP to preserve view corridors from Bella Vista Farm Park and the Pearce Family Cemetery. The height plane affects the eastern portion of the site and restricts development to an RL of 97.30 to 98.20. Accordingly, the RACF and Building H which are located within the height plane will have a maximum height of RL 92.20. Further, it is noted that no objections have been raised on heritage grounds given that the proposed building height will have a negligible impact on the view corridors between Bella Vista Farm Park and the Pearce Family Cemetery.

The proposed development exceeds the required landscaped area and deep soil zone controls applicable to the site. The SEPP stipulates a minimum landscaped area of 30% of the site area whilst the proposed development provides a landscaped area of 42% of the site area. Furthermore, the SEPP stipulates a minimum deep soil zone of 15% of the site area whilst the proposed development provides a deep soil zone of 34% of the site area. The objective of these controls is to enhance the landscaping area whilst minimising the footprint of the building. The proposed development incorporates a landscape scheme that will substantially enhance the landscaped setting of the site and surrounds, with provision made for significant canopy trees combined with native shrub and grass vegetation below the canopy, particularly adjacent to residential properties to the south. The canopy trees are proposed to extend the length of the southern perimeter boundary in order to provide a strong landscape buffer. The exceedance of landscaped area and deep soil zone combined with the proposed landscape scheme assists in softening the built form from the public domain and adjoining properties. It is further noted that the maximum site coverage of buildings on the site equates to 35% with a large portion of the site adjacent to Norbrik Drive accommodating a wet detention basin in the form of a lake.

The proposed design aims to provide a sympathetic response to the surrounding suburban context through the transition of building heights from 10 storeys to the north adjacent to Norbrik Drive reducing to 4 to 6 storeys in height adjacent to residential properties to the south. The upper two storeys of the buildings adjacent to the southern boundary are offset significantly from lower floors thereby reducing the area of the floor plate and enhancing separation to the southern boundary. The treatment, when combined with landscaping and separation, will assist in minimising the perceived bulk and scale of buildings when viewed from residential properties to the south.

The height and proportion of buildings fronting Norbrik Drive is considered to be commensurate of the character envisaged for the Circa Precinct and will identify the corner of Old Windsor Road and Norbrik as a gateway to the Circa Precinct. The buildings fronting Norbrik Drive adopt a curvature footprint which seeks to maximise the northerly orientation and assists in minimising bulk and scale. Buildings A and B will incorporate high quality architectural elements inspired by the heritage significance of Bella Vista Farm Park and the Pearce Family Cemetery. A lantern screen has been provided to Building B which emphasises the height and prominence of the building to visually hold the corner.

Other architectural design features includes the utilisation of vertical fins and the modulation of the roof.

The design of the development with respect to massing is considered to respond appropriately to the curtilage of the site and surrounds. Combined with architectural elements to Building A and B, the proposed design is considered to provide good vertical and horizontal articulation, thereby enhancing the architectural quality and visual appearance of the development when viewed from the public domain. It is considered that the variation to floor space ratio will not result in a development of excessive bulk and scale given that the buildings are considered to be compatible with the existing and desired built form character of the Circa Precinct.

Shadow diagrams have also been submitted which detail the shadow cast of the proposed development during the winter solstice. The shadow diagrams clearly demonstrate that all of the 22 residential properties to the south will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June. Additionally, the living areas of the adjoining dwellings will receive at least 3 hours solar access between 9am and 3pm on 21 June in accordance with AMCORD guidelines.

The proposed buildings adjacent to the southern boundary comply with the 15 metre building setback controls applicable to the site with the exception of a point encroachment to the Wellness Centre located within Building F. The building setback to the boundary in addition to the building separation to adjoining dwellings is considered to be sufficient when combined with massing of the buildings, privacy measures and landscaping treatment.

It is noted that Council has recently supported a Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination which proposed a floor space ratio of 1.2: 1 for the subject site.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent **with the objectives of Clause 4.4 'Floor Space Ratio' and the B7 Business Park Zone**. In this regard, the variation to floor space ratio will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the floor space ratio in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to be both unreasonable and unnecessary. In this regard, the variation can be supported.

2.6.1.2 Building Height

The applicant has provided the following written request seeking a Clause 4.6 variation to the development standard for building height:

The objective of Clause 4.6 variation is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for development by allowing this flexibility in particular circumstances. Compliance with the development standard is unnecessary in the circumstances of this case as demonstrated below.

The proposed development will be in the public interest as it is consistent with the objectives of both the building height and FSR development standard. In terms of building height, the proposed development will be compatible with that of adjoining development and the overall streetscape as the proposed variation is only minor and borders land that has a maximum height of RL116. The proposed height variations to RL108 are considerably below the maximum RL116. The two variations sought are to buildings that front Old Windsor Road and Norbrik Drive, with no overshadowing impacts on the existing adjoining neighbours to the south as a result of the variation. As the variations sought are minor, there would be negligible adverse overshadowing impacts to the remainder of the

development as a result of the variation. In respect of visual impact, the variations are minor that there would be negligible impact as a result.

Comment:

The objectives of Clause 4.3 Height of Buildings of the LEP are:

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

The objectives of Clause 4.6 of the LEP are:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) of the LEP 2012 states:

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:

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

(a) The consent authority is satisfied that:

(i) The applicant has adequately addressed the matters required to be demonstrated by subclause (3)

(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 development is proposed to be carried out, and

Comment

The height of the proposed buildings which form part of Stage 1 and the masterplan are summarised in the table as follows:

Building	Proposed Height	Maximum LEP Height	Compliance
Building A (Stage 1)	RL 109.87	RL 108	No
Building B (Stage 2)	RL 106.01	RL 116	Yes
Building C	RL 100.60	RL 108 and RL 116	Yes
Building D	RL 93.80	RL 108	Yes
Building E	RL 87.20	RL 108	Yes
Building F	RL 89.40	RL 108	Yes
Building G	RL 90.00	RL 108	Yes
Building H	RL 92.20	RL 108 and RL 116	Yes
Building I	RL 98.70	RL 108	Yes
Building J	RL 100.30	RL 108	Yes
RACF	RL 93.20	RL 116	Yes

Proposed Building A which forms part of Stage 1 will comprise a building height of RL 109.87 which exceeds the LEP development standard of RL 108 by 1.87 metres. The proposed variation to the height of Building A is attributed to the lift overrun and a minor section of the modulated roof form.

The objective of Clause 4.3 'Building Height' is to ensure that the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard will not cause adverse impacts on the amenity of adjoining properties and internal buildings with respect to overshadowing, privacy, view loss and perceived bulk and scale. The lift overrun is located centrally within the roof plate and is unlikely to be visible from the street. The lift overrun will not be a source of a significant shadow cast and is considered to integrate effectively with the roof form of the building.

The edge of the roof which marginally exceeds RL 108 is considered to integrate effectively into the design of the building form given that the modulation of the roof which reflects the predominant building lines of the façade. The roof form is considered to be a significant architectural roof feature in accordance with Clause 5.6 of the LEP.

The applicant has adequately demonstrated that the proposed development is in the **public interest and is consistent with the objectives of Clause 4.3 'Building Height and the B7 Business Park zone**. In this regard, the variation to building height will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to have negligible effect on the built form outcome with respect to bulk and scale. In this regard, the variation can be supported.

2.6.2 Heritage

Clause 5.10 of the LEP specifies objectives for the conservation of heritage items and conservations areas within The Hills. The subject site is not a heritage item nor is it located within a heritage conservation area. However the subject site is located in close proximity to Bella Vista Farm Park which is located approximately 650 metres to the north of the subject site and is identified as a State listed heritage item. Bella Vista Farm Park comprises of a grouping of early farm buildings, surrounding parklands and a prominent row of Bunya Pines that sits above the Circa Precinct. The heritage listing of Bella Vista Farm Park includes the built form and the Bunya Pines in addition to the protection of key vistas to and from the Park.

Further, the subject site is affected by height plane controls detailed in the Hills Development Control Plan 2012 which relate to the preservation of views to Bella Vista Farm Park and the prominent ridgeline from the key locations of Old Windsor Road and the Pearce Family Cemetery.

Council's Forward Planner has reviewed the impacts of the proposed development on the heritage significance of Bella Vista Farm Park and Pearce Family Cemetery. No objections are raised to the proposed development on heritage grounds. Refer to Section 3.2 of this report.

2.6.3 Acid Sulfate Soils

Clause 7.1 of the LEP identifies land affected by Acid Sulfate Soils as detailed on the Acid Sulfate Soils Map. The site is not affected by Acid Sulfate Soils and accordingly Clause 7.1 of the LEP does not apply to the site.

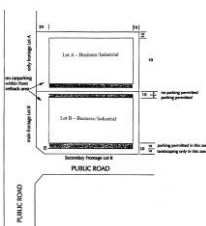
2.7 The Hills Development Control Plan 2012

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2012:

- Part D Section 6 – Business;
- Part C Section 1 – Parking; and
- Part B Section 5 – Residential Flat Buildings;

2.7.1 Part C Section 6 – Business

The proposal has been assessed against the relevant controls of Part B Section 6 – Business as outlined in the table below.

CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
2.3	Development Sites	The minimum site frontage requirement is 18 metres The maximum site coverage is 50 percent of the allotment area	The site frontage is approximately 460 metres. The maximum site coverage is 35%	Yes Yes
2.5	Setback – B7 Zoned Land 	<u>Public Road Setback:</u> Minimum 20 metres to any public road with no parking forward of the building line.	Norbrik Drive – 5 metres.	No – Setback to Building I does not comply. Refer to discussion below.
		<u>Corner Lot Setback:</u> Minimum 20 metres with no parking forward of the building line to the primary road frontage and 20 metres to the secondary road	Old Windsor Road – 14.2 metres	No – Setback to Building D does not comply.

		however parking is permitted to be provided forward of this building line (secondary road frontage) to a minimum setback of 10 metres		
		<u>Side and Rear Setbacks (non residential / rural / open space interfaces):</u> <ul style="list-style-type: none"> • Building: Min 10 metres • Parking: Min 5 metres 	Eastern Boundary – 6 metres	No – Setback to RACF does not comply
		<u>Side and Rear (residential / rural / open space interface)</u> Minimum 15 metres exclusively for landscaping	Southern Side Building D, E, G, H, RACF - 15 metres Building F – 11.8 metres	No – Setback to Building F does not comply. Refer to discussion below.
2.7	Building Materials	<p>All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits. Under no circumstances will masonry block work be permitted on external walls.</p> <p>Any roof structure or external wall south of Norwest Blvd which is visible from Bella Vista Farm Park shall be dark with non reflective muted colour tones.</p>	<p>All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material.</p> <p>The roof colour of any built structure to be located south of Norwest Boulevard, and which will be easily viewed from the Bella Vista Farm conservation area shall be of a dark, non-reflective colour.</p>	<p>Yes</p> <p>Yes</p>
2.12	Erosion and Sediment Control	Erosion and Sedimentation Control Plans / measures to be	Erosion and sediment control measures to be	Yes

		considered.	recommended as a condition of consent.	
2.13	Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain wire fencing is to be black or dark green.</p> <p>Pre painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	<p>The proposal will incorporate an open style 1.8 metre high prefabricated metal palisade fence to delineate private and public domain areas internally within the site. The fence will not be located within the street frontage.</p>	Yes
	Landscaping and Tree Preservation	<p>Grassed embankments are not to exceed 1:6 slopes with vegetated embankments planted with soil stabilising species at max 1:3 grade. Earth mounding is desirable to mitigate noise impacts.</p>	<p>Stage 1 will not result in grassed embankments and vegetated embankments exceeding 1:6 and 1:3 respectively. With respect to the masterplan, further details are to be submitted with subsequent Development Applications.</p>	Yes
2.15	Vehicular Access	<p>Entry and exit in a forward direction</p> <p>Design to comply with Council's Work Specifications, BHDCP Part D, Section 1 - Parking and the Australian Standards. Suitable sight distance is to be provided.</p> <p>All development in the</p>	<p>Vehicular access to the site is proposed via Norbrik Drive which will facilitate the entry and exit of vehicles in a forward direction. A secondary vehicular access point in proposed for the RACF which will be subject to a</p>	Yes

		<p>Norwest Business Park should ensure that access to the site is via internal roads. Restrictions on access to development sites from Old Windsor Road, Windsor Road and parts of Norwest Boulevard are as indicated on the map in Map Sheet 1 in Appendices A and Appendix B of the DCP.</p>	<p>subsequent Development Application. Access to Old Windsor Road is restricted.</p> <p>The driveway widths are compliant with Australian Standards and ensure sufficient manoeuvring is available within the site.</p> <p>The design of the basement car park and associated access ways will be in accordance with current Australian Standards. It is noted that Council's Development Engineer has reviewed the proposal and has raised no objections subject to conditions of consent.</p>	
2.16	Car Parking	<p>Address THDCP Part C, Section 1 – Parking.</p> <p>Retail - 1 space per 18.5m² GLFA</p>	<p>The proposed two commercial tenancies on the ground floor of Building A comprise a gross floor area of 365 square metres. This equates to a requirement of 19.7 car spaces. The proposed development will provide 20 at-grade car parking spaces adjacent to Building A and accordingly complies.</p>	Yes
2.18	Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p>	<p>The loading dock is located within the basement level and will not be visible from</p>	Yes

		<p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>Provision of loading docks is to be commensurate with the size and nature of the development as per BHDCP Part C, Section 1 – Parking.</p>	<p>adjoining properties. The location and design of the loading dock will not result in the transmission of excessive noise.</p>	
2.19	Pedestrian Access and Movement	Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.	The application was accompanied by an Accessibility Report prepared by Accessibility Solutions which indicates that all pathways and ramps conform to AS1428.10 2001 Design for Access.	Yes
2.24	Heritage	<p>All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation</i> of The Hills LEP 2012.</p> <p>Applications for development on any land adjoining the Bella Vista Farm conservation area are to be accompanied by a heritage impact assessment prepared in accordance with Part C Section 4 – Heritage</p> <p>Development is to demonstrate how the proposal mitigates impacts upon the Bella Vista Farm Park including consideration of building design, colours, finishes, landscaping and</p>	<p>Council's Forward Planner has reviewed the impacts of the proposed development on the heritage significance of Bella Vista Farm Park and Pearce Family Cemetery. No objections are raised to the proposed development on heritage grounds. Refer to Section 3.2 of this report.</p>	Yes

The DCP provides the following objectives relating to building setbacks:

- *To provide setbacks that complements the landscape setting of the Norwest Business Park.*
- *To provide privacy for future residents within a parkland setting.*
- *To minimise overshadowing of communal open space areas.*

The applicant has provided the following justification:

The Master Plan seeks to establish approval for the overall layout of the Retirement Village and guide development and staging for the project over a period of time. It is intended that the site will be developed in Stages and each stage approval will be the subject of a development application and more detailed design. Under these circumstances there will be the opportunity to consider the impact of encroachments into setbacks at a more detailed level.

For Stage 1, currently being assessed Building A fully complies with Council's setback requirements while Building B has a small encroachment at its north-western corner of 2.5m. This encroachment does not produce any adverse impact given the setback area adjoins Old Windsor Road;

For later Stages, Buildings C (Stage 2), Building D (Stage 3) and Buildings J and I (both in Stage 4) produce minor encroachments into the established setbacks as follows:-

Building C – encroaches up to 4.3m into the Old Windsor Road setback along its elevation with this boundary. This building is separated from Old Windsor road by an existing landscape mound and change in levels. The encroachment is minor with no adverse impact on adjoining development and allows Building C to be oriented internally to open space within the development site to the benefit of future residents.

Building D - similar to Building C, D encroaches up to 5m into the Old Windsor Road setback. This building is also separated from Old Windsor and oriented so that only the end elevation presents a façade to this road. This encroachment is also considered minor with no adverse impact on adjoining development.

Building I – the SEE acknowledged this encroachment for part of the eastern façade of this building up to 5m adjacent to the roundabout in Norbrik Drive (Calibre p.28, Dec, 2015). The comment by the author was that this was considered minor resulting from the proximity of the building to the roundabout. This was considered to have no adverse impact on streetscape. In this regard there is no landscaping on the site at present and it is proposed the setback area will be landscaped to provide an aesthetic setting for the building in accordance with the Vision and Key Principles set-out in the Landscape Master Plan.

Building J - similarly this building along with Building I has a 10m setback to Norbrik Drive. In this SEE this was considered satisfactory as comparison was made with Council's DCP for Residential Buildings. It is noted that for land adjacent to the subject site in the Circa Retail Centre setbacks are based on merit. In response, landscaping envisaged in front of Buildings J and I will provide suitable separation and no direct access is provided to these buildings.

The Residential Care Facility (RACF) located at the eastern most portion of the site shares a boundary with the proposed serviced apartment development currently under construction. The RACF is setback a minimum of 6m which was compared with Council's DCP for Residential Buildings and considered to be satisfactory. It is noted that this boundary adjoins the proposed car park for the serviced apartment development separated by proposed landscaping on both sides of the boundary. This

will reduce any impact of the location of the RACF on adjoining development while not comprising landscaping.

Comment

The DCP requires a front setback of 20 metres. Buildings A and B in Stage 1 comply with the setback requirement of 20 metres to Norbrik Drive. However, Buildings I and J which form part of the masterplan are setback 10 metres from Norbrik Drive with a 5 metre point encroachment to Building I. The variation to adopt a 10 metre setback for Building I and J is considered to be satisfactory given the adequate separation to Norbrik Drive and the proposed landscape scheme which will result in the front setback being used exclusively for landscaping purposes. The setback area will respond appropriately to the context of the Circa Precinct noting the existing setback of Circa Shopping Centre which is in the order of 1.8 metres to Norbrik Drive. With respect to the point encroachment of 5 metres to Building I, further detail will be required with a subsequent Development Application to consider the merits of a variation. However, it would appear that the building could be designed in a manner to respond to the curvature of the frontage and be setback 10 metres from the adjacent roundabout on Norbrik Drive. In this regard, the 5 metre setback encroachment to Building I will not be supported.

The DCP requires a secondary street setback of 20 metres to Old Windsor Road. Building B, C and D will be setback a minimum distance of 14.2 metres from Old Windsor Road. The variation to encroach 5.8 metres into the required setback is considered to be satisfactory given the existing landscape mound and level change between the proposed buildings and Old Windsor Road. The secondary setback area will be embellished with additional landscaping which will assist in shielding the base of the buildings from Old Windsor Road. The proposed building encroachments to the secondary street setback will not result in undue amenity impacts to adjoining properties. The buildings fronting Old Windsor Road are sufficiently articulated which enhances the depth and visual appearance of the buildings. The building encroachment will have a negligible impact upon the streetscape with respect to bulk and scale. Furthermore, Building B has been designed to address the corner of Old Windsor Road and Norbrik Drive and will identify the site as a gateway to the Circa Precinct.

The DCP requires a side setback of 10 metres to the eastern boundary. The RACF will be setback a minimum distance of 6 metres to the eastern boundary and will interface with the existing at-grade car park located within the recently constructed Quest Serviced Apartments. The majority of the building will comply with the 10 metre requirement however the articulation of the building will result in point encroachments up to 4 metres in depth. The setback area will be embellished and used exclusively for landscaping, resulting in minimal impact to the adjoining properties to the east and south. In this regard, the setback variation is considered to be satisfactory at this stage, however further detail will be required with a subsequent Development Application to consider the merits of a variation.

The DCP requires a rear setback of 15 metres to the southern boundary. The majority of buildings adjacent to the southern boundary will comply with the exception of a point encroachment to the Wellness Centre located within Building F. A section of Building F will be setback 11.8 metres from the southern boundary which equates to a 3.2 metre encroachment. The variation relates to a single storey component of the building and will be used in association with the Wellness Centre for an indoor pool. The southern elevation of this component of the building will be treated with opaque glazing in order to alleviate any opportunities for overlooking. Additionally, the setback area will be embellished with comprehensive landscape screening which will assist in partly shielding the building from adjoining residential properties. The encroachment will not be the source of any significant shadow cast and adjoining residential dwellings will receive adequate solar access in accordance with the DCP. The encroachment will not excessively exacerbate the bulk and scale of the building from adjoining residential properties to the south. In this regard, the setback variation is considered to be satisfactory at this stage, however further detail will

be required with a subsequent Development Application to consider the merits of a variation.

2.7.2 Part B Section 5 – Residential Flat Buildings;

The proposal has been assessed against the relevant controls of Part B Section 5 – Residential Flat Building. It is noted that the DCP has been used as a guide to evaluate the performance of the development given that the proposed buildings are comparable to a residential flat building. The table below details compliance with applicable controls:

DEVELOPMENT CONTROL (CLAUSE NO.)	PROPOSED DEVELOPMENT	COMPLIANCE
3.5 Building Separation and Treatment 12 metres	15 metres to 37 metres	Yes
3.7 Building Length Max. 50m	Building A – 62 metres Building B – 62 metres	No – refer to discussion below.
3.8 Building Design and Streetscape Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002" Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street. Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms. Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc. <u>Walls and Rooflines:</u> - Articulation provided to reduce bulk - With variety of colours to reduce	The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002. The proposed design of the development is considered to be in harmony with respect to the form, mass, colours and finishes of existing and likely future development. The siting of the buildings, predominately to the alignment of the street will reinforce street corners. The curvature form of the development results in a harmonious design. Building A and B will comprise of distinguishing massing and features that will not result in a mirroring effect of the buildings. The proposed façades of the development fronting Norbrik Drive and Old Windsor Road will	Yes Yes Yes Yes Yes

<p>monotony and add enhance the streetscape</p> <ul style="list-style-type: none"> - With windows to enhance façade appearance - Well balanced vertical and horizontal proportions - Break up large horizontal facades (whether walls or roofs) into smaller sections no longer than 10m - Use of well-proportioned and balanced projections and recesses on facades. - Provision of architectural features in the façade such as entry porches, pergolas, etc. <p><u>Garages:</u></p> <ul style="list-style-type: none"> - Comprise more than one material and colour to enhance visual attractiveness and interest. - Concealed or screened by planting from the street and public view, as much as possible. <p><u>Entrances:</u></p> <ul style="list-style-type: none"> - Clearly visible from the public and semi-public areas. Lighting to be provided for safety at night. - Entries to be readily apparent from the street and clearly visible from inside the dwelling for casual surveillance. - Space around building entrance to be sufficiently large to stand out and have a distinctive architectural form. - Entries to be distinctive, attractive and welcoming. - Provide sheltered transitional areas around building entries. - All ground floor dwellings to have their own entry at ground level. - Building entries to be visible from, or address the site front boundary, and clearly delineated and observable from the driveway. <p><u>Views and Siting:</u></p> <ul style="list-style-type: none"> - Siting of building to take advantage of any views to nearby/adjoining landscaped open space or any public reserve. - Siting and design to take advantage of any views to open space, public reserves and bushland to promote natural 	<p>comprise of high quality materials and finishes.</p> <p>The facades to each street frontage are sufficiently articulated which reflects the alignment of each corner of the site. Balustrading to balconies have been incorporated as a design feature which follows the curvilinear lines of the building line.</p> <p>The overall design of the building facades is considered to convey the civic quality intended for the Circa Precinct.</p> <p>The proposed development will comprise of a basement garage and parking will be predominately concealed from public view.</p> <p>The main entries into Building A and B are located internally within the site adjacent to the boardwalk and detention basin. The entries are suitably articulated and are identifiable to residents and visitors.</p> <p>The siting of the proposed built form responds to the setting of the site and takes advantages of views in all directions. The orientation of living spaces and balconies within the development will promote the natural surveillance of the public</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p>surveillance and enhance visual amenity for residents.</p> <ul style="list-style-type: none">- Avoid blank courtyard walls along boundaries shared with open space or reserves.- Provide opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve.- Avoid courtyards facing a street or public place. If cannot be avoided due to design constraints, design to comply with Section 3.27 Fencing giving consideration to streetscape and visual impact issues.	and private domain.																											
<p>3.9 Urban Design Guidelines</p> <p>Demonstrate conformity with "Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002"</p>	The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002.	Yes																										
<p>3.11 Unit Layout and Design</p> <p>Apartment Mix</p> <p>(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.</p> <p>(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</p> <p>Residential Flat Development (30 or more units) (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <table><tr><th>Apartment Size Category</th><th>Apartment Size</th></tr><tr><td colspan="2">Type 1</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 or more bedrooms</td><td>95m²</td></tr><tr><td colspan="2">Type 2</td></tr><tr><td>1 bedroom</td><td>65m²</td></tr><tr><td>2 bedroom</td><td>90m²</td></tr><tr><td>3 or more bedrooms</td><td>120m²</td></tr><tr><td colspan="2">Type 3</td></tr><tr><td>1 bedroom</td><td>75m²</td></tr><tr><td>2 bedroom</td><td>110m²</td></tr><tr><td>3 or more bedrooms</td><td>135m²</td></tr></table>	Apartment Size Category	Apartment Size	Type 1		1 bedroom	50m ²	2 bedroom	70m ²	3 or more bedrooms	95m ²	Type 2		1 bedroom	65m ²	2 bedroom	90m ²	3 or more bedrooms	120m ²	Type 3		1 bedroom	75m ²	2 bedroom	110m ²	3 or more bedrooms	135m ²	<p>A maximum of 19% of units in the masterplan will be one bedroom apartments.</p> <p>A minimum of 21% of the units in the masterplan will be three bedroom apartments.</p> <p>Stage 1</p> <p><u>Type 1</u></p> <p>1 Bedroom = 50m² (1 units provided)</p> <p>2 bedroom = 70m² (31 unit provided)</p> <p>3 + bedroom = 95m² (0 unit provided)</p> <p><u>Type 2</u></p> <p>1 Bedroom = 65m² (15 unit provided)</p> <p>2 bedroom = 90m² (31 units provided)</p> <p>3 + bedroom = 120m² (30 unit provided)</p> <p><u>Type 3</u></p> <p>1 Bedroom = 75m² (1 unit provided)</p> <p>2 bedroom = 110m² (14 units provided)</p> <p>3 + bedroom = 135m² (8 units provided)</p>	<p>Yes</p> <p>Yes</p> <p>No – The unit typology does not comply. Refer to section below.</p>
Apartment Size Category	Apartment Size																											
Type 1																												
1 bedroom	50m ²																											
2 bedroom	70m ²																											
3 or more bedrooms	95m ²																											
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Type 3																												
1 bedroom	75m ²																											
2 bedroom	110m ²																											
3 or more bedrooms	135m ²																											

<p>Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>All remaining apartments are to comply with the Type 3 apartment sizes.</p>	<p>24% of units are Type 1.</p> <p>58% of units are type 2.</p> <p>17% of units are type 3.</p> <p>It is noted that the unit layout and design of the masterplan will be considered with subsequent development applications as part of a staged development.</p>	
<p>3.12 Building Materials</p> <p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p> <p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are</p>	<p>A condition of consent will be recommended to ensure compliance with the Building Code of Australia.</p> <p>The proposed materials, colours and finishes will complement the existing streetscape and desired future character.</p> <p>The selection of materials considers both environmental and economic costs.</p> <p>Where possible, graffiti resistant materials will be used.</p> <p>The colour selection is reflective of a modern development in a business precinct.</p> <p>The standard of glazing will be determined at the Construction Certificate stage and will be compliant with Australian Standards so as to minimise the effect of glare.</p> <p>The selection of materials will not result in poor internal air quality.</p> <p>The material selection is considered to afford the built form with longevity.</p> <p>The selection of materials is considered to provide for</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.	satisfactory thermal comfort and durability.	
3.14 Solar Access Adjoining buildings / open space areas – 4 hours between 9am and 3pm on 21 June	<p>The original plans and shadow diagrams submitted with the development application reveal that of the 22 adjoining residential properties to the south, 15 will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June. Given concerns raised with respect to the amenity of adjoining residents, the applicant was requested to reduce the massing of buildings adjacent to the southern boundary in order to maximise the solar access of adjoining residential properties.</p> <p>Accordingly, amended plans were submitted detailing a reduction in massing for all buildings adjacent to the southern boundary. Revised shadow diagrams accompanied the amended plans which detail the shadow cast of the proposed development during half hourly intervals between 9am and 3pm on 21 June. The shadow diagrams clearly demonstrates that all of the 22 residential properties to the south will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June.</p>	Yes
3.15 Ventilation - Consider prevailing breezes in relation to building orientation, window design and internal circulation.	<p>The proposed orientation and internal configuration of the development responds to prevailing breezes in order to maximise natural ventilation to apartments. At least 88% of apartments are naturally ventilated which exceeds the 60% requirement of the Apartment Design Guidelines.</p>	Yes

<ul style="list-style-type: none"> - Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position. - Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation. 	<p>Windows have been located on opposite sides or to a different aspect where possible.</p> <p>The proposed development will provide for sufficient air circulation to apartments and common areas.</p>	<p>Yes</p> <p>Yes</p>
<p>3.16 Lighting</p> <ul style="list-style-type: none"> - Lighting to be in accordance with the Building Code of Australia. - Adequate lighting to ensure the security and safety of residents and visitors. - Maximise the use of natural lighting through window placement and skylights. 	<p>A condition of consent will be recommended to ensure compliance with the Building Code of Australia.</p> <p>Adequate lighting will be provided for the safety and security of residents.</p> <p>Natural lighting maximised to apartments and common areas where possible.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.20 Storage</p> <p>10m³ with an area 5m² and dimension 2 metres</p>	<p>The storage area has been provided as an overall volume based on the masterplan. Accordingly, the DCP would require 4,460m³ of storage area. It is noted that SEPP 65 would require 3,582m³ of storage area. The proposed masterplan provides 4,277m³ of storage area. This results in an average storage area of 9.5m³ per unit.</p>	<p>No - The storage area does not comply. Refer to section below.</p>
<p>3.21 Access and Adaptability</p> <p>Lift provided if greater than 2 storeys</p> <p>Accessible housing: 5% in a development >20 units</p> <p>Each unit so provided above shall have an accessible car-parking bay complying with AS 2890 for people with a disability, and be accessible to a pick-up and drop-off point. An accessible route between the car</p>	<p>All levels of the development are accessible by lift. Lift cores will be provided in each building and will service the basement level.</p> <p>The Development Application was accompanied by an Access Report prepared by Accessibility Solutions. The report indicates that the proposed development demonstrates compliance of visitability by virtue of 100% of</p>	<p>Yes</p> <p>Yes</p>

<p>parking space and unit shall be provided.</p>	<p>units having access to wheelchair accessible pathways. Further, 100% of the units will be accessible in compliance with the design standards as required by Schedule 3 of the SEPP.</p> <p>Accessible parking is provided in accordance with Schedule 3 of the SEPP.</p> <p>A condition of consent is to be recommended to ensure that the proposed development is consistent with the methodology of the Access Report.</p>	
<p>3.22 Pedestrian/Bicycle Links</p> <p><u>Within the Site</u></p> <ul style="list-style-type: none"> - Access to dwellings should be direct and without unnecessary barriers. No steps between the street frontage and the principal building entrances. - Provide clearly defined pedestrian pathways between proposed development and proposed footpaths along sub-arterial roads. - Adequate lighting in common and access areas. - All pathways and ramps to conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2-1992. and Council's Policy "Making Access for All" (2002). - All surfaces to be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture. - Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in The Hills Shire Council policy entitled "Making Access For All" (2002). - Pathway locations must ensure natural surveillance of the pathway from primary living areas of 	<p>The proposed development will accommodate for direct access from the street frontage and building entrances.</p> <p>Internal pathways within the development will be clearly defined as detailed on the Landscape Plan.</p> <p>Adequate lighting to be provided to common open areas.</p> <p>All access paths and ramps are to comply with relevant Australian Standards.</p> <p>All surfaces will be stable and even to provide for safe pedestrian passage.</p> <p>Signage and unit numbering will be clear and legible.</p> <p>Apartments are orientated to ensure the natural surveillance is maximised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.</p> <p><u>Local Pedestrian Links</u></p> <ul style="list-style-type: none"> - Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway: <ul style="list-style-type: none"> - The link must be no less than 3m wide; - Should be a straight-line link through the site linking streets or other public spaces; and - Cannot include stairs and any ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and -) The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users. A solid fence along the boundary of the pathway restricting views of the pathway from adjoining properties <u>not acceptable</u>. - The pedestrian link must be dedicated to Council as a public footway and the footpath, and lighting must be provided at no cost to Council. 	<p>Stage 1 will provide local pedestrian links to facilities located in Building A which includes two retail tenancies adjacent to the detention basin. Access will be provided via a boardwalk surrounding the perimeter of the lake which includes a bridge crossing from Norbrik Drive. Access will be available to the public however will form part of a public access easement.</p> <p>With respect to the masterplan, the proposal includes the provision of an easement for public access through the site which will enable a pedestrian connection between the Circa Shopping Centre and the southern side of the site (through to Prestige Avenue). The connection would require works to be carried out within Francesco Avenue Reserve to provide a public connection between the subject site and Prestige Avenue. This detail would be the subject of a subsequent Development Application as it relates to a staged development.</p>	<p>Yes</p>
<p>3.23 Privacy – Visual and Acoustic</p> <ul style="list-style-type: none"> - Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space). 	<p>In relation to Stage 1, units have been designed to minimise the potential for direct overlooking through the sufficient separation of Buildings A and B in addition to the appropriate placement of balconies and windows.</p> <p>Furthermore, given the substantial distance to adjoining residential properties to the south, the proposal will not result in undue overlooking into adjoining residential properties.</p> <p>With respect to the masterplan</p>	<p>Yes</p>

<p>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.</p>	<p>and alleviating impacts upon the privacy of adjoining residential properties to the south, louvered privacy screens set at oblique angles have been incorporated to balconies to offset direct overlooking. Furthermore, it is anticipated that any windows located on the southern elevation of the buildings will be treated as highlight windows to alleviate any potential for overlooking.</p> <p>In this regard, it is considered that the masterplan adequately demonstrates that opportunities for direct overlooking into adjacent residential properties have been minimised given the building massing, privacy measures to balconies, the setback of the building to the boundary in addition to the proposed landscaping scheme which will provide a buffer between the development site and adjoining properties.</p> <p>The internal configuration of the development has been designed to consider the location of potential noise sources.</p> <p>The Development Application was accompanied by an Acoustic Assessment prepared by Renzo Tonin and Associates and dated December 2015. The assessment identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The assessment concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Industrial Noise Policy and Road Noise Policy subject to the implementation of noise mitigation measures. Council's Senior Environmental Health Officer concurs with the recommendations of the report and has raised no objections in this regard.</p>	<p>Yes</p>
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<p>- Dwellings adjoining arterial roads to be designed to acceptable internal noise levels, based on AS 3671 – Road Traffic Noise Intrusion Guidelines.</p>	<p>The Acoustic Assessment considers existing levels of traffic noise pursuant to Clause 87 of the SEPP. The assessment recommends noise mitigation measures to offset the impact of traffic noise. The assessment concludes that subject to recommendations being carried out, the proposed development will comply with and Clause 87 of the SEPP, however additional assessment will be required with subsequent stages of the development.</p>	<p>Yes</p>
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<p>3.24 Services</p> <ul style="list-style-type: none"> - Development consent not to be granted until satisfactory arrangements are made with relevant authorities for the provision of services. - Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: <ul style="list-style-type: none"> - To provide safe and convenient access by residents and the service authority; and - Visually integrated with the development and have regard to the amenity of adjoining development and streetscape. - Laundries shall be provided to each dwelling. 	<p>A condition of consent will be recommended to ensure satisfactory arrangements are made with the relevant service authorities for the provision of services.</p> <p>Services and facilities for residents and visitors have been designed for safe and convenient access.</p> <p>Each apartment will be provided with an internal laundry, typically adjacent to the kitchen.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.25 Waste Management – Storage and Facilities</p> <ul style="list-style-type: none"> - Waste collection and separation facilities to be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material. - Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling. - Screen views of waste and storage facility from any adjoining property or public place while ensuring there is some natural surveillance from within the development to minimise vandalism and other anti-social activity. - Waste storage areas to be kept clean, tidy and free from offensive odours at all times. 	<p>Communal waste storage area proposed within basement area.</p> <p>No objections were received by Council's Resource Recovery Officer and accordingly conditions are recommended.</p>	<p>Yes</p>

3.26 Waste Management Planning Submission of a Waste Management Plan – demolition, construction and on-going use.	No objections were received by Council's Resource Recovery Officer and accordingly conditions are recommended.	Yes
3.28 Developer Contributions In accordance with the relevant Section 94 Rate	A condition has been recommended requiring the payment of S94 contributions.	Yes

Variations to the DCP have been identified and are addressed as follows:

2.7.2.1 Building Length

The DCP limits the maximum linear length of any residential flat building to 50 metres. Both buildings exceed the 50 metre maximum building length with Building A comprising a length of 62 metres and Building B comprising a length of 62 metres.

Compliance in this instance is considered to be unreasonable given that the control relates primarily to reducing bulk and scale for residential flat buildings constructed within a suburban context. The subject site is located within the context of a business park and is consistent with the scale of buildings envisaged within the Circa Precinct.

Building A and B incorporate a curvature design which assists in modulating the façade of the building to reduce the perceived bulk and scale. In addition, the substantial setback to Norbrik Drive provides adequate separation to the streetscape in order to alleviate bulk and scale. It is also noted that the proposed length of the buildings when combined will not result in adverse shadowing impacts. In this regard, a variation to the control can be supported in this instance.

2.7.2.2 Unit Sizes

The proposed apartment sizes are inconsistent with the minimum apartment sizes required by the DCP. The proposal will provide for the following apartment sizes:

- One Bedroom: 64m² to 93m²
- Two Bedroom: 89m² to 112m²
- Three Bedroom: 132m² to 152m²

With respect to compliance, 24% of units comply with the DCP for Type 1 whilst 58% of units are Type 2 and the remaining 17% of units will be Type 3. In this regard, the proposal exceeds the Type 2 apartment size requirement by 28% and falls short of the type 3 requirement by 23%.

The applicant has justified the variation by relying upon the minimum apartment size requirements of the Apartment Design Guidelines.

In this regard, SEPP 65 contains the following minimum apartment sizes:

- 1 bedroom unit – 50m²
- 2 bedroom unit – 70m²
- 3 bedroom unit – 95m²

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings*' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in the Apartment Design Guidelines. The apartment sizes all exceed the minimum requirements of the SEPP.

The apartments are satisfactory in regard to the minimum unit sizes required by SEPP 65 and are designed to take advantage of views, solar access and cross ventilation. Furthermore, the development is catering predominately to a market for an ageing population that are typically downsizing.

On this basis, it is considered that the proposed apartment sizes are satisfactory given the efficiency of the layout, the needs of the market and the attainment of solar access and natural ventilation.

2.7.2.3 Storage

The storage area has been provided as an overall volume based on the masterplan. Accordingly, the DCP would require 4,460m³ of storage area. It is noted that SEPP 65 would require 3,582m³ of storage area. The proposed masterplan provides 4,277m³ of storage area. This results in an average storage area of 9.5m³ per unit. In this regard, the variation results in a small departure of 0.5m³ per unit and the proposal complies with the storage requirements of SEPP 65. In this regard, a variation is considered to be satisfactory.

2.8 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The primary objective of SEPP 65 is to improve the design quality of residential flat development in NSW. In determining a development application for consent to carry out residential flat development, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the design quality principles. A consent authority must also consider provisions of the Apartment Design Guidelines.

2.8.1 SEPP 65 Quality Design Principles

The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

Principle 1: Context

The subject site and surrounding area form part of the Circa Precinct and will be subject to substantial urban renewal for commercial, retail and mixed use developments in the future. The site and the boarder precinct comprise building heights ranging between RL 108 and RL 116. The proposal responds to the desired future character of the precinct as envisaged by Council for a development ranging in height between 4 to 10 storeys with sufficient building articulation, peripheral landscaping and basement car parking.

Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. Building B in particular will anchor the site as a Gateway to the Circa Precinct being located adjacent to the corner of Norbrik Drive and Old Windsor Road. The proposed development would contribute to the identity and future character of the precinct.

Principle 2: Scale

The overall scale of the development responds to the site and is considered to be appropriate to the desired future character of the Circa Precinct. The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.

The buildings have been designed to respond to the alignment of the boundaries by adopting a curvilinear form which is translated vertically in height. The height of the development overall is acceptable in terms of solar access to the development site and adjoining sites.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between both buildings and adjoining properties. The building separation will allow for landscape areas, entrances and a public domain area which will act as a thoroughfare between Circa Shopping Centre and the low density residential area to the south.

The proposed design addresses matters such as privacy, acoustic impact, wind impact, and solar access.

Principle 3: Built Form

The proposed buildings achieve an appropriate built form for the site and its purpose, in terms of building alignment, proportions, and the manipulation of building elements. The buildings would appropriately contribute to the character of the desired future streetscape and include articulation to minimise the perceived scale.

The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and scale of the buildings.

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting of the central plaza.

Principle 4: Density

The proposed development for 446 self-contained dwellings and a 144 bed residential aged care facility is considered to be appropriate for the site, the locality and within the context of the Circa Precinct.

The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.

Principle 5: Resources, Energy and Water Efficiency

The design achieves natural ventilation and solar access. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The energy rating of the residential units has been assessed and the accompanying BASIX Certificate will be recommended as a condition of consent to ensure the commitments are fulfilled.

Principle 6: Landscape

The conceptual landscape plan demonstrates that open spaces will be appropriately landscaped with appropriate tree species and shrubs to provide a high quality landscape setting, particularly adjacent to the southern boundary to promote a strong landscape buffer between residential properties. Large canopy trees supported by native shrubs and grasses will be planted in addition to the manipulation of the embankment profile to ensure landscaping is effective in providing a natural screen. The proposed landscaping integrates with the overall appearance of the development and will be further reviewed with subsequent development applications.

Deep soil areas provided around the building envelope would enhance the development's natural environmental performance and provide an appropriate landscaped setting which is critical given the interface to low density residential properties to the south.

Principle 7: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 8: Safety and Security

The design orientates the balconies and windows of individual units in order to provide passive surveillance of the public domain and communal open space areas.

The Development Application was accompanied by a Crime Prevention Report prepared by JBA Urban Planning Consultants. The report includes details of surveillance, access control, territorial reinforcement and space management such as artificial lighting in public places; attractive landscaping whilst maintaining clear sight lines; security coded door lock or swipe card entry; physical or symbolic barriers to attract, channel or restrict the movement of people; security controlled access to basement car park; intercom access for pedestrians; and security cameras located at the entrance of the building and publicly accessible areas. The report considers the key principles of Crime Prevention Through Environmental Design (CPTED) and the NSW Police Safer By Design Guidelines.

Principle 9: Social Dimensions

The proposed development is designed to provide accommodation for seniors or people with a disability pursuant to SEPP (Housing for Seniors or People with a Disability) 2004. The proposed design will meet the accessible standards pursuant to Schedule 3 of the SEPP and will provide support services on-site to cater for residents. The site satisfies the locational criterion of the SEPP.

A Social Impact Assessment accompanied the application which indicates that the proposed development should have a positive social impact for future residents (of the development) as well as a range of social and economic benefits to existing and proposed businesses. The location of the development with ease of access to primary and secondary health services, structure in terms of security and safety of the development complex, access to community services and facilities, public transportation and local shopping facilities are all indicators of the ease in which future residents will be able to easily become part of the community.

The proposed development provides a high quality public realm with a focal point for social interaction between residents, staff, visitors and the wider community being accessible to people of all ages and disabilities. Landscaping is proposed throughout the

Site enhancing the public realm. The development is designed to provide a safe, secure living environment for all residents while encouraging public interaction in the main public realm.

The proposed development is considered to have a positive social impact.

Principle 10: Aesthetics

The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat to minimise building height.

The bulk of the overall building and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The combination of materials, colours and finishes will assist in conveying the development as a gateway site. The design is modern in style and appropriate for the Circa Precinct.

The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained in the ADG and DCP.

2.8.2 Apartment Design Guidelines

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a development application for a residential flat building is to take into consideration the Apartment Design Guidelines. The following table is an assessment of the proposal against the guidelines provided in the Apartment Design Guidelines.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Complies. 65% of site area is communal open space including both private and public domain areas. Shadow diagrams indicate that 50% of the area will receive 2 hours solar access during mid-winter.

Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Complies. 34% of the site area has been dedicated to deep soil zone.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	Variation. All building separation distances comply with the exception of the following building interfaces: Buildings A-B Buildings B-C Buildings C-D Refer to section below.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Complies. The visual privacy of the development has been duly considered with the placement of windows and balconies. Separation distances between habitable / non habitable spaces are considered to be adequate. Screening devices set at oblique angles have been incorporated where the potential for overlooking is evident. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres:	Car parking requirements pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 prevail.

	0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Complies. The proposed development will achieve 2 hours solar access during 9am and 3pm at mid-winter for 72% of units.
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Complies. The proposed development will achieve natural ventilation for 88% of units.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Complies. Floor to ceiling height approximately 3 metres for all apartments. Ground floor – 4.5 metres
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m ² 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Complies. One Bedroom: 64m ² to 93m ² Two Bedroom: 89m ² to 112m ² Three Bedroom: 132m ² to 152m ²

Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	<p>Complies.</p> <p>The maximum habitable room depth is 8 metres from a window.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>Complies.</p> <p>The proposed development provides for the minimum balcony size and depth for Building A and B.</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Complies.</p> <p>The storage area has been provided as an overall volume based on the masterplan. Accordingly, SEPP 65 would require 3,582m³ of storage area. The proposed masterplan provides 4,277m³ of storage area.</p>
Apartment mix	<p>A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.</p>	<p>The mix is satisfactory.</p>

2.8.2.1 Building Separation

The proposed development will incorporate building separation distances that comply with the ADG with the exception of Buildings A to B, Buildings B to C and Building C to D. The separation distance between Building A and B is 19 metres whilst the ADG requires a separation distance of 24 metres. The separation distance between Building B to C and Building C to D is 15 metres whilst the ADG requires a separation distance of 18 metres.

The ADG provides the following objectives relating to building separation:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.

The applicant has submitted the following justification:

Physical building separation objectives as stipulated in the Apartment Design Guide (ADG) are achieved across the site as provided by Sections 2F and 3F of the ADG. The apparent

exception to separation between Buildings A-E, is moderated by the separation distances stipulated for buildings on the same site as indicated in Section 3F of the ADG. In these cases variations occur to a small extent and are addressed by the introduction of fixed screens allowing sunlight penetration and directing oblique views to protect privacy (see M-DA0004 issue 8, M-DA-0008 issue 3 and M-DA-0009 issue 2).

Comment

In order to address the separation distance between Building A and B, the design provides for an interface which minimises the placement of habitable rooms between the building interfaces. Where habitable rooms do interface, louvered privacy screens set at oblique angles have been incorporated to balconies to offset direct overlooking whilst capturing direct sunlight given the northerly aspect. The diagram below depicts these privacy measures and the interface between the Building A and B:



It should also be noted that the internal separation distance does vary and increases to 22 metres at certain sections.

With respect to the separation distance between Buildings B to C and Buildings C to D, the separation distance of 15 metres will need to be considered with a subsequent Development Application for Building C and D however privacy measures such as the offsetting of habitable rooms and louvres will need to be incorporated into the design to mitigate the potential for direct overlooking. Additionally, the solar access performance of Building D immediately opposite to the elevation of Building C will need to be considered.

3 ISSUES FOR CONSIDERATION

3.1 Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners on three separate occasions. In response, sixteen (16) individual submissions and one (1) petition were received during the first notification period. During the second notification period, five (5) submissions were received and during the third notification period, twelve (12) submissions were received. Fourteen (14) submissions were received at the Conciliation Conference. In total, thirty (30) submissions were received from different property owners.

The issues raised in the submissions relate to building height, design, bulk and scale, overshadowing, loss of privacy, noise, traffic, security and car parking. The matters raised in the submissions have been summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>The proposed height up to 10 storeys is out of character with the area and is inconsistent with the scale of surrounding development.</p> <p>The request to vary the height limit pursuant to the Hills Local Environmental Plan 2012 should not be supported given the precedent it will set. The building height should not exceed the maximum limit and there is no reasonable justification to support a breach in height.</p>	<p>The masterplan proposes buildings varying in height between 4 and 10 storeys. Stage 1 will comprise of Building A and B with a height of 10 and 9 storeys respectively. The proposed maximum building height is RL109.87.</p> <p>The built form of the proposed development is consistent with the building height envisaged for the site with the exception of a 1.87 metre variation to the height of Building A. The proposed departure to the building height development standard will not cause adverse impacts on the amenity of adjoining properties and internal buildings with respect to overshadowing, privacy, view loss and perceived bulk and scale.</p> <p>The height of the development and the scale is considered to respond appropriately to the desired future character of the Circa Precinct. The design and scale of the buildings will reinforce the site as a gateway to the Circa Precinct and will not result in adverse amenity impacts to adjoining residential properties with respect to solar access and privacy.</p>	<p>Issue addressed.</p>
<p>The overall masterplan in Stages 5 and 6 proposes buildings 4-6 storeys in height which will impact upon existing one and two storey dwellings on Patrine Place and Sharleen Court. The height of the development is out of context with existing low density residential dwellings.</p>	<p>The proposed design aims to provide a sympathetic response to the surrounding suburban context through the transition of building heights from 10 storeys to the north adjacent to Norbrik Drive reducing to 4 to 6 storeys in height adjacent to residential properties to the south.</p> <p>The upper two storeys of Buildings D to H adjacent to the southern boundary are offset significantly from lower floors thereby reducing the area of the floor plate and enhancing separation to the southern boundary. The treatment, when combined with landscaping</p>	<p>Issued addressed.</p>

	and separation, will assist in minimising the perceived bulk and scale of buildings when viewed from residential properties to the south.	
The proposed development should be limited to a building height of 2-3 storeys commensurate with the previously approved data centre for the site which was not constructed. The height of the approved data centre was more sympathetic to adjoining residential properties.	<p>The eastern portion of the site was the subject of a data centre approval in 2008 (DA1128/2008/HA). The consent involved the construction of three buildings with a maximum building height of 20.2 metres from ground level. This represented an RL of 97.68.</p> <p>The proposed masterplan will involve 5 buildings and the RACF adjacent to the southern boundary. The maximum building height will represent an RL of 93.80 which is 3.88 metres below the height of the approved data centre.</p> <p>The heights proposed as part of the masterplan and the reduction in massing on the southern elevation, are considered to provide for a sympathetic interface to adjoining residential properties.</p>	Issued addressed.
Covenants for height were in place to protect the Bella Vista Farm/Bella Vista Cemetery corridor.	<p>The proposed development will comply with the height plane incorporated under the DCP to preserve view corridors from Bella Vista Farm Park and the Pearce Family Cemetery. The height plane affects the eastern portion of the site and restricts development to an RL of 97.30 to 98.20. Accordingly, the RACF and Building H which are located within the height plane will have a maximum height of RL 92.20.</p> <p>The proposed development will obstruct the view corridor between Old Windsor Road to Bella Vista Farm however it is noted that the line of sight has been compromised by the construction of the T-Way and overhead pedestrian bridge on Old Windsor Road. The Heritage Report accompanying the Development Application recommends a reinterpretation of this sightline to</p>	Issue addressed.

	<p>internalise the view from public domain areas within the Circa Precinct. This reinterpretation will be considered with a concurrent Planning Proposal.</p> <p>Further, it is noted that no objections have been raised on heritage grounds given that the proposed building height will have a negligible impact on the view corridors between Bella Vista Farm Park and the Pearce Family Cemetery.</p>	
<p>The height of the proposed buildings would obliterate the view of the Bella Vista Farm to a majority of the Bella Vista residents. All residents should be afforded the magnificent views of the heritage listed Bella Vista Farm.</p>	<p>The proposed development will comply with the height plane incorporated under the DCP to preserve view corridors from Bella Vista Farm Park and the Pearce Family Cemetery. The height plane does not apply to preserving views to Bella Vista Farm Park directly from residential properties to the south.</p>	Issue addressed.
<p>Setbacks of 15 metres to adjacent residential boundaries are unacceptable and will clearly impact of the existing residential interface.</p>	<p>The DCP stipulates that a minimum setback of 15 metres should be provided to a side and rear boundary which interfaces with a residential property. The proposed buildings adjacent to the southern boundary comply with the setback requirement with the exception of a point encroachment to the Wellness Centre located within Building F as discussed below.</p>	Issued addressed.
<p>The plans show an 11.8 metre setback from the fence for Building F, which would be too close to existing properties and would seriously impact on privacy. There should be at least a 25 metre setback between Building F and the boundary.</p>	<p>A section of Building F will be setback 11.8 metres from the southern boundary which results in 3.2 metre encroachment of the setback requirement of 15 metres.</p> <p>The variation relates to a single storey component of the building and will be used in association with the Wellness Centre for an indoor pool. The southern elevation of this component of the building will be treated with opaque glazing in order to alleviate any opportunities for overlooking. Additionally, the setback area will be embellished with comprehensive landscape screening which will assist in partly shielding the building from adjoining residential properties. The encroachment will not be the</p>	Issued addressed.

	<p>source of any significant shadow cast and adjoining residential dwellings will receive adequate solar access in accordance with the DCP.</p> <p>The encroachment will not significantly increase the bulk and scale of the building from adjoining residential properties to the south. In this regard, the setback variation is considered to be satisfactory at this stage, however further detail will be required with a subsequent Development Application to consider the merits of a variation.</p>	
Residential areas currently have a building development easement of 20 metres from the boundary shared with the new development. This should be the same distance (if not further), with due consideration to the heights and noise concerns of the proposed new commercial buildings.	<p>The DCP Part B Section 2 – Residential applies to adjoining residential properties to the south. The DCP specifies that residential properties must provide a 20 metre setback which includes 10 metres exclusively used for landscaping and 10 metres for landscaping and ancillary structures.</p> <p>The DCP Part B Section 6 – Business which applies to the subject site, specifies that a building setback of 15 metres is required to any side or rear boundary that interfaces with a residential zone. The proposed development complies with the setback requirement with the exception of a point encroachment to Building F.</p> <p>It is considered that the proposed development will not adversely impact on the amenity of adjoining residential properties, given the reduction in building massing on the southern interface, privacy measures to balconies, the attainment of solar access as per DCP requirements for adjoining residential properties in addition to the proposed landscaping scheme which will provide a buffer between the development site and adjoining properties.</p>	Issued addressed.
The proposed development does not provide for adequate car parking. The	The proposed development is made pursuant to SEPP (Housing for Seniors and People with a	Issued addressed.

<p>site is not located within close proximity to the proposed train station to warrant a reduction in car parking spaces.</p>	<p>Disability) 2004. The SEPP requires 449.5 car spaces for the self-contained dwelling component. The proposed development provides for 472 car spaces which represents a surplus of 22.5 car spaces.</p> <p>Additionally, the SEPP requires 31.9 car spaces for the residential aged care facility component. The proposed development provides for 40 car spaces which represents a surplus of 8 car spaces.</p> <p>The proposed development exceeds the parking requirements of the SEPP and is therefore considered to be adequate.</p>	
<p>The traffic report estimates between 4300 to 5200 additional traffic movements per day. The traffic generated from the proposed development in addition to Quest Apartments and the expansion of Norwest Private Hospital will significantly impact on the local traffic network. Traffic will be at a standstill if this development is approved.</p>	<p>The proposed development is expected to generate 200 peak hour trips. The traffic generation proposed by the development and the capacity of the surrounding road network have been reviewed by Council's Principal Coordinator – Road and Transport. The existing road network is capable of accommodating the proposed development having regard to existing traffic conditions.</p> <p>It is noted that the proposed development will not require any traffic improvements given the signalisation of Norbrik Drive and Old Windsor Road which has sufficient capacity to service the traffic generated by the development.</p>	<p>Issue addressed.</p>
<p>The access pathway from Prestige Avenue south, which is a no through road, will allow non-residents to park in Prestige Avenue. The road is narrow and will not support parking on both sides of the road. The access link through the site will lead to security issues and will compromise the safety of residents.</p>	<p>The proposed development will include the provision of an easement for public access through the site which will enable a pedestrian connection between the Circa Shopping Centre and the southern side of the site (through to Prestige Avenue). The connection will require physical works within Francesco Reserve adjoining the subject site and Prestige Avenue.</p> <p>Council's Principal Coordinator – Road and Transport has reviewed the proposed pedestrian connection and has raised no objection on the basis that the</p>	<p>Issue addressed.</p>

	<p>proposed development will provide for sufficient car parking and that the existing access to Old Windsor Road, via the signalised Norbrik Drive intersection, is currently operating with satisfactory Levels Of Service and with sufficient capacity to accommodate the additional 200 peak hour vehicle trips. Therefore, it is unlikely that significant numbers of non-residents will park in surrounding residential streets given that the Circa Precinct will sufficiently accommodate vehicle movements and that sufficient car parking has been provided on-site.</p> <p>The application was accompanied by a Crime Prevention Through Environmental Design Assessment which recommends the provision of lighting and CCTV cameras at the public footpath entrance to the site along the southern boundary. The design recommendations of the report will be recommended as a condition of consent.</p> <p>It is noted that further details on the public access easement will be required with subsequent Development Applications.</p>	
<p>The site is affected by a flood way however no details have been provided that detail the stormwater drainage for other properties in the area that rely on this existing floodway for stormwater drainage.</p> <p>The proposal would result in adverse stormwater overland flow into adjoining residential properties to the south.</p>	<p>It is noted that the site has been the subject of a preceding development consent which relates to the management of stormwater for the subject site and Circa Business Park.</p> <p>Development Application No. 485/2016/HC was approved under delegated authority on 18 March 2016 for the construction of a permanent wet detention basin (in the form of a lake) with a storage capacity of approximately 5,275m³. The proposal involved the construction of a supplementary dry storage detention facility with a storage capacity of 10,850m³ with associated earthworks and landscaping. A staged weir structure will be constructed to control the rate of discharge into the supplementary detention</p>	Issue addressed.

	<p>storage facility. The proposed detention basins form part of the overall stormwater drainage for the Circa Business Park and will connect to Lalor Creek to the south.</p> <p>The proposed development will involve the discharge of stormwater into the detention basin. Furthermore, the proposed development is required to be designed to ensure that the finished floor level has regard to flooding constraints. It is noted that the detention system is capable of accommodating a 1 in 100 year storm event.</p> <p>With respect to overland flow, subsequent Development Applications for buildings adjacent to the southern boundary will need to demonstrate that the landscaped setback can appropriately capture and direct overland flow to an approved point of discharge.</p>	
<p>The zoning of the Norwest Business Park should not be modified to include residential uses. There is no reason to have zoning at all if an area, which is classified for business and commercial purposes, as is the case with Norwest Business Park, can all of a sudden include residential with the stroke of a pen.</p>	<p>The proposed development is permissible under Clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by virtue of 'hospitals' being permitted in the B7 Business Park zone.</p>	<p>Issue addressed.</p>
<p>The height of the buildings will adversely overshadow adjoining residential properties.</p>	<p>The original plans submitted with the development application involved buildings adjacent to the southern boundary ranging from 4 to 6 storeys in height. Given concerns raised with respect to the amenity of adjoining residents, the applicant was requested to reduce the massing of buildings adjacent to the southern boundary.</p> <p>Accordingly, amended plans were submitted detailing a reduction in the massing for all buildings adjacent to the southern boundary. While the proposed</p>	<p>Issue addressed.</p>

	<p>buildings will range in height from 4 to 6 storeys the top two storeys of each building have been offset significantly from lower floors thereby reducing the area of the floor plate and enhancing separation to the southern boundary. It is noted that the maximum proposed building height adjacent to the southern boundary translates to RL 93.8 for Building D which is significantly below the LEP height limits prescribed for the site of RL 108 and RL 116.</p> <p>Revised shadow diagrams accompanied the amended plans which detail the shadow cast of the proposed development during half hourly intervals between 9am and 3pm on 21 June. The shadow diagrams clearly demonstrate that all of the 22 residential properties adjoining to the south will receive 4 hours solar access to 50% of the private open space area between 9am and 3pm on 21 June.</p>	
Solar panels installed on the roof of adjoining dwellings will be overshadowing during winter.	<p>The DCP does not prescribe a minimum standard for solar access to solar panels located on adjoining properties. However, the shadow diagrams demonstrate that the roof areas of the adjoining residential properties will receive at least 4 hours solar access between 9am and 3pm on 21 June.</p> <p>Additionally, a shadow diagram prepared for the summer solstice demonstrates that roof areas of adjoining dwellings will receive 100% solar access between 9am and 3pm.</p>	Issue addressed.
The development will impact upon the privacy of adjoining residential properties.	In response to alleviating impacts upon the privacy of adjoining residential properties, amended plans were submitted detailing a reduction in the massing for all buildings adjacent to the southern boundary. The proposed buildings will range in height from 4 to 6 storeys and will comprise of the upper two levels being setback in excess of 23.9 metres from the boundary which enhances the separation distance to adjoining	Issue addressed.

	<p>residential properties and limits the sightline for overlooking.</p> <p>Additionally, louvered privacy screens set at oblique angles have been incorporated to balconies to offset direct overlooking. Furthermore, it is anticipated that any windows located on the southern elevation of the buildings will be treated as highlight windows to alleviate any potential for overlooking.</p> <p>The proposed development incorporates a landscape scheme within the setback area of the southern boundary that will substantially enhance the landscaped setting of the site and surrounds, with provision made for significant canopy trees combined with native shrub and grass vegetation below the canopy. The canopy trees are proposed to extend the length of the southern perimeter boundary in order to provide a strong landscape buffer. The proposed masterplan seeks to modify the profile of the existing mound located adjacent to sections of the southern boundary. The modification to the profile will result in mounding along the southern boundary with landscaping on top to assist in shielding the buildings on the southern elevation from adjoining residential properties.</p> <p>In this regard, it is considered that the masterplan adequately demonstrates that opportunities for direct overlooking into adjacent residential properties have been minimised given the reduction in building massing, privacy measures to balconies, the setback of the building to the boundary in addition to the proposed landscaping scheme which will provide a buffer between the development site and adjoining properties.</p> <p>It should be noted however that the masterplan detail is conceptual in nature and forms part of a</p>	
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	staged development. Further consideration of the impacts associated with Buildings D, E, F, G, H and the RACF adjacent to the southern interface will be further evaluated with subsequent Development Applications	
The development will generate excessive wind that will impact upon the amenity and use of backyards for adjoining residential properties.	<p>The Development Application was accompanied by a Wind Report prepared by Cermak Peterka Peterson.</p> <p>The report identifies the prevailing winds which centre at north-east, south-east and west. The report concludes that only winds from the north quadrant would have any impacts to residential properties to the south however for these wind directions, the proposed development is expected to offer significant shielding to the residential areas to the south with some flow being diverted over the residential dwellings. In this regard, the proposed development is not considered to result in adverse wind impacts with respect to noise and force given the prevailing winds.</p> <p>Nevertheless, further consideration of wind impacts will be considered with subsequent Development Applications.</p>	Issue addressed.
The development will create significant noise and will disturb the amenity of adjoining residential properties.	<p>The Development Application was accompanied by an Acoustic Assessment prepared by Renzo Tonin and Associates and dated December 2015. The assessment identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development.</p> <p>The assessment concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Industrial Noise Policy and Road Noise Policy subject to the implementation of noise mitigation measures. Council's Senior Environmental Health Officer</p>	Issue addressed.

	<p>concurs with the recommendations of the report and has raised no objections in this regard.</p>	
<p>The pathways on the southern side of the site adjacent to residential properties will create overlooking and impact on privacy.</p>	<p>The proposed nature walk trail around the perimeter of the site, including the bridge overpass above the discharge point to Lalor Creek adjacent to the southern boundary, is recommended to be removed from the masterplan given the lack of detail submitted.</p> <p>A condition of consent has been recommended to ensure that further details of the walk trail and bridge overpass are submitted with subsequent Development Applications to ensure minimal impacts upon adjoining residential properties.</p>	<p>Issue addressed.</p>
<p>During construction dust and sediment will impact on adjoining residential properties.</p>	<p>A condition of consent is recommended to ensure that dust control measures are implemented during construction. These control measures will include the provision of dust screens around the perimeter of the site, dust to be suppressed by means of water spray and stockpiles to be kept damp or covered.</p> <p>Further, a condition of consent is recommended for the submission of an erosion and sediment control plan prior to the issue of the Construction Certificate.</p>	<p>Issue addressed.</p>

<p>The proposed development is not in line with the recommendations outlined in the Open spaces and Community facilities assessment carried out by the NSW Government for the Bella Vista Priority Precinct. The assessment identifies the use of the Circa Precinct for open spaces in order to maintain a green corridor.</p>	<p>The Open Space and Community Facilities Assessment dated April 2015 and prepared for the Bella Vista Priority Precinct identifies that the Circa Precinct is capable of providing two hectares of open space. The open space would be provided centrally within the precinct and will integrate with the adjoining Bella Vista Farm. The assessment does not identify any measures specifically for the subject site to provide a green corridor.</p>	<p>Issue addressed.</p>
<p>The proposed development relates to the provision of housing supply and is contrary to Council initiatives to support job growth in the Circa Precinct.</p>	<p>The proposed development is permissible under Clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by virtue of 'hospitals' being permitted in the B7 Business Park zone.</p> <p>With respect to employment generation, the applicant has indicated that the overall development will involve the employment of 120 staff. This will include 35 direct staff associated with the RACF and approximately 85 indirect support staff which will be associated with the commercial tenancies, wellness centre and on-going maintenance of the site.</p>	<p>Issue addressed.</p>
<p>Emergency services including existing firefighting equipment will not be able to service a development of this height and scale. The safety of residents will be jeopardised.</p>	<p>The development must comply with the requirements of the Building Code of Australia (BCA).</p> <p>The information submitted with the Development Application indicates that the proposed development will comply with the BCA via an alternative solution. Due to the size and height of the building (an effective height over 25m) and the fact that the applicant is proposing to involve an alternative solution with respect to category two fire safety provisions, the Construction Certificate will be required to be referred to NSW Fire and Rescue for their comment. The Principal Certifier must have regard to these comments.</p> <p>Matters such as provisions for</p>	<p>Issue addressed.</p>

	<p>egress (such as requirements for fire isolated stairways, emergency lifts etc) and provisions for fire-fighting (brigade access, sprinklers, hydrants etc) will be considered by NSW Fire & Rescue at the Construction Certificate stage.</p> <p>Council's Fire Safety Officer has reviewed the Development Application and raises no objection subject to compliance with the BCA.</p>	
How will Council ensure the unimpeded access of emergency service vehicles to the site in cases of road traffic peak periods.	<p>The traffic generation proposed by the development and the capacity of the surrounding road network have been reviewed by Council's Principal Coordinator – Road and Transport. The existing road network is capable of accommodating the proposed development having regard to existing traffic conditions.</p> <p>Further, the NSW RMS have raised no objections to the proposed development.</p>	Issue addressed.

3.2 Referral Comments

3.2.1 Public Authority Comments

a. RMS Comments

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the NSW Roads and Maritime Service where the development results in 200 or more vehicles with access to any road.

The NSW Roads and Maritime Service have reviewed the proposed development and have provided the following conditions of consent (summarised):

1. Roads and Maritime has previously resumed & dedicated a strip of land as road along the Old Windsor Road frontage of the subject property, as shown by grey colour on the attached aerial — "X". Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

Roads and Maritime has no objection to the development proposal on property grounds provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Old Windsor Road boundary.

2. A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

3. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

4. A construction zone will not be permitted on Old Windsor Road.

5. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

6. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

A condition has been recommended to ensure compliance with RMS requirements.

b. NSW Office of Environment and Heritage

The Development Application was referred to the NSW Office of Environment and Heritage for comment given the proximity of the site to Bella Vista Farm which is listed as a heritage item on the State Heritage Register. The Heritage Division reviewed the application and raises no objection to the proposal as it is unlikely to have an adverse impact on the heritage significance of Bella Vista and retains the views between the Pearce Family Cemetery and Bella Vista Farm.

c. NSW Police Comments

The application has been referred to the NSW Police Local Area Command for review and design recommendations pertaining to CPTED principles will be recommended as a condition of consent.

d. NSW Office of Water

The Development Application approved on the site for a stormwater detention system (Ref. No. 485/2016/HC) was defined as Nominated Integrated Development under the provisions of the Environmental Planning & Assessment Act, 1979 as approval was required from the NSW Office of Water under the provisions of the Water Management Act, 2000. The Office of Water have advised that they raise no objection to the proposal given that the Stage 1 built form works are more than 40 metres from waterfront land.

e. Sydney Water

The Development Application was referred to Sydney Water to ensure that the proposed development can be adequately serviced by reticulated water and sewer. Sydney Water has reviewed the proposed development and raises no objections.

f. Endeavour Energy

The Development Application was referred to Endeavour Energy to ensure that the proposed development can be adequately serviced by the electricity transmission network. Endeavour Energy has reviewed the proposed development and raises no objections.

3.2.2 Internal Referral Comments

a) Heritage Comments

The land surrounding Bella Vista Farm Park, Pearce Family Cemetery and Old Windsor Road have undergone substantial infill developments since the Development Control Plan

controls came in to place that have impaired view corridors to and from the heritage items, including the construction of an overhead bridge on Windsor Road.

View Cone B has been compromised by the construction of the T-way and overhead pedestrian bridge on Windsor Road. As the views are retained from the pedestrian bridge **and bus stop, the applicant's proposal for this to be a more appropriate** view point is supported. View Cones C and D have also been compromised by infill development, as such the proposed development is considered to have a minimal impact on remnant view corridors.

Furthermore, this assessment is supported by the comments received by the NSW Office of Environment and Heritage. This public authority has raised no objections to the proposed development.

The applicant has provided sufficient information to enable an assessment of this Development Application to be undertaken. Given the already severely compromised state of view cone B and the minimal impact on view cone C, no objections are raised based on heritage grounds.

b) Traffic Management Comments

This application proposes to construct a seniors living development comprising 446 independent living residential apartments with a 144 bed assisted living residential aged care facility (RACF) and two externally operated commercial floor space 368m² on the south eastern corner of Norbrik Drive and Old Windsor Road. A traffic report prepared by Varga Traffic Planning has been submitted in support of the application.

The application has also been referred to Roads and Maritime Services (RMS) under the relevant provisions of the Infrastructure SEPP 2007 with the RMS providing comments back to Council in early 2016 conditionally raising no objections to the proposal.

Traffic Generation

The traffic consultant has provided an estimation of traffic generation based on the Roads and Maritime Services publication Technical Direction TDT 2013/04a August 2013. The technical direction nominates a traffic generation rate 0.4 peak hour vehicle trips per dwelling for seniors housing. As the technical direction does not specify a rate for a RACF, the consultant has relied upon a correlation between the parking rate specified in the SEPP (Housing for Senior's and People with a Disability) 2004. **The SEPP parking rates for the 144 bed facility equates to 28 parking spaces and is assumed to generate around 20 peak hour vehicle trips.** The two small commercial tenancies have not been included in the **consultant's summation of the total potential traffic generation however as the majority of the patronage is likely to be generated from within development the expected generation is not considered significant.**

Application of the above rates estimates the total traffic generation of the proposed development to be: -

Residential Independent Living Units (449 dwellings)	180 peak hour trips
RACF (144 beds & 25 staff)	20 peak hour trips

Total Traffic Generation

200 peak hour trips

Access

Access for all vehicles including service vehicles to the proposed carpark is proposed via two combined entry /exit **driveway's off the southern section of Norbrick Drive between Entertainment Lane and Circa Boulevard.** The driveways are suitably located to provide **sufficient sight distance to consistent with the requirements of the Austroad's guidelines.**

Cumulative Impact in the Locality

Both sections of Norbrik Drive between Entertainment Lane and Circa Boulevard and the section of Norbrik Drive linking the State Arterial of Old Windsor Road through to the State Arterial of Norwest Boulevard via Elizabeth Macarthur Drive are classified as major **collector roads within Council's Road Hierarchy, however the wider carriageway formation** of the later is capable of sustaining sub arterial traffic loadings of around 10,000 vehicles per day.

Whilst the traffic consultant does not provide existing traffic count data on either sections of Norbrik Drive, recent traffic reports submitted for other developments in the locality indicates that the through traffic route from Norwest Boulevard via Elizabeth Macarthur Drive through to Old Windsor sustains around 6,000 daily vehicle movements. This is clearly operating within the operational parameters of the carriageway with sufficient spare capacity to accommodate the additional 200 peak hour trips expected to be generated from the proposed development.

Signalised intersections in the vicinity such as the intersection of Old Windsor Rd with Norwest Boulevard was grade separated by the RMS in 2006 shortly after completion of the M7 Motorway has significant spare capacity and there are no plans to further upgrades.

The roundabout at the intersection of Norwest Boulevard and Elizabeth Macarthur Drive continues to be a major traffic congestion hotspot further compounded by the opening of the M7 Motorway and commercial development in the Norbrik estate.

The work involves a major reconstruction of the primary entrance to the Norwest Business Park from the Western Sydney Orbital. The project requires the widening of a section of Norwest Boulevard (between Lexington Ave and Old Windsor Rd) to a six lane configuration incorporating bus priority, and the upgrading of a roundabout to a new signalized intersection.

Total cost	\$50M
Council contribution	\$5M
Source of Funds	Section 94A Plan
Balance of Funds	Federal and State Government Grants
Expected Construction	Unknown, but not before 2018

Council has previously pursued Federal and State Government funding of the balance through the RMS Pinchpoint Program and the Regional Development Australia Funding Program. Both of these applications were unsuccessful. A new submission has now been lodged with the Federal Government through the National Stronger Regions Fund on the basis of employment generation.

Pedestrian Access

The proposed development site has road frontages to Old Windsor Road and Norbrik Drive. Two pedestrian linkages are also proposed through the site enabling the residential areas to the south to access the commercial properties within the precinct. Some of these residents to the south have raised concerns that if these pedestrian links are provided that, employees of the commercial properties may utilise their streets for parking similar to the practice adopted by some Woolworths employees of parking in the surrounding residential streets to avoid the lengthy delays occurring on Lexington Drive and Norwest Boulevard.

It is considered that these concerns are unfounded in two respects: -

1. The proposed development provides sufficient parking to cater for the expected demand.

2. Access to Old Windsor Road via the signalised Norbrik Drive intersection is currently operating with satisfactory Levels Of Service with sufficient space capacity to accommodate the additional 200 peak hour vehicle trips.

Recommendations

Based on the above there are no objections to the proposal in terms of traffic impact.

c) Fire Safety Comments

The information submitted with the Development Application indicates that the proposed development will comply with the BCA via the performance solution method. Due to the size and height of the building (an effective height over 25m) and the fact that the applicant is proposing to involve an alternative solution with respect to category two fire safety provisions, the construction certificate will be required to be referred to NSW Fire and Rescue for their comment.

Matters such as provisions for egress (such as requirements for fire isolated stairways, emergency lifts etc) and provisions for fire-fighting (brigade access, sprinklers, hydrants etc) will be considered by NSW Fire & Rescue at the Construction Certificate stage.

d) Engineering Comments

The Development Application was referred to Council's Development Engineer to review the design of car parking, vehicular access points and stormwater management. No objections were raised to the proposed development subject to conditions of consent.

e) Land Information Services Comments

The Development Application was referred to Council's Land Information Services to review the proposed house numbering scheme. No objections were raised to the proposed development subject to conditions of consent.

f) Landscape and Tree Management Comments

The Development Application was referred to Council's Tree Management Officer for review. No objections were raised to the proposed development subject to conditions of consent.

g) Environmental and Health Comments

The Development Application was referred to Council's Environmental Health Officer to review land contamination and acoustic design. No objections were raised to the proposed development subject to conditions of consent.

h) Waste Management Comments

The Development Application was referred to Council's Resource Recovery Officer to review waste management. No objections were raised to the proposed development subject to conditions of consent.

CONCLUSION

The Development Application has been assessed against 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, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2012, and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory.

The proposal will provide additional housing choice for the ageing population of the Shire. The external and internal design of the buildings is satisfactory and will result in an appropriate streetscape outcome for the future character of the Circa Precinct and will provide for a sympathetic interface to adjoining residential properties to the south.

The proposal was exhibited and notified to adjoining property owners on three separate occasions. In response, sixteen (16) individual submissions and one (1) petition were received during the first notification period. During the second notification period, five (5) submissions were received and during the third notification period, twelve (12) submissions were received. In total, thirty (30) submissions were received from property owners. The issues raised in the submissions relate to building height, design, bulk and scale, overshadowing, loss of privacy, noise, traffic, security and car parking. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

It should be noted that the masterplan detail is conceptual in nature and forms part of a staged development. Further consideration of the impacts associated with Buildings D, E, F, G, H and the RACF adjacent to the southern interface will be further evaluated with subsequent development applications.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

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 – MASTERPLAN

Amendments in red relate to the internal parking layout to be designed in accordance with Schedule 3 of the SEPP and the deletion of the natural walk trail and pedestrian bridge.

DRAWING NO.	DESCRIPTION	ISSUE	DATE
M-DA-0000	Cover Sheet – Masterplan prepared by Jackson Teece	9	23/04/2015
M-DA-0003	Site Context – Masterplan prepared by Jackson Teece	7	02/10/2015

M-DA-0004	Site Setback and Separation Diagram - Masterplan prepared by Jackson Teece	10	21/09/2015
M-DA-0005	Site Analysis, Diagrams - Masterplan prepared by Jackson Teece	9	23/04/2015
M-DA-0006	Site Analysis, Diagrams - Masterplan prepared by Jackson Teece	9	23/04/2015
M-DA-0007	Site Analysis, Diagrams - Masterplan prepared by Jackson Teece	7	02/10/2015
M-DA-0008	Site Analysis, Diagrams - Masterplan prepared by Jackson Teece	5	29/10/2015
M-DA-0009	Site Analysis, Diagrams - Masterplan prepared by Jackson Teece	4	03/11/2015
M-DA-0010	Interface Section Building D - Masterplan prepared by Jackson Teece	17	23/04/2015
M-DA-0011	Interface Section Building E - Masterplan prepared by Jackson Teece	5	04/05/2016
M-DA-0012	Interface Section Building F - Masterplan prepared by Jackson Teece	5	05/04/2016
M-DA-0013	Interface Section Building G - Masterplan prepared by Jackson Teece	5	05/04/2016
M-DA-0014	Interface Section Building H - Masterplan prepared by Jackson Teece	5	05/04/2016
M-DA-0015	Interface Section Building RACF - Masterplan prepared by Jackson Teece	5	05/04/2016
M-DA-0030	Area Schedule - Masterplan prepared by Jackson Teece	16	30/07/2015
M-DA-0031	Staging Plan - Masterplan prepared by Jackson Teece	7	08/10/2015

M-DA-1200	Floor Plan – Detention Tank - Masterplan prepared by Jackson Teece	10	02/10/2015
M-DA-1201	Floor Plan – Level B1 - Masterplan prepared by Jackson Teece	15	23/04/2015
M-DA-1202	Floor Plan – Level 00 - Masterplan prepared by Jackson Teece	20	23/04/2015
M-DA-1203	Floor Plan – Level 01 - Masterplan prepared by Jackson Teece	13	23/04/2015
M-DA-1204	Floor Plan – Level 02 - Masterplan prepared by Jackson Teece	13	23/04/2015
M-DA-1205	Floor Plan – Level 03 - Masterplan prepared by Jackson Teece	14	23/04/2015
M-DA-1206	Floor Plan – Level 04 - Masterplan prepared by Jackson Teece	14	23/04/2015
M-DA-1207	Floor Plan – Level 05 - Masterplan prepared by Jackson Teece	14	23/04/2015
M-DA-1208	Floor Plan – Level 06 - Masterplan prepared by Jackson Teece	13	23/04/2015
M-DA-1209	Floor Plan – Level 07 - Masterplan prepared by Jackson Teece	13	04/05/2015
M-DA-1210	Floor Plan – Level 08 - Masterplan prepared by Jackson Teece	13	23/04/2015
M-DA-1211	Floor Plan – Level 09 - Masterplan prepared by Jackson Teece	13	16/07/2015
M-DA-1212	Floor Plan – Level 10 - Masterplan prepared by Jackson Teece	13	17/07/2015
M-DA-1300	Floor Plan – Community Facilities - Masterplan prepared by Jackson Teece	6	19/10/2015
M-DA-1301	Floor Plan – Community Facilities - Masterplan prepared by Jackson Teece	6	19/10/2015
M-DA-1310	Floor Plan – Residential Building Types - Masterplan prepared by Jackson Teece	12	23/04/2015
M-DA-1311	Floor Plan – Residential Building Types - Masterplan prepared by Jackson Teece	8	02/10/2015
M-DA-1321	Parking Layout – SEPP Seniors - Masterplan prepared by Jackson Teece	11	12/10/2015
M-DA-1322	Storage Layout - Masterplan prepared by Jackson Teece – Amended to ensure parking layout is SEPP Seniors compliant as per M-DA-1321	9	13/10/2015
M-DA-3200	Elevations – Site - Masterplan	9	22/09/2015

	prepared by Jackson Teece		
M-DA-3201	Elevations - Site - Masterplan prepared by Jackson Teece	12	23/04/2015
M-DA-3202	Elevations - Site - Masterplan prepared by Jackson Teece	9	22/09/2015
M-DA-4200	Site Sections - 01 - Masterplan prepared by Jackson Teece	12	23/04/2015
M-DA-4201	Site Sections - 02 - Masterplan prepared by Jackson Teece	14	23/04/2015
M-DA-4202	Site Sections - 03 - Masterplan prepared by Jackson Teece	9	21/09/2015
M-DA-6300	Typical Unit Layouts - Masterplan prepared by Jackson Teece	10	10/09/2015
M-DA-7000	Perspectives - 01 - Masterplan prepared by Jackson Teece	4	27/11/2015
M-DA-7001	Perspectives - 02 - Masterplan prepared by Jackson Teece	4	27/11/2015
M-DA-7002	Perspectives - 03 - Masterplan prepared by Jackson Teece	4	27/11/2015
M-DA-7003	Perspectives - 04 - Masterplan prepared by Jackson Teece	4	27/11/2015

REFERENCED PLANS AND DOCUMENTS - STAGE 1

DRAWING NO.	DESCRIPTION	ISSUE	DATE
1-DA-0000	Cover Sheet - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-0002	Staging Plan - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-0003	Site Analysis - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-0100	Site Plan - Basement - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-0101	Site Plan - Level 00 - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-0200	Site Setout Plan - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-1200	Building B - Basement Plan - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-1201	Building A - Basement Plan - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-1202	Building A - Loading Dock - Stage 1 prepared by Jackson Teece	5	17/09/2015

1-DA-1203	Building A and B – Basement Plan Workshop - Stage 1 prepared by Jackson Teece	1	07/12/2015
1-DA-1204	Building A – L00 Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1205	Building A - L00 – Café Tenancy Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1206	Building A – L01 Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1207	Building A – L01 – Function Room Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1208	Building A – L02 Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1209	Building A – L02 – Function Room Roof Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1210	Building A – L03, L04 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1211	Building A L05 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1212	Building A L06 Plan - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1213	Building A L07 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1214	Building A L08 Plan - Stage 1 prepared by Jackson Teece	1	10/12/2015
1-DA-1215	Building A L09 Plan - Stage 1 prepared by Jackson Teece	8	17/09/2015
1-DA-1216	Building A L10 Roof Plan - Stage 1 prepared by Jackson Teece	9	17/09/2015
1-DA-1217	Building B L00 Plan - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-1218	Building B L01 Plan - Stage 1 prepared by Jackson Teece	1	10/12/2015
1-DA-1219	Building B L02 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1220	Building B L03 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1221	Building B L04 Plan - Stage 1 prepared by Jackson Teece	1	10/12/2015
1-DA-1222	Building B L05 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1223	Building B L06 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1224	Building B L07 Plan - Stage 1 prepared by Jackson Teece	1	10/12/2015

1-DA-1225	Building B L08 Plan - Stage 1 prepared by Jackson Teece	3	04/11/2015
1-DA-1226	Building B L09 Roof Plan - Stage 1 prepared by Jackson Teece	4	04/11/2015
1-DA-1300	Building A Area Plans - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-1301	Building A – B Area Plans - Stage 1 prepared by Jackson Teece	6	24/09/2015
1-DA-3200	Building A North-East and East Elevation - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-3201	Building A South-West and West Elevation - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-3210	Building B North and West Elevation - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-3211	Building B South-West and East Elevation - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-3250	Typical Façade Study – Building A North - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-3251	Typical Façade Study – Building A West Interface - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-3252	Typical Façade Study – Building A South-West - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-3253	Typical Façade Study – Building A South-East - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-3254	Typical Façade Study – Resident Dining - Stage 1 prepared by Jackson Teece	5	17/09/2015
1-DA-3255	Typical Façade Study – Café and Function Centre - Stage 1 prepared by Jackson Teece	5	29/09/2015
1-DA-3256	Typical Façade Study – Building A Atrium - Stage 1 prepared by Jackson Teece	5	29/09/2015
1-DA-3257	Typical Façade Study – Building B Business Centre - Stage 1 prepared by Jackson Teece	5	29/09/2015

1-DA-3258	Typical Façade Study – Building B Lantern - Stage 1 prepared by Jackson Teece	1	09/12/2015
1-DA-4200	Building A Section 1 and 2 - Stage 1 prepared by Jackson Teece	7	17/09/2015
1-DA-4201	Building A Section 3 - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-4210	Building B Section 1 - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-6300	Typical Units Layout - Stage 1 prepared by Jackson Teece	1	26/05/2016
1-DA-7000	Interface Section 1 - Stage 1 prepared by Jackson Teece	8	17/09/2015
1-DA-7001	Interface Section 2 - Stage 1 prepared by Jackson Teece	4	17/09/2015
1-DA-7002	Interface Section - Stage 1 prepared by Jackson Teece	4	17/09/2015
1-DA-3221	Elevations – Building B Typical Materials - Stage 1 prepared by Jackson Teece	1	29/07/2016
1-DA-3220	Elevations – Building A Typical Materials – Stage 1 prepared by Jackson Teece	1	29/07/2016

REFERENCED PLANS AND DOCUMENTS – LANDSCAPE PLANS

DRAWING NO.	DESCRIPTION	Sheets	DATE
101-134	Masterplan Development Application Revision F – Amended in red.	1-37	June 2016
101-103 200-202	Stage One Development Application	1-8	November 2015

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. 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.

3. 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.

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. Compliance with Access Report

The recommendations contained within Access Report prepared by Accessibility Solutions Pty Ltd and dated 14 December 2015 are to be incorporated into the design of the development.

6. Compliance with Crime Prevention Through Environmental Design Report

The recommendations contained within Crime Prevention Through Environmental Design Report prepared by JBA and dated May 2016 are to be incorporated into the design of the development.

7. Compliance with Wind Report

The recommendations contained within the Wind Assessment prepared by Cermak Peterka Peterson and dated December 2015 and supplementary statement dated 8 April 2016 are to be incorporated into the design of the development.

8. Compliance with NSW Roads and Maritime Service

Compliance with the requirements of the NSW Roads and Maritime Service attached as Appendix (A) to this consent and dated 28 January 2016.

9. NSW Police Comments

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

Surveillance

- Car parking area shall be painted white to help reflect light.
- CCTV shall be installed at entry points into the car park, exit points and scattered throughout the car park including entrances to the flats and the community facilities within the site such as in the lifts, stairwells, fire doors, etc., covering the disabled parking and the motorcycle/bike parking.
- CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner is to train all relevant staff of how to use the CCTV cameras.
- Installation of height indicator stickers on the entrance/exit doors. These used in conjunction with CCTV, will give police an indication of an offender's height as they enter or exit, and in turn will assist in the identification of possible offenders.
- Security access shall be utilised at the entrance of the car parking area through the use of fob, remote or code access.
- Shrubs and shade trees must be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.
- 3-5 metres of cleared space is to be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Lighting and Technical Supervision

- Lighting shall meet minimum Australian Standards.
- Special attention shall be made to lighting the entry and exit points from the buildings, car park and access/exit driveways. Transition lighting is needed throughout the site to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Environmental Maintenance

- Porous building surfaces shall be avoided when selecting materials for construction to minimise maintenance cost relating to graffiti vandalism.

Access Control

- Warning signs shall be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime, e.g. *'Warning, trespasser will be prosecuted'* or *'Warning, these premises are under electronic surveillance'*.
- Ensure the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism.
- All fire doors are to be alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies.
- Outer ledges capable of supporting hands/feet shall be avoided and that balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development, palings are to be placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

- Nursing staff working in a shift, where only one or two nurses on site, shall be given a mobile panic alarm in the event an unauthorised entry is made to the facility, etc. This will enable the nurse to raise the alarm/call Police without having to locate and activate a fixed panic alarm.
- To prevent children/ the aged from falling from windows, all strata buildings in NSW must be fitted with devices that enable their windows to be locked at 12.5cm when the devices are engaged. Owner's corporations must have devices installed on all common property windows above the ground floor by 13 March 2018. The safety devices must be robust and childproof. Residents will still be able to open their windows.
- Ground level units shall have upgraded security measures put in place such as doors and window being alarmed, thickened glass and sensor lights etc.
- Use of security sensor lights and a security company shall be engaged to monitor the site while construction is in progress. A signage shall be placed on construction site that outlines an after hour's number as well as other contact details if the location has been broken into etc.
- High quality letterboxes shall comply with Australian Standards - ISO9001:2008 and shall be under CCTV surveillance to help deter letterbox mail theft.
- Signs shall be placed around the car park warning residents to watch those who come in the entry/exit door behind them. Residents are encouraged to wait until the door is fully closed behind them before continuing into the underground car park. This will help prevent potential offenders from gaining entry via the open door.
- Park smarter signage shall be installed to help educate people to not leave valuable items in their cars and to ensure they secure their vehicles.

10. Separate Development Application for Occupations

A separate development application is required for the occupation of the commercial tenancies located in Building A in Stage 1. This application is required to provide assessment against:

- The Hills Local Environmental Plan 2012; and

- The Hills Development Control Plan 2012.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

11. Buildings Adjacent to the Southern Boundary

Buildings D, E, F, G, H and RACF adjacent to the southern boundary are to be designed to incorporate highlight windows to south facing windows and oblique louvres to balconies to protect the amenity of adjoining residential properties. This condition does not prevent further privacy measures being incorporated into the design. Details are to be submitted with subsequent Development Applications for the respective stages.

12. Nature Trail and Bridge Crossing

The nature trail and bridge crossing within the setback area to the southern boundary does not form part of this consent. Further details on the nature walk trail and bridge crossing are to be submitted with subsequent Development Applications.

13. Separate Development Applications for Stages 2-6

The proposed development is to be carried out in accordance with the Staging Plan M-DA-0031 referenced in Condition No. 1 of this consent. A subsequent Development Application will be required for each stage. Any modification to the staging scheme will require the separate consent of Council.

14. Use of Function Room in Building A

The function room located on Level 1 of Building A is to be exclusively used by residents of the development. The function room must not be used by any third party or any other functions/activities that are unrelated to the site.

15. Building Setback to Building I

The front building setback of 5 metres to Building I is not supported. The setback must be increased to 10 metres.

16. Operational Plan of Management

The applicant must submit an Operational Plan of Management addressing key operational aspects of the Residential Aged Care Facility upon lodgement of a Development Application for the Residential Aged Care Facility in Stage 6.

17. Compliance with Norwest Association Requirements

The development is required to comply with the requirements of Norwest Association as outlined within correspondence dated 22 December 2015 and as follows:

- This approval is for a masterplan and the construction of Buildings A and B within Stage 1. Any future stages will require separate Development Applications that need to address traffic impacts on surrounding development in Norwest Business Park. For each stage, the provision of car parking is to comply with the minimum requirements of Council.
- The Applicant is required to reinstate any works, infrastructure, paving or landscaping adjacent to the site boundary disturbed during the construction phase. In particular, the Applicant is to ensure that the Norwest Business Park identification signage and associated landscaping located on the corner of Old Windsor Road and Norbrik Drive is maintained at all times.
- An automated irrigation system is to be provided and used on all landscaped areas.

- The Applicant is to provide certification by a suitably qualified landscape architect at the completion of landscaping that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.
- A separate Development Application is to be submitted for any proposed signage with signage and external lighting to be fully integrated with the landscaping.
- A minimum of 19 car parking spaces are to be made available for public parking in association with Building A for customer use in conjunction with the proposed retail areas.
- A mini-bus or similar transport is to be provided for the use of the residents to supplement access to support services during the initial stages of the development.
- All building services, plant and equipment are to be screened from view from any public street or place including Bella Vista Farm Park.

18. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

19. Final Occupation Certificate

Prior to occupation/use of a building resulting from a change of use, it is necessary to obtain an Occupation Certificate from Council subject to the requirements under Clause 109H(2) of the EP&A Act 1979 being satisfied.

20. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses/villas etc. 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.

21. Street Trees

Street trees must be provided for the section of Norbrik Drive within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. 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. 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.

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. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;

- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

24. Separate Application for Subdivision

No subdivision is approved/ included with this consent. Any proposal to separately title the buildings or stages needs separate development consent. The same applies to the strata title subdivision of the development. This cannot occur as complying development because parking spaces have not been allocated to individual units as part of this proposal.

25. 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.

26. 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.

27. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

28. 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:

- AS/ NZS 2890.1
- AS/ NZS 2890.6

- AS 2890.2
- DCP Part C Section 1 – Parking
- **Council's Driveway Specifications**

Where conflict exists the Australian Standard must be used.

The following must be provided:

- 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.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

Before a Construction Certificate can be issued for any stage/ building, a statement of compliance from a traffic engineer must be submitted to the PCA confirming the off-street car parking area complies with the requirements listed above. Any development application lodged for stage two onwards must be accompanied by plans that include sufficient detail to enable an assessment to be carried out with respect to the above.

29. 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.

30. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveways used by passenger vehicles only must be built to Council's medium duty standard.

The proposed driveways used by service vehicles must be built to Council's heavy duty standard.

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

b) 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.

c) Concrete Footpath Paving

A 1.5m wide concrete footpath (or an alternate finish/ type approved by Council in advance), including access ramps at all intersections, must be provided/ maintained

across the Norbrik Drive frontage of the development site transitioning into the existing footpath adjacent in accordance with the above documents.

d) 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.

This includes 0.5m wide berm extending into the site before the batter associated with the basin/ water feature starts.

e) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

f) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

No change to the previously approved overland flow path/ outlet within the "stage three" area below the supplementary storage is permitted as part of these works. The design of any such amendments will need to be submitted for approval as part of a future development application for "stage three".

31. Finished Floor Level – Flooding

The finished floor level (or levels) of the structure must reflect the approved plans, the stormwater management plan prepared by AECOM (Figure 5) and the supplementary information from AECOM dated 31 May 2016. With respect to Building E specifically, the appropriateness of the RL of this building (RL 71.4) with respect to the PMF of the primary pond and supplementary detention (RL 72 and RL 67 respectively) will need to be considered as part of a future development application for this building/ stage three.

32. Stormwater Management Requirements

The Construction Certificate for stage one, and any later development application for stage two onwards, must include details demonstrating compliance with/ the inclusion of the stormwater management measures described in the letter/ memo from AECOM dated 31/05/2016 (item six).

33. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Renzo Tonin and Associates Pty Ltd, referenced as Masterplan and Stage 1 DA – Acoustic Assessment, dated 16th December 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- The INP LAeq(15min) intrusive project specific noise levels as outlined in Table 7 are to be complied with.
- An additional noise assessment is required during the detailed development stages to confirm specific noise mitigation measures that are required for the development so that the Intrusive noise levels as outlined in Table 7 of the report are complied with during operation. This report must incorporate Mechanical Plant strategic positioning away from sensitive neighbouring premises to maximise intervening acoustic shielding between the plant and sensitive neighbouring premises.

34. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Geotechnique Pty Ltd, referenced as Report No 13451/3-AB, dated 8 December 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

35. Adherence to Operational Waste Management Plan

All requirements of the Waste Management Plan submitted as part of this Development Application must be implemented during the construction (design of facilities) and the operational phases of the development, unless where amended by other conditions of consent.

36. 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.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

37. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. 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.

38. Waste and Recycling Collection Contract

There must be a contract with a licenced private contractor (or contractors) for the removal of all waste generated on site. Written evidence of a valid and current collection contract (or contracts) must be held on site at all times and produced in a legible form to any authorized officer of the Council who asks to see it.

39. Construction of Bin and Waste Rooms

All work involving construction of the bin and waste rooms must comply with the construction requirements for garbage rooms as specified in the Waste Management Plan submitted as part of this Development Application.

40. Construction Waste Management Plan Required (Stage 2-6)

Subsequent built form applications for Stages 2-6 are to be accompanied by a Waste Management Plan for construction. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction.

41. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

42. 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.

43. Planting Requirements

All plants are to be the following minimum pot sizes

- All trees are to be minimum 75 litre pot size
- All shrubs are to be minimum 200mm pot size
- All grasses and groundcovers are to be minimum 1400mm pot size

44. Retention of Trees

All existing trees within and surrounding the stage 1 development are to be retained and protected in accordance with Council's **Protection of Existing Trees** condition.

45. Provision of Parking Spaces

The development is required to be provided with 139 off-street car parking spaces for Building A and B. The masterplan will require the provision of 532 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

46. 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.

47. External Finishes

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

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

The responsibility for property numbering is vested solely in Council.

Prior to the issue of Construction Certificate, Land Information Section of Council must be contacted to provide complete approved numbering condition that ensures the following:

1. Compliance with the new NSW Address Policy (March 2015) for unit numbering.
2. Potential/otherwise of naming internal roads/pathways for easier identification – particularly for emergency service providers.
3. Most appropriate positioning of letterbox banks to service each building. Australia Post will also need to approve positioning to ensure mail delivery points comply with their delivery policy (Insurance/liability issues).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

49. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;
- 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);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;

- Be equal to the amount required to be paid in accordance with the relevant condition;
- 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.

50. 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:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and
- A maintenance program.

51. 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 \$217,600.00 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 road frontage of the subject site plus an additional 50m on either side (320m) multiplied by the width of the road (8m).

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.

This relates to stage one only. If later stages commence before the stage one works are completed, additional bonds will apply based on the scope of those works/ their road frontage in line with the above.

52. Overflow Weir/ Nappe Trajectory

Calculations/ modelling relating to the commentary on the overflow/ nappe trajectory between the basin and the supplementary storage (including a factor of safety) provided in the letter/ memo from AECOM dated 31/05/2016 must be submitted and approved with any Construction Certificate for stage one. The plans must be sufficiently detailed and dimensioned with respect to the same.

These calculations/ modelling must also address/ consider the vermin (changed to security) screen shown on the submitted plans across this opening.

53. Erosion & Sediment Control Plan

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

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation

- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

54. Section 94A Contribution – Stage 1

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$747,750.75** 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.

This contribution relates to Stage 1 built form only, subsequent stages will be subject to further Section 94A Contributions.

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;

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

55. Erosion & Sediment Control Plan

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

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

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

56. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the NSW Road Noise Policy by Department of Climate Change and Water. A copy of this certification shall be submitted.

57. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)

An acoustic statement is required to be submitted providing methods of noise attenuation (if any) prior to the issue of a Construction Certificate ensuring the following noise levels are achieved:

- a) 35 dB (A) in any bedroom between 10pm am 7am.
- b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

PRIOR TO WORK COMMENCING ON THE SITE

58. 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.

59. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

60. 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:

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

61. Construction Waste Management Plan Required (Stage 1)

Prior to the commencement of works, a Waste Management Plan for construction of the development must be submitted to and approved by Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction of the development.

62. 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.

63. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW

Department of Housing. The plan is to be kept on site at all times and made available upon request.

64. Erosion & Sediment Control Plan Kept on Site

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

65. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

66. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

67. 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.

68. Principal Certifying Authority

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

69. 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.

70. Stabilised Access Point

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

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

71. 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.

DURING CONSTRUCTION

72. 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.

73. Hours of Work

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

Monday to Saturday - 7.00am to 6.00pm;

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.

74. Safety Fence

Separation of all work sites from the public by means of a safety fence. This fence is to be maintained at all times during construction works and is to be in place prior to any machinery entering upon the land.

75. 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.

76. 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.

77. 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)*.

78. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

79. 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.

80. 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.

81. Survey Report

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

82. 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. 682676M are to 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.

83. 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.

84. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

85. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in INSERT have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

86. Compliance with Sydney Water Requirements

A letter from Sydney Water must be submitted confirming the works have been completed to their satisfaction.

87. 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.

88. 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.

89. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

90. Maintenance of BASIX Commitments

All BASIX requirements must be implemented before an Occupation Certificate is issued and maintained throughout the life of the proposed development in accordance with the approved BASIX Certificates.

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 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.

93. 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.

a) Restriction – Restricted Access

The subject site must be burdened with a restriction precluding access to Windsor Road using the "restricted access" terms included in the standard recitals.

b) Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

c) 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.

d) 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.

e) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

94. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Masterplan and Stage 1 DA – Acoustic Assessment prepared by Renzo Tonin and Associates dated 16 December 2015. Certification is to be provided.

95. 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 and the approved landscape plan.

96. 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.

THE USE OF THE SITE

97. Hours of operation of the loading dock

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

98. 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. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided on site.

99. Waste and Recycling Collection

All waste generated on site must be removed at regular intervals. 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.

100. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

APPENDIX A



Transport
Roads & Maritime
Services

28 January 2016

RMS Ref: SYD16/00033(A11448435)
Council Ref: 992/2016/JP

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

Attention: James McBride

**MASTERPLAN FOR SENIORS HOUSING DEVELOPMENT
26-30 NORBRIK DRIVE, BELLA VISTA**

Dear Sir/Madam,

Reference is made to Council's letter dated 30 December 2015 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with State Environmental Planning Policy (Infrastructure) 2007.

Roads and Maritime has reviewed the development application and provides the following conditions for Council's inclusion in the determination of the application:

1. Roads and Maritime has previously resumed & dedicated a strip of land as road along the Old Windsor Road frontage of the subject property, as shown by grey colour on the attached aerial – "X". Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

Roads and Maritime has no objection to the development proposal on property grounds provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Old Windsor Road boundary.

2. A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

3. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
4. A construction zone will not be permitted on Old Windsor Road.
5. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

6. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

In addition, Roads and Maritime provides the following advisory comments for Council's consideration in the determination of the development application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.
2. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Laura Van Putten', with a stylized, cursive script.

Laura Van Putten
A/Senior Land Use Planner
Network and Safety Section

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP 2012 Zoning Map
4. LEP 2012 Floor Space Ratio Map
5. LEP 2012 Height of Building Map
6. Masterplan
7. Site Setbacks and Building Separation Plan
8. Stage 1 Site Plan
9. Building A Elevation – North East and East
10. Building A Elevation – South West and West
11. Building B Elevation – North and West
12. Building B Elevation – South West and East
13. Masterplan Elevation – North
14. Masterplan Elevation – South
15. Masterplan Elevation – West
16. Masterplan Section – Building D
17. Masterplan Section – Building E
18. Masterplan Section – Building F
19. Masterplan Section – Building G
20. Masterplan Section – Building H
21. Shadow Diagrams 21 June (5 pages)
22. Landscape Plan
23. Perspectives (4 pages)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: 3 SUBMISSIONS OFF THE SCOPE OF THE MAP & ONE UNKNOWN

THE HILLS DISTRICT HISTORICAL SOCIETY AND BLACKTOWN CITY COUNCIL ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

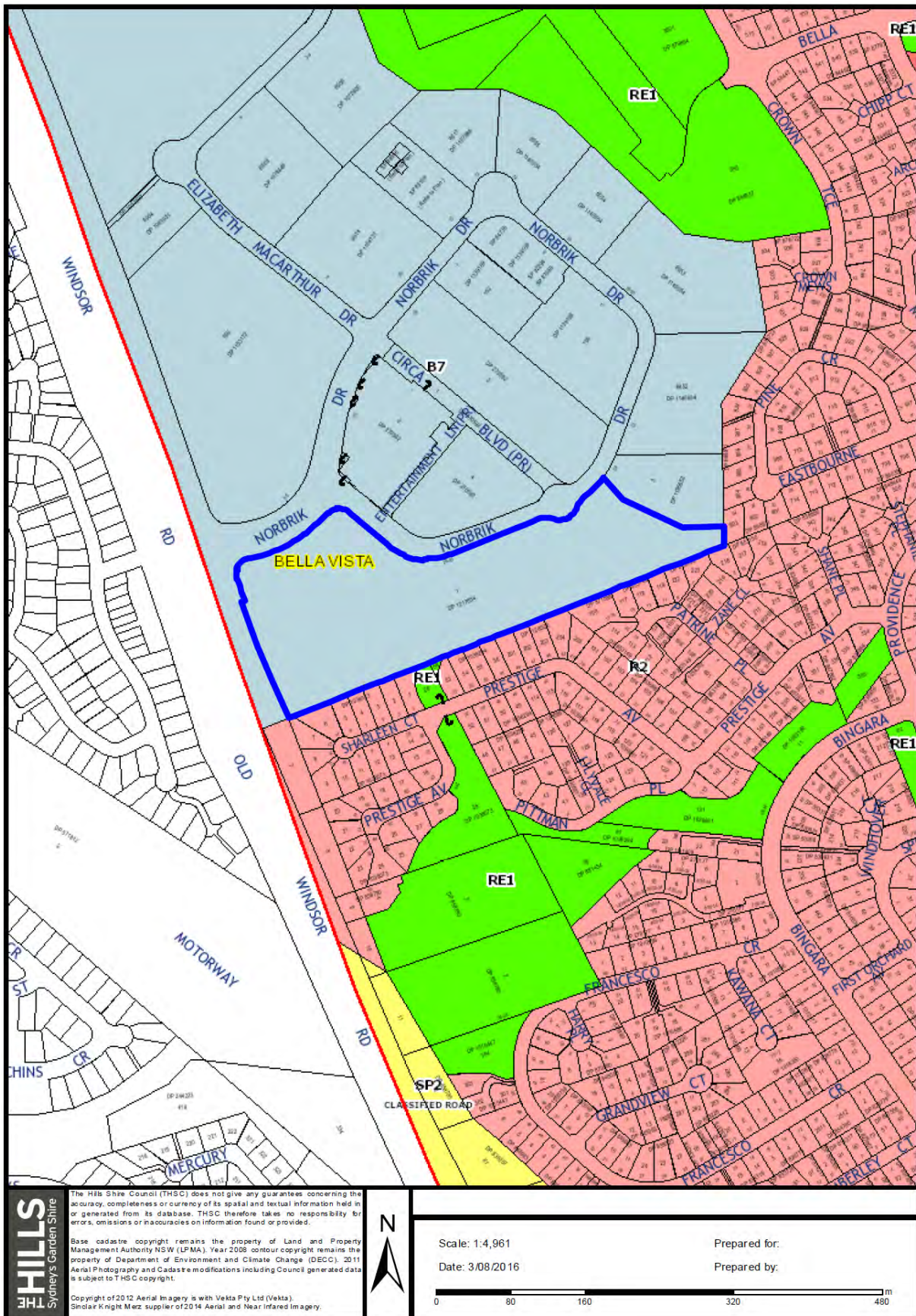
THE HILLS SHIRE COUNCIL

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 (LP I). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT

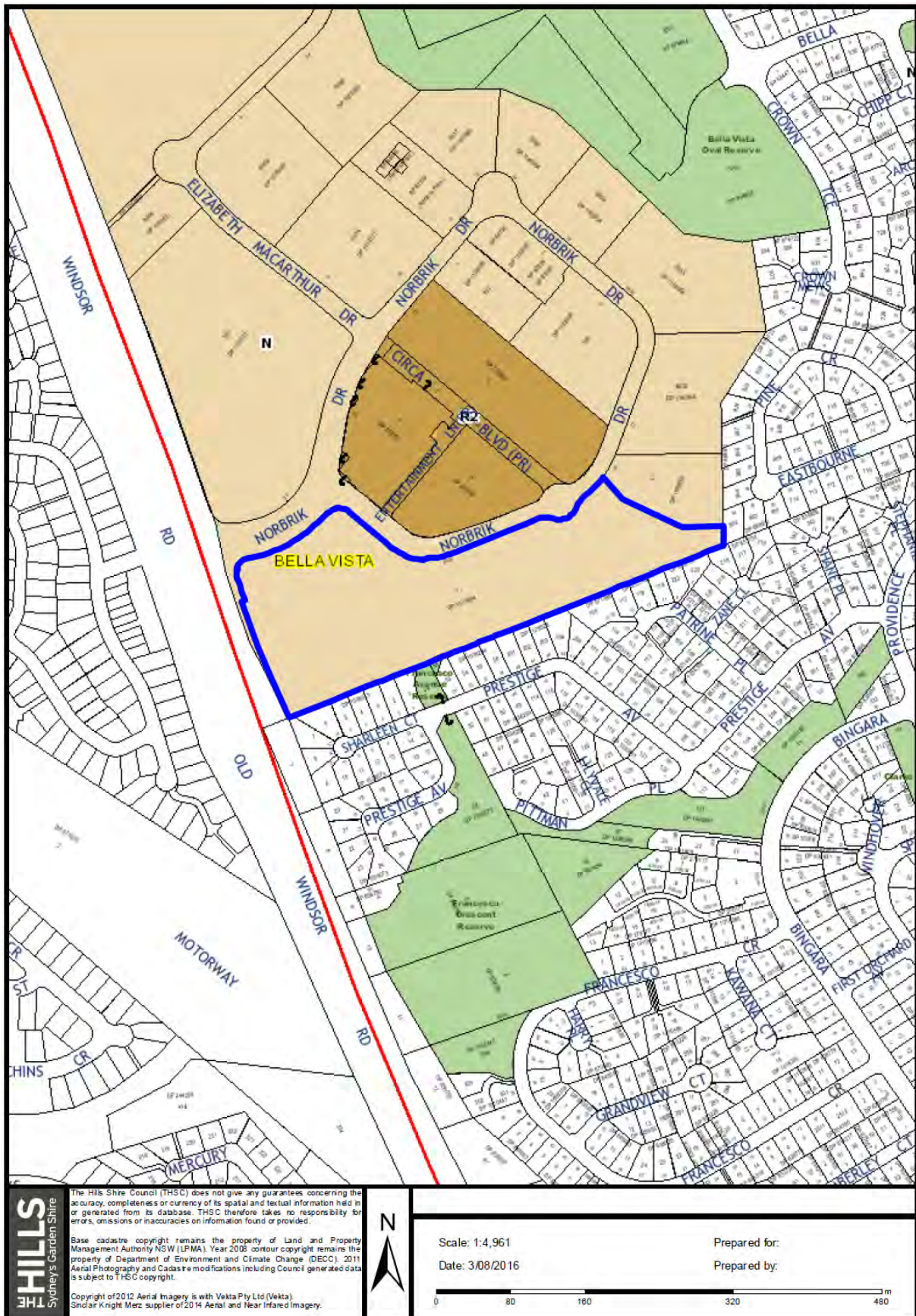
ATTACHMENT 2 – AERIAL PHOTOGRAPH



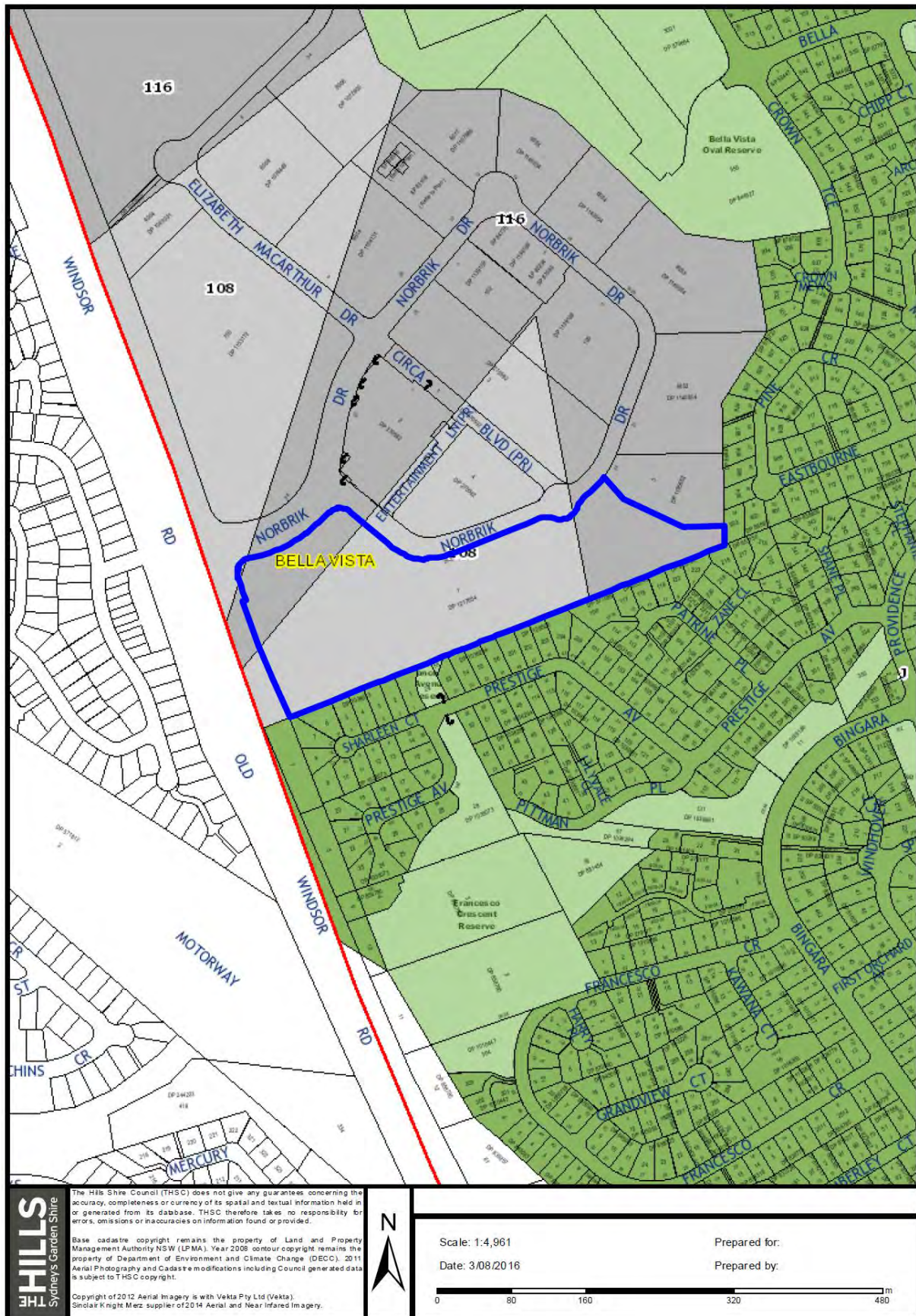
ATTACHMENT 3 – LEP 2012 ZONING MAP



ATTACHMENT 4 – LEP 2012 FLOOR SPACE RATIO MAP



ATTACHMENT 5 – LEP 2012 HEIGHT OF BUILDINGS MAP



ATTACHMENT 6 – MASTERPLAN



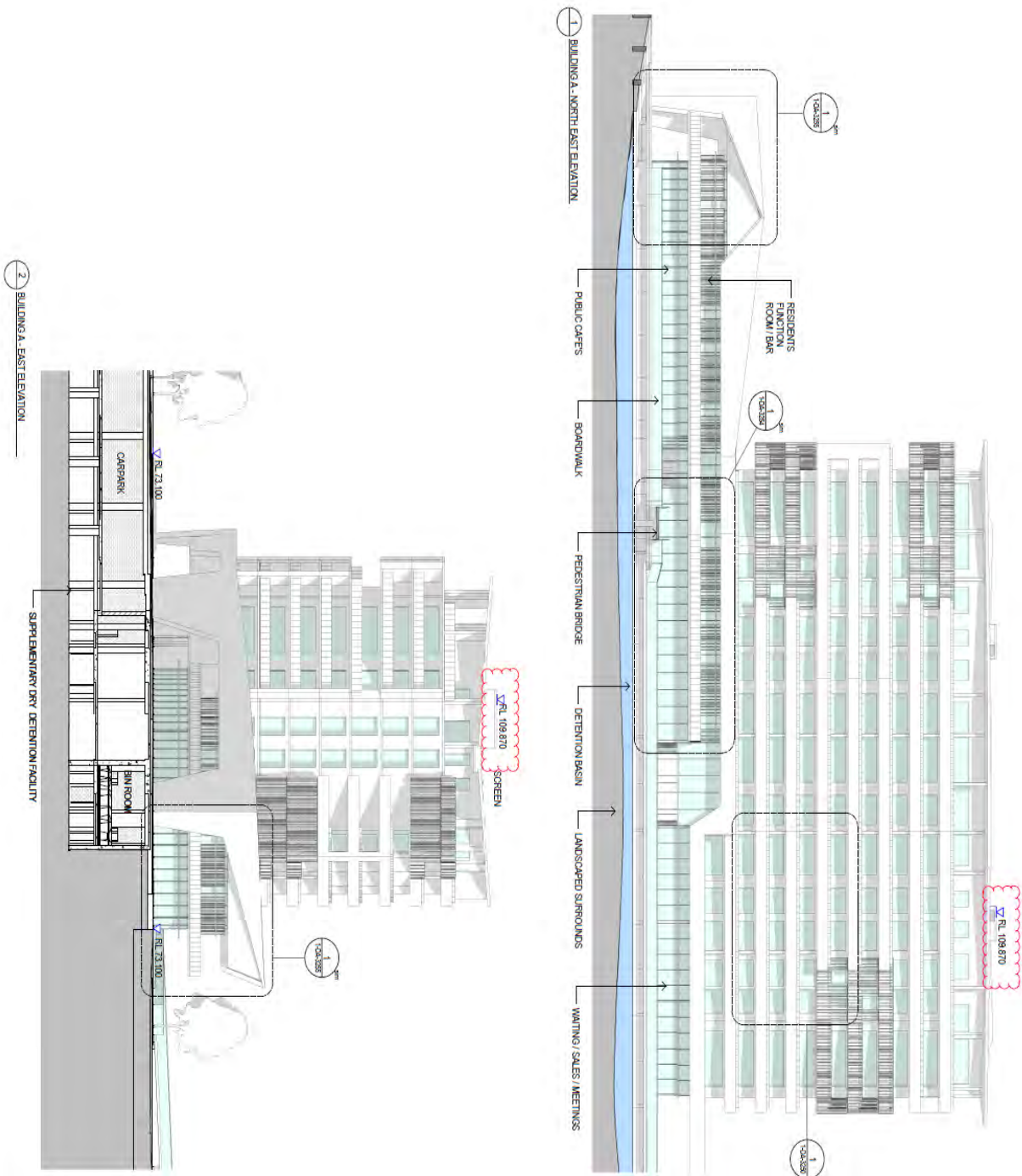
ATTACHMENT 7 – SITE SETBACKS AND BUILDING SEPARATION DIAGRAM



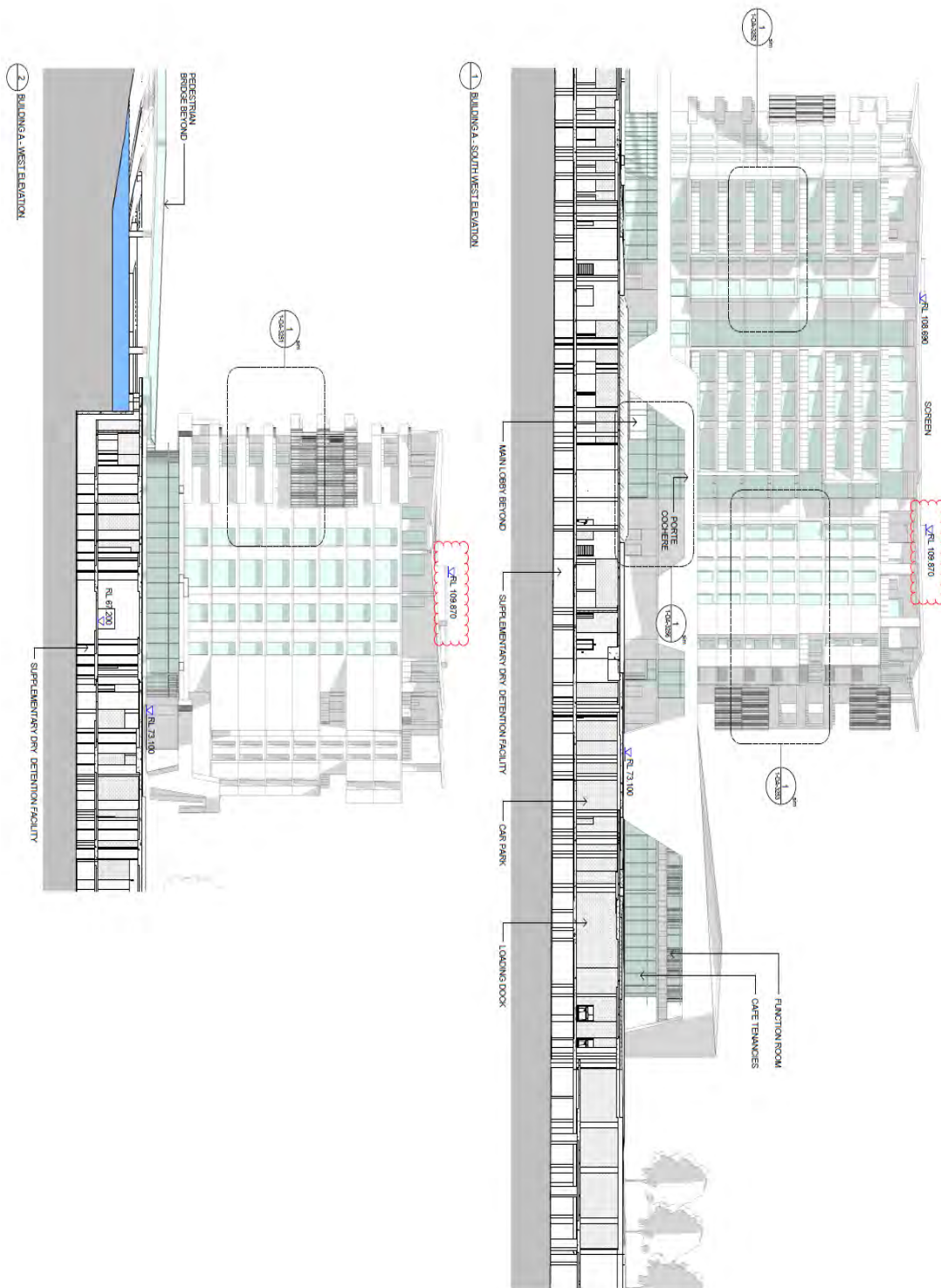
ATTACHMENT 8 – STAGE 1 SITE PLAN



ATTACHMENT 9 – BUILDING A ELEVATION – NORTH EAST AND EAST



ATTACHMENT 10 – BUILDING A ELEVATION – SOUTH WEST AND WEST

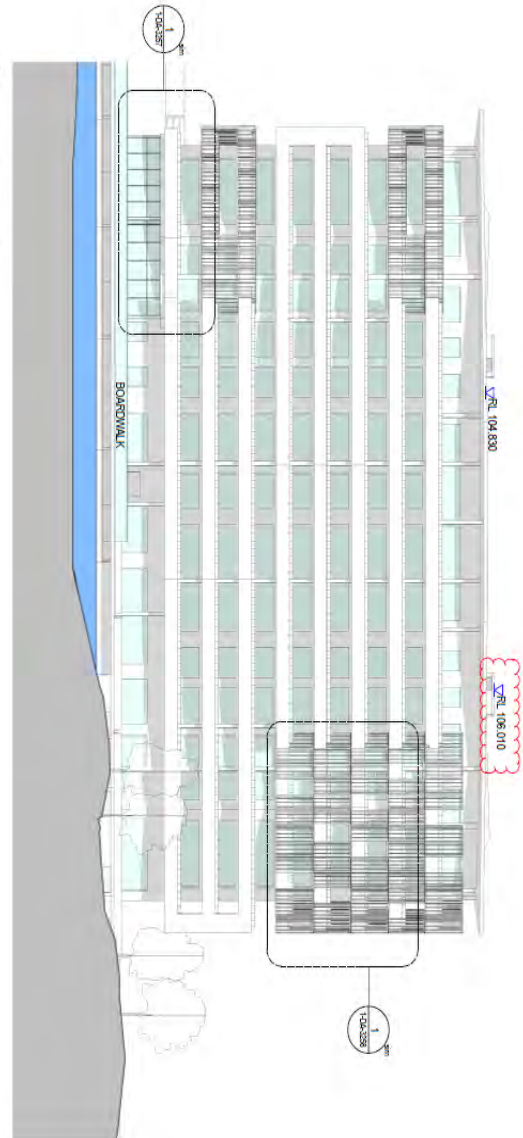


ATTACHMENT 11 –BUILDING B ELEVATION – NORTH AND WEST

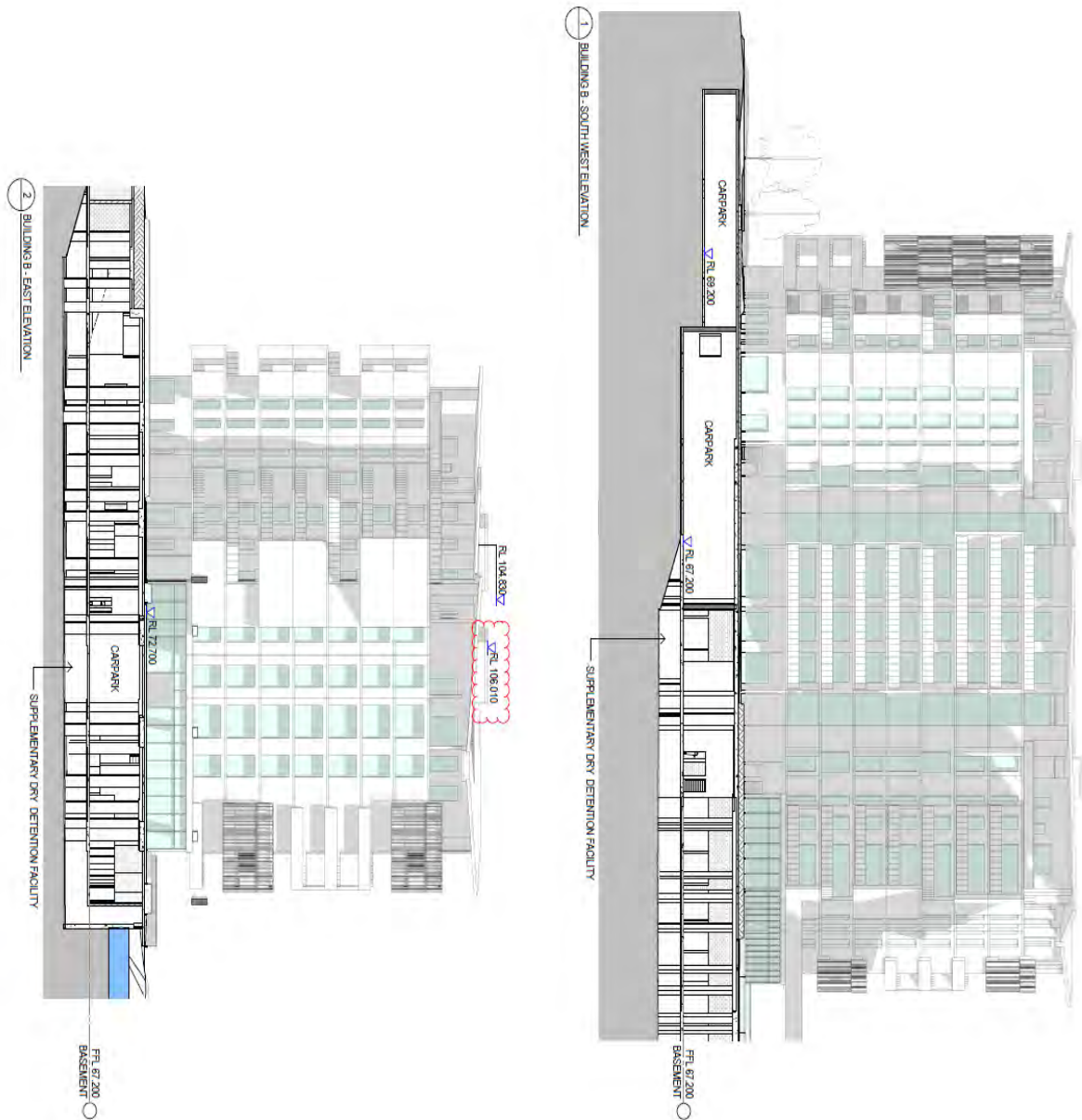
2 BUILDING B - WEST ELEVATION



1 BUILDING B - NORTH ELEVATION



ATTACHMENT 12 – BUILDING B ELEVATION – SOUTH WEST AND EAST

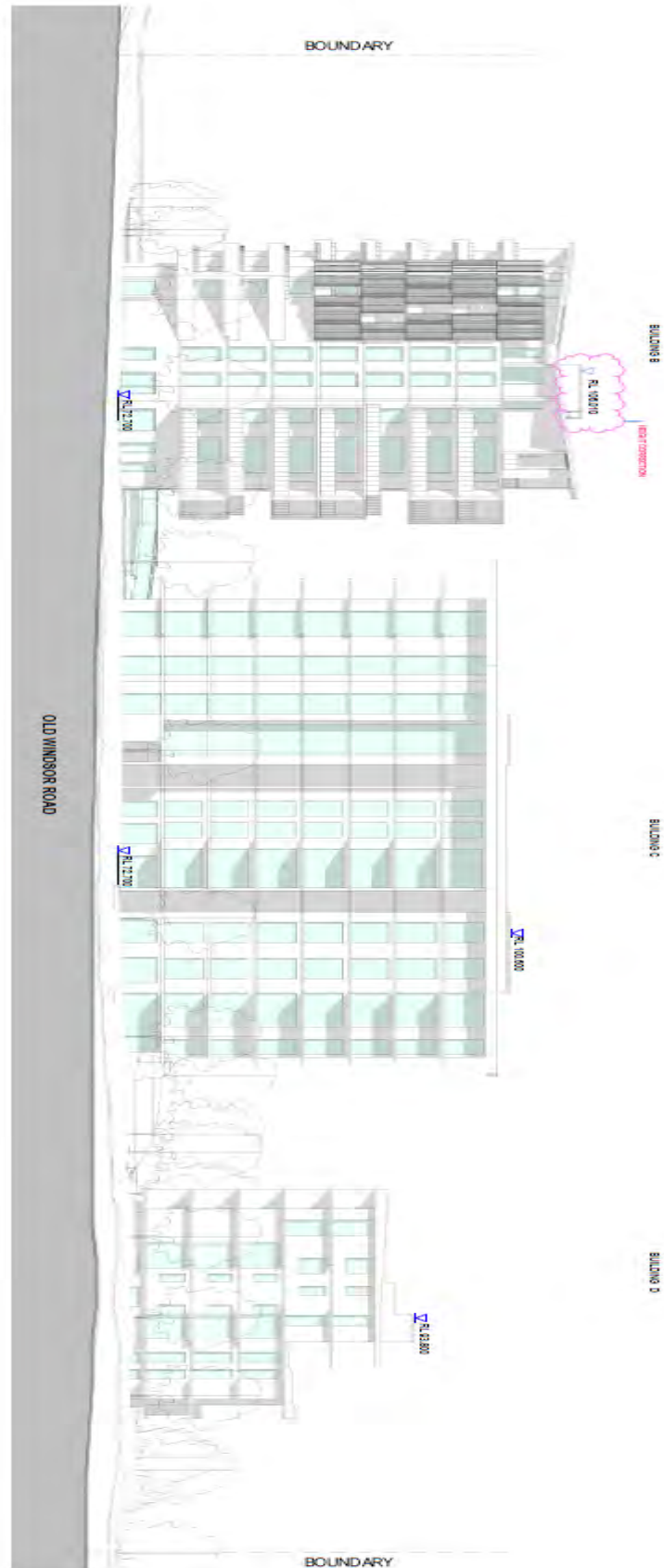


ATTACHMENT 13 – MASTERPLAN ELEVATION – NORTH



The Hills Shire Council
2016SYW005

1 ELEVATION - FEET



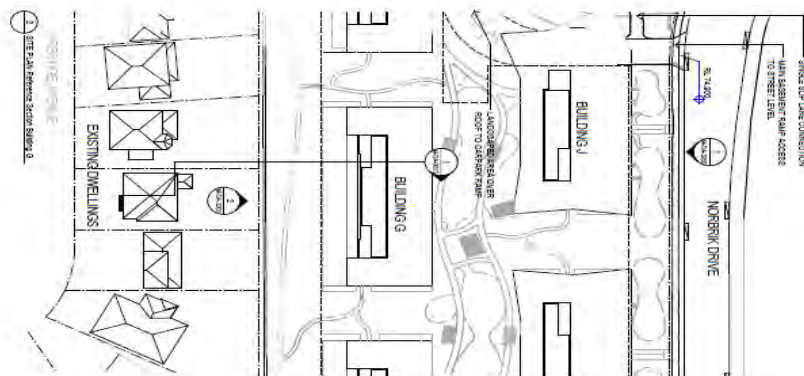
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[illegible]

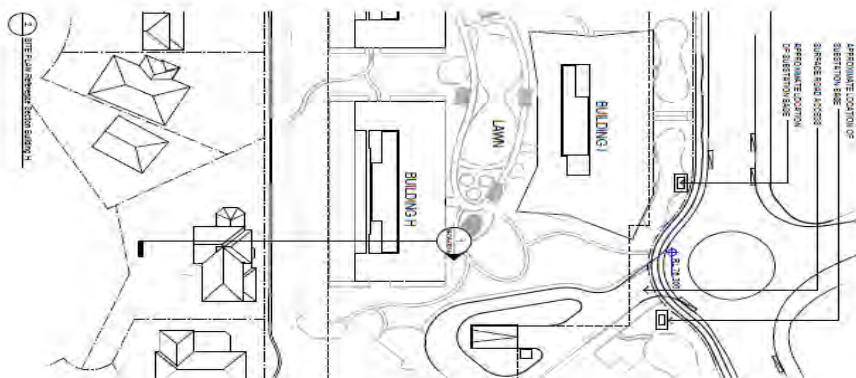
The site plan illustrates the proposed building layout and its relationship to the site boundaries and existing features. Key elements include:

- Building Footprint:** The building is shown with a basement, ground floor, and upper floors. It includes a detention tank, a wellness centre, a pool, and a balcony.
- Setbacks:**
 - 8800 SETBACK LEVEL:** Indicated by a horizontal line across the top of the building.
 - 1500 SETBACK:** Indicated by a horizontal line below the 8800 setback level.
 - 1825 SETBACK:** Indicated by a horizontal line at the bottom of the building.
 - 12000 SETBACK MIN SETBACK HABITABLE/HABITABLE:** Indicated by a horizontal line at the bottom of the site.
- Boundaries:**
 - BOUNDARY:** A horizontal line separating the building from the existing dwelling.
 - OBLIQUE PROPERTY BOUNDARY:** A diagonal line running from the bottom left towards the top right.
- Landscaping and Features:**
 - EXISTING OLIVERT:** A large tree located to the left of the building.
 - EXISTING DWELLING BEYOND:** A building located to the right of the site.
 - LANDSCAPE/RETENTION PLANTING:** A line indicating the area for landscaping and retention planting.
 - GRASSY BUSHES TO POOL:** A line indicating the area for grassy bushes leading to the pool.
 - WALKING TREES TO BE PLANTED AT EACH WORKS STAGE APPROXIMATELY 10M:** A line indicating the area for planting walking trees.
- Other Labels:**
 - BUILDING F:** Located at the top left of the plan.
 - DETENTION TANK:** Located on the left side of the building.
 - BASMENT:** Located on the left side of the building.
 - WELLNESS CENTRE:** Located on the right side of the building.
 - POOL:** Located on the right side of the building.
 - BALCONY SETBACK:** Indicated by a horizontal line below the building.
 - ARTIFICIAL LANDSCAPING:** Indicated by a horizontal line below the building.
 - LOA:** Located at the bottom left of the plan.
 - 11875:** A numerical value indicating a distance or setback.
 - 1825:** A numerical value indicating a distance or setback.
 - 12000:** A numerical value indicating a distance or setback.
 - 1500:** A numerical value indicating a distance or setback.
 - 8800:** A numerical value indicating a distance or setback.

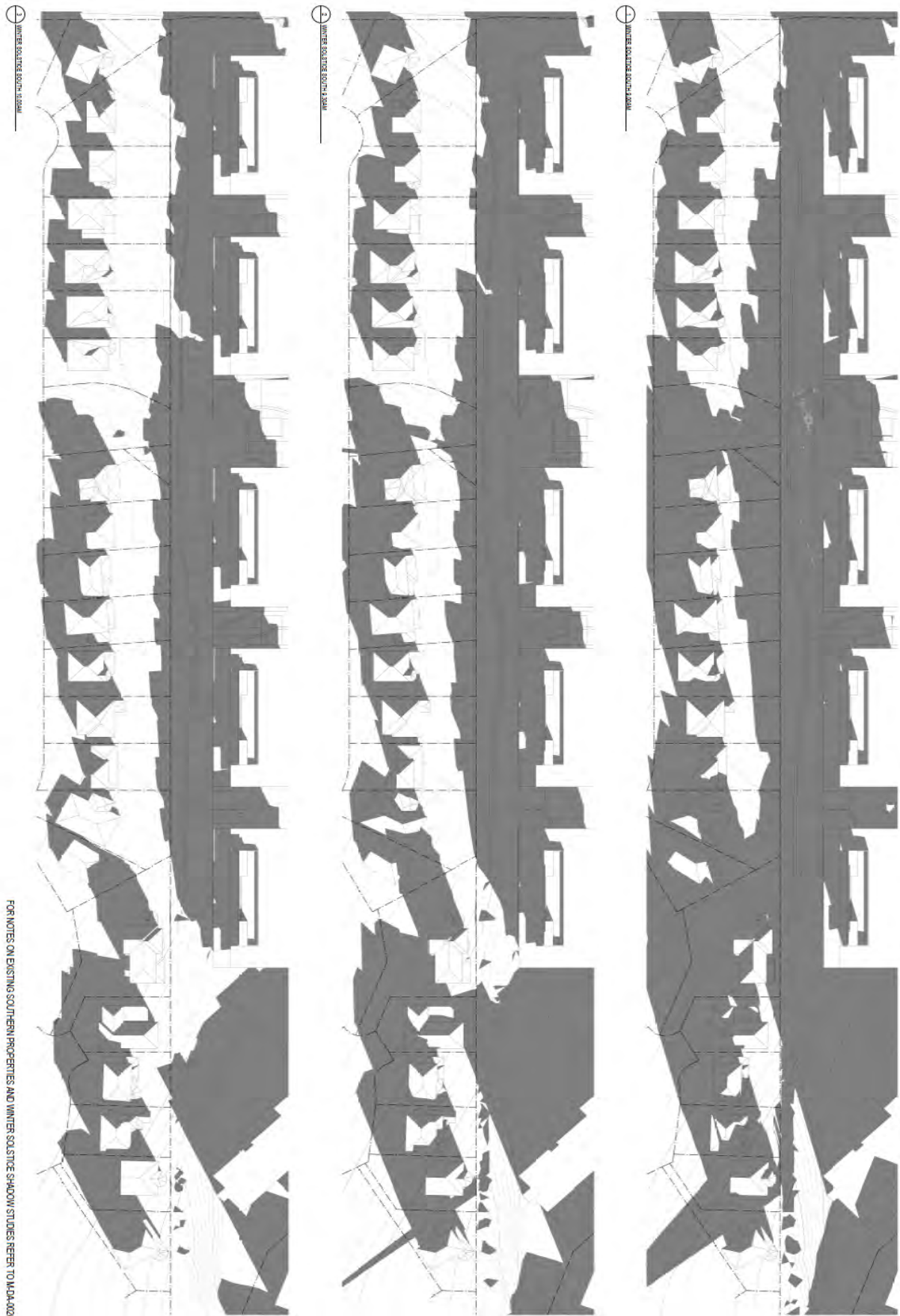


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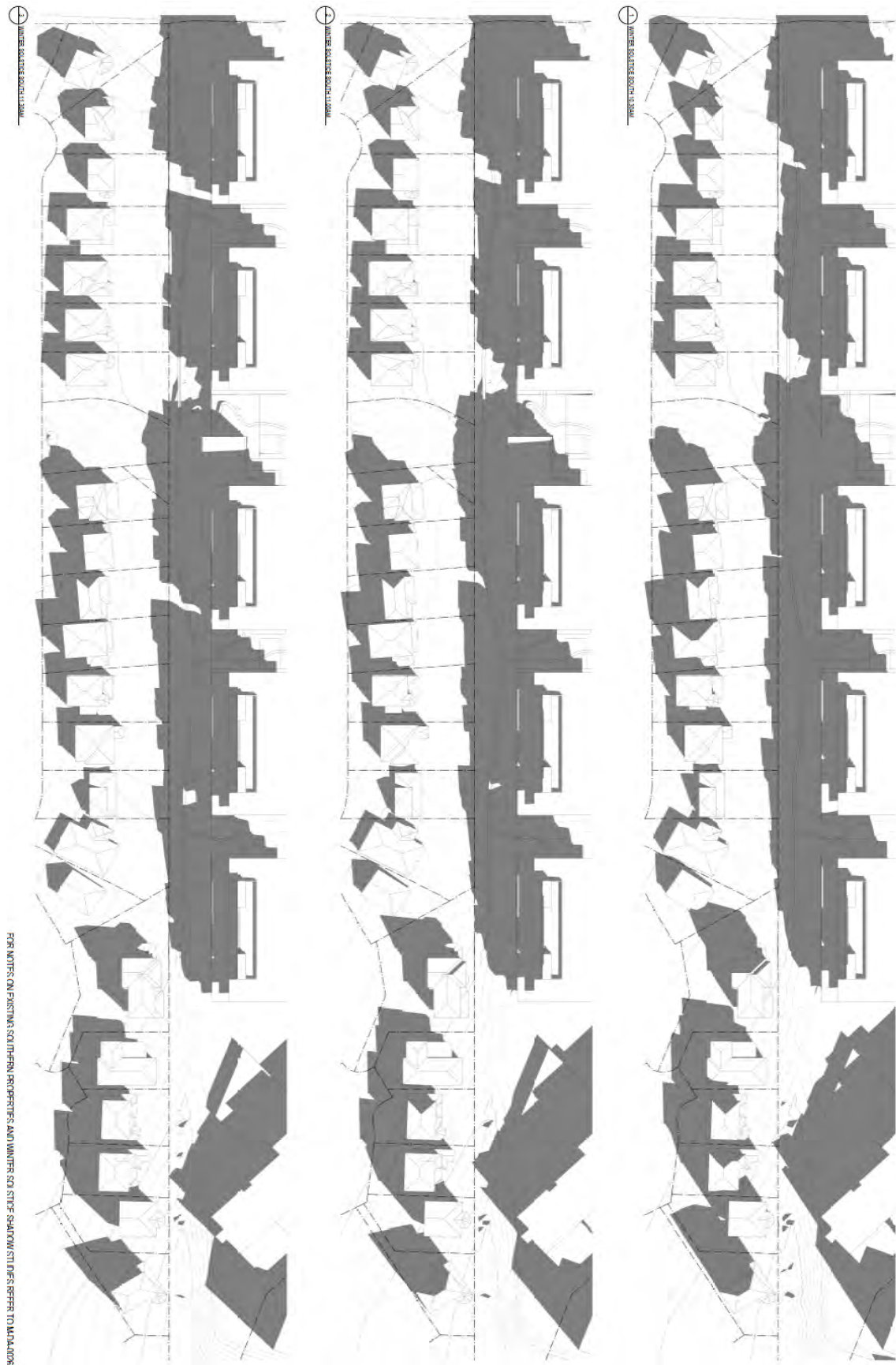
Architectural site plan showing building layout, setbacks, and landscaping. The plan includes a building footprint with setbacks of 8000, 15000, and 2000 units. A vertical sliding screen is indicated, along with a note that landscaping trees should be planted at least 1000 units from the screen. A boundary line is shown, and an existing dwelling is located to the right. The plan also shows a 12000 setback minimum for a habitable area and a 12000 setback minimum for a habitable area. The plan is titled "BUILDING" and "EXISTING DWELLING".



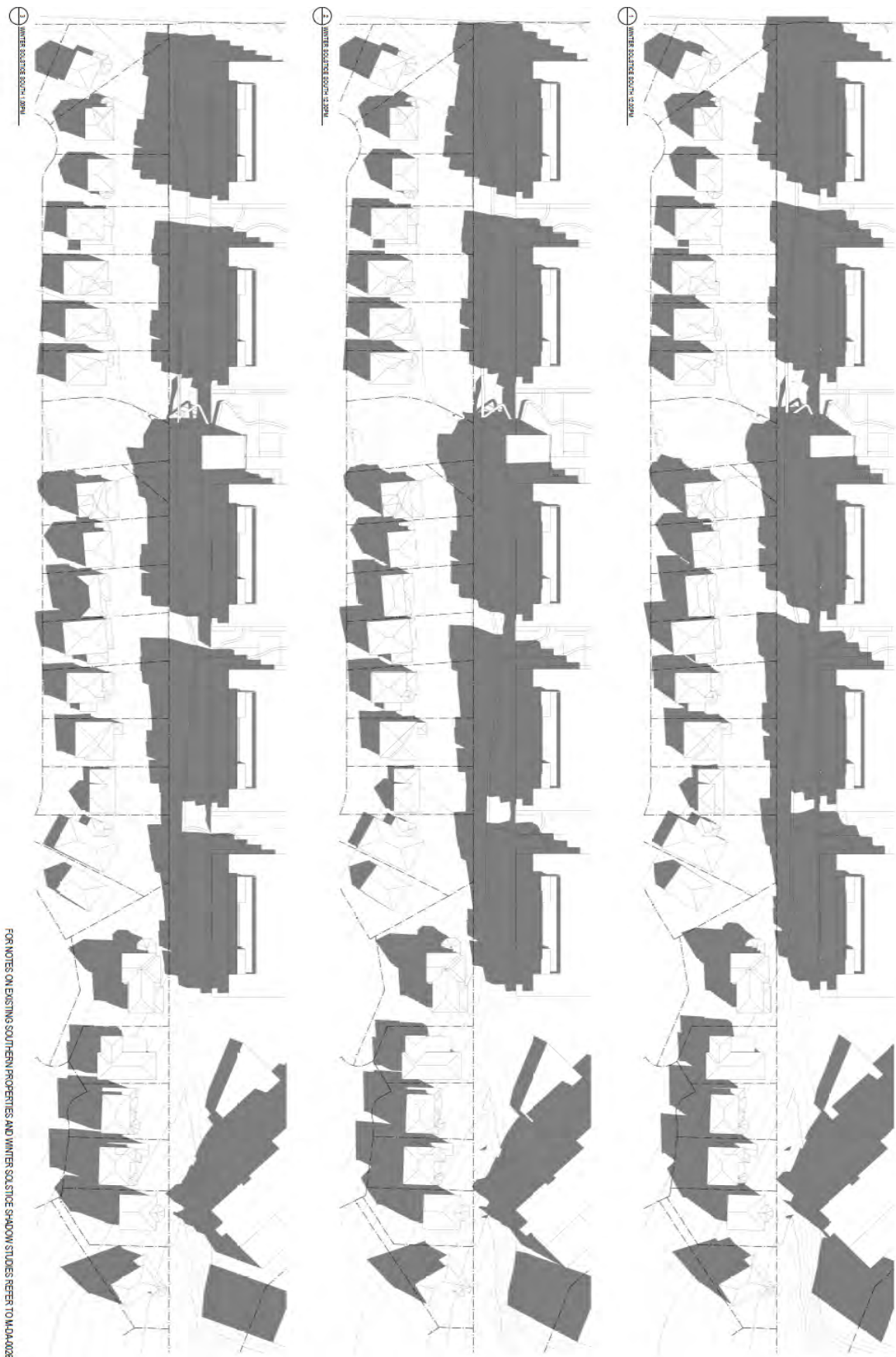
ATTACHMENT 21 – SHADOW DIAGRAMS 21 JUNE - 9AM TO 10AM



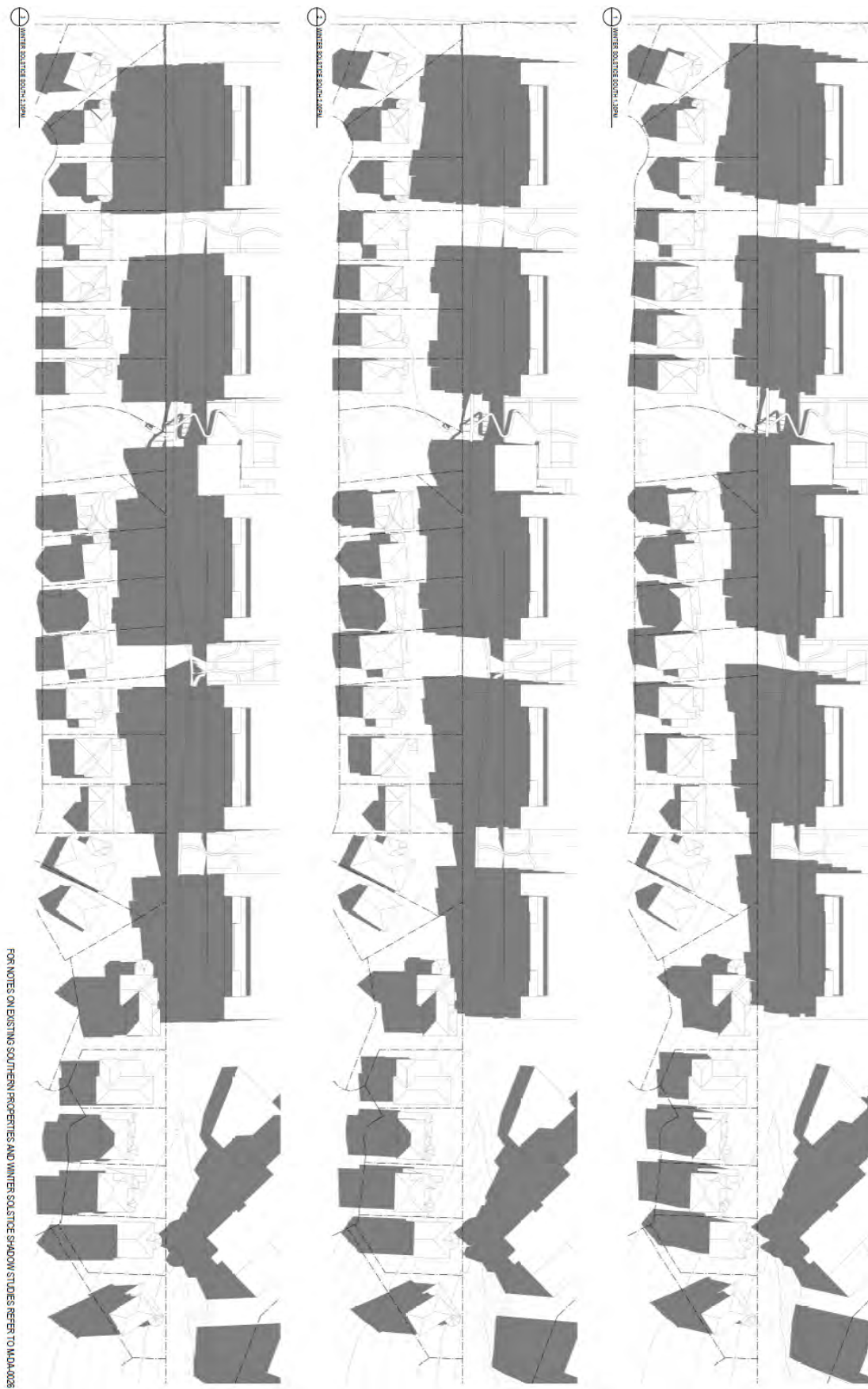
ATTACHMENT 21 – SHADOW DIAGRAMS 21 JUNE -10:30AM TO 11:30AM



ATTACHMENT 21 – SHADOW DIAGRAMS 21 JUNE – 12PM TO 1PM



ATTACHMENT 21 – SHADOW DIAGRAMS 21 JUNE – 1:30PM TO 2:30PM



ATTACHMENT 21 – SHADOW DIAGRAMS 21 JUNE – 3PM



ATTACHMENT 22 –LANDSCAPE PLAN









