

SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	2017SWC124
DA Number	992/2016/JP/C
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) Modification to an Approved Seniors Housing Development (Masterplan and Stage 1 Built Form)
Street Address	Lot 1 DP 1217654, 26-30 Norbrik Drive, Bella Vista
Applicant/Owner	Aveo Southern Gateway Pty Ltd
Date of DA lodgement	3 October 2017
Number of Submissions	Ten (10) submissions
Recommendation	Approved subject to conditions
Regional Development Criteria	<p>CIV Over \$30 Million – General Development</p> <p>Section 4.55(2) Modification Applications require determination by the Joint Regional Planning Panel is still applicable under Clause 151 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(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: s4.15(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s4.15(1)(a)(c) <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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s4.15(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000

List all documents submitted with this report for the Panel's consideration	10 Submissions
Report prepared by	CYNTHIA DUGAN DEVELOPMENT ASSESSMENT CO-ORDINATOR
Report date	11 APRIL 2018

Summary of S.4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

Development Application No. 992/2016/JP was approved by the Joint Regional Planning Panel (JRPP) (now Sydney Central City Planning Panel) on 18 August 2016. The approval was for a Master Plan for a Seniors Living development, located within the Circa Precinct of Norwest Business Park, to be carried out over six stages with a Built Form component identified as Stage 1 comprising two buildings known as Building A and Building B. Building A comprised of a ten storey building with 64 retirement living units (7 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 70 vehicles. Building B comprised of a nine storey building with 67 retirement living units (10 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 70 vehicles. Buildings A and B are currently under construction.

The applicant seeks to amend the building height and increase the floor area of Building B, subsequently increasing the yield of Seniors Living units from 446 to 462 units and overall Floor Space Ratio to 1.08:1 for the masterplan. Minor amendments to the approved landscaped plan for Stage 1 are also proposed. A new Development Application (1582/2017/JP) was lodged for Building B that increases the height of the building from 9 storeys to 11 storeys and increases the floor area by 1,992m² resulting in a floor space ratio of 1.08:1 for the Master Plan (approved at 1.05:1). This Development Application is reported to the Panel concurrently for consideration. A Clause 4.6 variation to the Floor

Space Ratio development standard was submitted and recommended to be supported under Development Application No. 1582/2017/JP.

The proposal was made under SEPP (Housing for Seniors or People with a Disability) 2004 and is consistent with the original assessment with regard to compliance with relevant development standards.

Given the amendments to Building B, the subject modification application has been lodged to address any changes to conditions and approved plans under the Master Plan and Stage 1 Built Form (Buildings A and B). This is to ensure that DA 1582/2017/JP is consistent with the overall masterplan in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.

The proposed modification remains generally consistent with the original approved masterplan and Stage 1 Built Form and is in keeping with the character envisaged for the Circa Precinct within Norwest Business Park. It is noted that Planning Proposal 19/2015/PLP for the Circa Precinct proposes a floor space ratio of 1.2:1 for the subject site. The Planning Proposal was supported by Council and received Gateway Determination on 8 September 2016. The height and proportion of Building B is considered to be commensurate of the character envisaged for the Circa Precinct and does not result in further amenity impacts to adjoining residential properties.

The proposal was notified to adjoining property owners and ten submissions were received. The issues raised in the submissions primarily relate to building height, amenity, visual and acoustic privacy, loss of solar access, safety, local character and permissibility and Council's community consultation processes. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

The modification application is recommended for approval subject to revised conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	AVEO Southern Gateway Pty Ltd	1.	<u>Section 4.15 (EP&A Act)</u> - Satisfactory
		2.	<u>Section 4.55 (EP& A Act)</u> - Satisfactory
Zoning:	B7 Business Park	3.	<u>SEPP (Housing for Seniors or People with a Disability) 2004</u> - Satisfactory
Area:	5.944 Hectares	4.	<u>SEPP (State & Regional Development) 2011</u> - Satisfactory
Existing Development:	Dry detention basin and Buildings A and B are currently being constructed.	5.	<u>LEP 2012</u> - Satisfactory
		6.	<u>The Hills DCP 2012</u> - Variations, see report
		7.	<u>Section 7.11 Contribution</u> - Yes, condition of consent No. 54 has been modified to apply Section 7.11 Contributions (\$447,750.75) for Building A. Section 7.11 Contributions (\$506,603.34) have been applied for Building B under Consent No. 1582/2017/JP and deleted from this consent.

SUBMISSIONS**REASONS FOR REFERRAL TO SCCPP**

1. Exhibition:	14 days	1.	Section 4.55 Modification Applications require determination by the JRPP (now SCCPP)
2. Notice Adj Owners:	Yes		
3. Number Advised:	125		
4. Submissions Received:	10 submissions were received.		

HISTORY**22/11/2007**

Development Application (82/2008/HA) was 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.

1/04/2008

Development Application (1128/2008/HA) was approved for the construction of a data centre comprising three buildings and associated car parking. This consent was not enacted.

10/06/2008

Development Application (83/2008/HA) was approved for the construction of a wet and dry detention basin including discharge through Francesco Avenue Reserve.

25/03/2009

Development Application (900/2009/HA) was approved for the construction of a dry detention basin with storage capacity of 10,000m³.

18/03/2016

Development Application (485/2016/HC) was approved under delegated authority 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 was proposed to 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.

18/08/2016

Development Application (992/2016/JP) for the Master Plan and Stage 1 construction for the Circa Seniors Housing Development was approved by the SWCPP. The development comprised 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. An FSR of 1.05:1 was approved.

8/09/2016

Planning Proposal (19/2015/PLP) received Gateway Determination by the Department of Planning and Environment. The Planning Proposal seeks to facilitate development of the Circa Precinct of Norwest Business Park by increasing 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 increase the maximum floor space ratio, in specific locations, from 1:1 to 1.2:1, 2:1 and 3:1.

5/12/2016	Section 96(1A) modification to DA992/2016/JP Revision A to amend the timing of payment of Section 94A Contributions was approved under delegated authority.
10/02/2017	Planning Proposal (15/2015/PLP) was gazetted by the NSW Department of Planning and Environment. The Planning Proposal involved amendment to Schedule 1 'Additional Permitted Uses' and the associated Additional Permitted Uses Map to permit the use of land at 26, 28 and 30 Norbrik Drive, Bella Vista (Lots 1 and 2 DP1195652 and Lot 701 DP1198639) for the purposes of ' <i>seniors housing</i> ' with development consent.
18/04/2017	Development Application (1582/2017/JP) lodged for the construction of an 11 storey building with 83 retirement living units and 90 car parking spaces. This application is being assessed concurrently with the subject application.
20/07/2017	Section 96(1A) modification to DA 992/2016/JP Revision B to split the staging of the Stage 1 component to include Stage 1A (Building A) and Stage 1B (Building B) and includes design changes within Stage 1.
16/08/2017	Site inspection conducted for Development Application No. 1582/2017/JP confirming that physical commencement of works has commenced for Building B under DA 992/2016/JP for the Stage 1 Built form component of the consent. In this regard, the applicant was requested to lodge a 4.55(2) modification under the parent consent to ensure consistency with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
24/08/2017	Meeting held with applicant to discuss outstanding issues related to the subject application and the lodgement of Section 4.55 modification to consent No. 992/2016/JP.
3/08/2017	Subject Section 4.55(2) modification to consent No. 992/2016/JP was lodged.
17/11/2017	The applicant was requested to comply with Clause 7.7 Design Excellence of The Hills LEP 2012 as the proposal involved external façade changes to a building that has a height of 25 metres or more which was amended on 17 November 2017. Clause 7.7(3) requires that consent cannot be granted to the development unless the consent authority considers that the development exhibits design and must specifically take into consideration the findings of a Design Excellence Panel.
22/02/2018	Design Excellence Panel Meeting held and Development Application 1582/2017/JP presented by the applicant and considered by the Panel.
8/03/2018	Design Excellence Panel Meeting Minutes distributed to the applicant.
21/03/2018	Applicant submitted amended plans with Development Application No. 1582/2017/JP to address the Design Excellence Panel's concerns.

APPROVED MASTERPLAN AND STAGE 1 BUILT FORM DEVELOPMENT APPLICATION (992/2016/JP)

Development consent has been granted 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 11 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 comprised the construction of two buildings being 10 storeys (Building A) and 9 storeys (Building B) in height. Building A is currently under construction and comprises of 64 retirement living units (7 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 69 vehicles. Approved Building B comprises of 67 retirement living units (10 x 1 Bedroom, 38 x 2 Bedroom, 19 x 3 Bedroom) and parking for 70 vehicles. The buildings will 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 provided for 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 Site Plan and Staging plan are detailed below:



Figure 1: Site Plan approved under DA 992/2016/JP

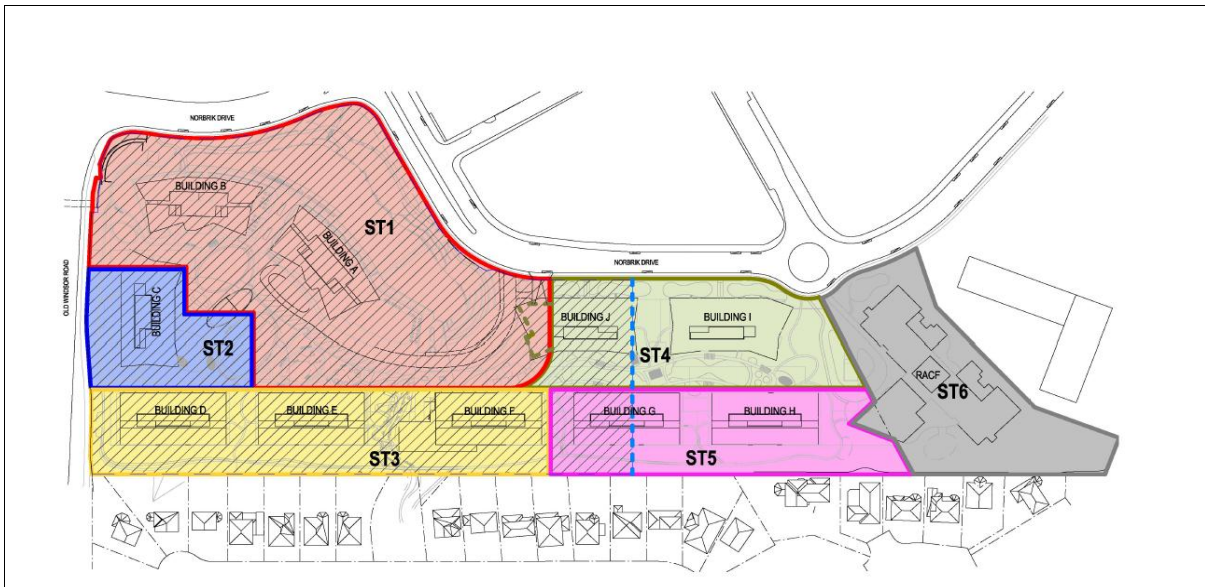


Figure 2: Staging Plan approved under DA 992/2016/JP

The approved development is summarised in the below table:

Building	Stage	Height	Unit Yield	GFA(m ²)
Building A	Stage 1A	10 Storeys and RL 109.87	64	10105
Building B	Stage 1B	9 Storeys and RL 106.01	67	8274
Building C	Stage 2	8 Storeys and RL 100.60	62	7223
Building D	Stage 3	6 Storeys and RL 93.80	46	4801
Building E	Stage 3	4 Storeys and RL 87.20	30	2976
Building F	Stage 3	4 Storeys and RL 89.40	25	3477
Building G	Stage 5	4 Storeys and RL 90.00	30	2967
Building H	Stage 5	4 Storeys and RL 92.20	30	2975
Building I	Stage 4	6 Storeys and RL 98.70	45	5278
Building J	Stage 4	7 Storeys and RL 100.30	47	5790
RACF	Stage 6	4 Storeys and RL 93.20	-	8570
			TOTAL – 446 units	59410
				FSR 1.05:1

CIRCA PRECINCT PLANNING PROPOSAL (19/2015/PLP)

The site is subject to a precinct wide Planning Proposal 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 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 received Gateway Determination on 8 September 2016 by the Department of Planning and Environment. On 6 October 2017, the delegate of the Greater Sydney Commission granted an extension of time to complete the Planning Proposal by 15 June 2018 through alteration of the Gateway Determination.

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.



Figure 3: Aerial Map of Circa Precinct

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.

PROPOSAL

Development Consent No. 992/2016/JP for the Master Plan and Stage 1 Built Form construction for the Circa Seniors Housing Development was approved by the JRPP (now SCCPP) on 18 August 2016.

The subject Section 4.55 modification application seeks to amend the approval as follows:

Masterplan

- The unit yield of the Master Plan would increase from 446 units to 462 units.
- The Master Plan floor space ratio would increase from 1.05:1 to 1.08:1.

Stage 1 (Buildings A and B)

- A revised Stage 1 Landscape Plan and planting schedule that incorporates minor changes to external planting to align with new architectural plans for Building B.

Stage 1B (Building B)

- The addition of two levels (9 storeys to 11 storeys) from RL106.01 to RL110.85
- The addition of 16 units and 1,992m² in floor area which results in an increase in number of units from 67 to 83;
- Decrease in floor to floor heights from 3260mm to 3100mm for all typical levels and from 4550mm to 3900mm to the ground floor;
- Changes to façade treatment including additional screening for privacy and balustrade treatment changed from solid to glazing;
- Line of glazing to library amended on ground floor;
- Awning added at Level 1 to provide amenity and shadowing for library patrons at ground floor;
- Lift shaft and services cores revised and mirrored;
- Relocation of entry and building alterations; and
- Structural changes from Cross Laminated Timber (CLT) to a concrete framed structure.

The proposed modification is summarised in the table below:

Building	Stage	Height	Unit Yield	GFA(m ²)
Building A	Stage 1A	10 Storeys and RL 109.87	64	10105
Building B	Stage 1B	11 Storeys and RL 110.85	83	10267
Building C	Stage 2	8 Storeys and RL 100.60	62	7223
Building D	Stage 3	6 Storeys and RL 93.80	46	4801
Building E	Stage 3	4 Storeys and RL 87.20	30	2976
Building F	Stage 3	4 Storeys and RL 89.40	25	3477
Building G	Stage 5	4 Storeys and RL 90.00	30	2967
Building H	Stage 5	4 Storeys and RL 92.20	30	2975
Building I	Stage 4	6 Storeys and RL 98.70	45	5278
Building J	Stage 4	7 Storeys and RL 100.30	47	5790
RACF	Stage 6	4 Storeys and RL 93.20	-	8570
			TOTAL – 462 units	64429 FSR 1.08:1

ISSUES FOR CONSIDERATION

1. Assessment under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved.

The proposed modification seeks approval to amend the building height and increase the floor area of Building B, subsequently increasing the yield of Seniors Living units from 446 to 462 units and overall Floor Space Ratio to 1.08:1 for the masterplan. Minor amendments to the approved plans for Stage 1 are also proposed.

The built form remains generally consistent with the original approved Stage 1 Built Form and is in keeping with the character envisaged for the Circa Precinct within Norwest Business Park.

The proposed modification is considered to be substantially the same development as originally approved by Council.

The original development was determined by the then JRPP (now SCCPP) as the Capital Investment Value exceeded \$20 million. In addition, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 4.55 of the EP & A Act. Under Clause 151 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, the proposed Section 4.55(2) modification still requires determination by the SCCPP.

2. Assessment under Section 4.24 of the Environmental Planning and Assessment Act, 1979.

Section 4.24 of the Environmental Planning and Assessment Act, 1979 requires the following:

4.24 Status of concept development applications and consents

- (1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.*
- (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*
- (3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.*

Note.

See section 95 (2) which prevents a reduction in the 5-year period of a development consent.

Due to physical commencement of works having being undertaken for Stage 1 (Buildings A and B), the Masterplan and Stage 1 Built Form consent No. 992/2016/JP is now operative. To ensure consistency with the original staged development consent, the subject Section 4.55 modification has been lodged which is required to be assessed concurrently with Development Application No. 1582/2017/JP for Building B.

3. State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 requires Council consent functions to be exercised by regional panels under the previous Section 96 (2) of the Environmental Planning and Assessment Act, 1979. Under Clause 151 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, the proposed Section 4.55(2) modification still requires determination by the SCCPP. In this regard, the application is still listed with the SCCPP for determination.

4. 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.

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 original Development Application was accompanied by a Preliminary Contamination Assessment prepared by Geotechnique Pty Ltd and dated December 2015. As the proposed modification does not alter the building location of approved Building B, the findings of the investigation can be relied upon. The findings 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'.

Appropriate conditions of consent have already been conditioned in the original consent to ensure that the recommendations of the report are implemented during the course of construction. Refer to condition No. 34 in original consent.

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.

5. 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.

5.1 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.*

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 for Building B (1582/2017/JP) was accompanied by an amended Acoustic Assessment prepared by Renzo Tonin and Associates dated 21 February 2017. The assessment concluded that the appropriate controls can be incorporated into the building design to achieve a satisfactory noise environment consistent with the intended quality of the building and the NSW Industrial Noise Policy and Road Noise Policy.

Council's Senior Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the Acoustic Assessment and no additional conditions are recommended in the subject consent.

5.2 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 Section 4.55 Application as referred to the NSW Roads and Maritime Service for review. The NSW Roads and Maritime Service states that *"the proposed amendments are inconsequential to the changes to Building B within Stage 1 for Seniors Housing Development"* and raised no objections to the proposal.

Additionally, Council's Principal Traffic & Transport Co-ordinator has reviewed the proposal and raised no objection with respect to traffic generation.

6. 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 revised BASIX assessment has been undertaken for Building A and Building B 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 have been modified in the consent for the Stage 1A and 1B Built Form component.

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

The approved masterplan and Stage 1 built form comprises of 11 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 Section 4.55 modification seeks to amend the building height and increase the floor area of Building B which would increase the overall yield of the Seniors Housing masterplan development by 16 units to 462 self-contained dwellings. The modifications to Building B have been assessed against the requirements of SEPP (Housing for Seniors or People with a Disability) 2004 under Development Application 1582/2017/JP.

The proposed modification would not alter the requirements of the SEPP relating to general, site-related and design which have been adequately addressed under the original assessment of the application or under Development Application 1582/2017/JP.

The proposed modification would not result in any change to this assessment of the development standards for minimum sizes and building height that have been assessed in the original application.

The proposed modification would not result in any change to the assessment of the development standards that cannot be used as grounds to refuse consent for residential care facilities as the proposal does not seek any modifications to the residential care facility.

The standards that cannot be used to refuse development consent for self-contained dwellings have been adequately addressed under Development Application 1582/2017/JP. In this regard, no reassessment of the requirements or development standards is required under the subject application.

8. 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.

The proposed development is now permissible under The Hills Local Environmental Plan 2012 (Amendment No. 38) which creates Item 11 on the Additional Permitted Uses Map and allows for seniors housing development with development consent on the subject site. The relevant development standards and provisions of the LEP are addressed below.

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 Ratio	1:1	1.08:1	No – refer to discussion below.
Building Height	RL 116	Building B – RL 110.85	Yes

8.1 Variation to Floor Space Ratio

The applicant has submitted a Clause 4.6 variation to the Floor Space Ratio development standard under Development Application 1582/2017/JP. As Clause 4.6 Exceptions to development standards only operates to prevent the grant of development consent, as distinct from the modification of development consent, the applicant has provided the following justification for the further variation to the development standard under the subject modification application:

The site is subject to a floor space ratio control of 1:1 under Council's LEP. Previously when Council assessed the Master Plan and Stage 1 development application, Council approved a request to apply Clause 4.6 to permit a floor space ratio of 1.05:1. During the assessment process this floor space was reduced from 1.09:1 as a result of amendments to decrease the height of buildings adjacent to the southern boundary of the site. This amendment resulted in a reduction of 2,112m² in floor space.

Building B proposes two additional levels adding 16 independent living units or 1,992m² additional floor spaces when compared to the existing Master Plan and Stage 1 approval. As a result, the overall FSR for the retirement development will be 1.08:1 representing in a 3% over the current approval. In support of a request to vary the approved floor space ratio control the following is relevant:-

- The proposed Building B will occupy the same footprint and location as the current approval with minimal change to building envelope, façade treatment and no change to its landscape setting or contribution to residents amenity;*
- The increase in height of 4.84m will still mean the Building B fits under the LEP height control of RL 116m with no impact on the key view corridors to Bella Vista Farm Park along Norbrik Drive, and Bella Vista Farm Park to and from Pearce's Cemetery;*
- Building B is remote from the neighbouring residential properties and the two additional levels will have no impact on the southern boundary overshadowing or overlooking to adjoining neighbours;*
- The design of Building B remains to be similar to Building A and commensurate with the character, bulk and scale of buildings in the developing commercial employment setting envisaged for the Circa Precinct;*
- There is no impact on overall approved site coverage, landscaped area or deep soil planting and the landscape scheme for the development is unaffected by the proposal;*
- The provision of additional independent living units is a positive outcome in terms of meeting demand for housing for seniors and people with a disability; and*

In addition the Circa Commercial Planning Proposal which increases the floor space ratio from 1:1 to 1.2:1 has received Gateway approval for public exhibition. For these reasons it is considered that application of the standard FSR of 1:1 is unreasonable and unnecessary and Council is requested to support the variation in this instance.

Comment:

Whilst a Clause 4.6 Exceptions to development standards only operates to prevent the grant of development consent, the objectives of Clause 4.6 of the LEP will still be applied in assessing a variation to the Floor Space Ratio for the subject modification application.

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

The proposed modification comprises a floor space ratio of 1.08:1 which exceeds the development standard of 1:1 by 8%. This is an additional increase of 1,992m² in floor area and 3% to the 1.05:1 floor space ratio that was supported under a Clause 4.6 variation in the original consent.

The applicant seeks a variation to the above floor space ratio standard. Pursuant to clause 4.6 of LEP 2012, Council can grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

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. Proposed Building B comprises a height of RL110.85 which is 5.15 metres below the building height development standard pursuant to Clause 4.3 of the LEP. In contrast,

Building B would be 0.98 metres above the approved height of adjoining Building A (RL109.87) which also fronts Norbrik Drive. The additional height of Building B does not impose on the heritage view corridors between Bella Vista Farm and the Pearce Family Cemetery and complies with the height plane incorporated under the DCP.

The proposed modification does not alter the building envelope of Building B approved under the masterplan and Stage 1 built form consent and therefore maintains the front setbacks, generous landscaped area and deep soil zones that exceed the requirements under SEPP (Housing for Seniors or People with a Disability) 2004. The secondary setback area will be embellished with additional landscaping which will assist in obscuring the base of the building from Old Windsor Road and will minimise adverse impacts to adjoining residential properties.

It is noted that a Planning Proposal proposing a floor space ratio of 1.2:1 for the subject site was supported by Council and received Gateway Determination on 8 September 2016. The Delegate of the Greater Sydney Commission determined that the planning proposal proceed subject to conditions requiring Council to update the proposal to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Lane, consultation with relevant public authorities and community consultation within 12 months from the week following the date of the Gateway determination.

The height and proportion of Building B is considered to be commensurate of the character envisaged for the Circa Precinct and will form an iconic building at the gateway to the Circa Precinct. The building utilises a curvature footprint which seeks to maximise the northerly orientation and assists in minimising bulk and scale. Building B will incorporate high quality architectural elements inspired by the heritage significance of Bella Vista Farm Park and the Pearce Family Cemetery. Screening elements have been incorporated into the front facades to Building B which emphasises the height and prominence of the building to visually hold the corner. Other architectural design features include the provision of vertical fins and slots, horizontal banding elements, colours and finishes that break up the building mass into three distinct top, middle and bottom components and the modulation of the roof which is consistent with adjoining Building A and enhances 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.

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.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development is well founded. In relation to the 'five part test' the objection to the floor space ratio standards is well founded on Part 1 of the test as the objectives of these standards are achieved notwithstanding non-compliance with the standards.

Further to the five part test it was determined in that satisfaction of the objectives (Part 1 of the test) was not solely sufficient to satisfy the requirements of Clause 4.6(3). Accordingly, whether or not the variation results in a better planning outcome is considered. The proposal is considered to result in a better planning outcome as follows:

- The two additional levels that result in a further variation to the FSR are still 5.15 metres below the building height development standard and only 0.98m above approved Building A. Buildings A and B have been designed as a pair and the consistency in height levels would provide a continuity in architectural expression.
- The shadow cast by the additional two levels will not impacts on adjoining residential properties to the south of the site.
- The proposal ensures will be consistent with the approved Masterplan and Stage 1 Built Form Seniors Housing Development and which is consistent with the desired future character of the locality.
- The proposal complements and enhances the local streetscape by virtue of its corner location and landscaped setting to Norbrik Drive and Old Windsor Road which serves as a gateway to the Norwest Town Centre.

The proposal is considered to result in a better planning outcome and satisfies the requirements of Clause 4.6(3).

In view of the above, it is considered that the variation to the floor space ratio development standard is satisfactory.

8.2 Design Excellence

On 17 November 2017, The Hills LEP 2012 (Amendment No. 43) amended Clause 7.7 Design Excellence. Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*
- (e) *the requirements of any development control plan to the extent that it is relevant to the proposed development,*
- (f) *how the development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain,*

- (xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,
- (g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

The applicant has provided the following response to the Clause:

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more.

Response:

The subject application [Proposed Building B DA1582/2017/JP] seeks approval for a number of building amendments to an approved Staged development (Stage 1 – Approved both Buildings A and B) and Master Plan approval (992/2016/JP) in the Aveo Retirement Village at Circa. This development application was accompanied by numerous supporting statements including a Design Statement prepared by Jackson Teece (December 2015). As there is no savings provisions for development already submitted, this clause applies to the subject application. In terms of the accompanying Section 96 Modification to the approved Master Plan, Clause 7.7 does not apply as this is a modification to an existing approval.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

Response:

Any approval granted must be based on consideration that the development exhibits design excellence. In this regard, substantive supporting material and justification for the design was submitted and considered favourably in granting the previous approval. As outlined in the Statement of Environmental Effects, the current proposal seeks approval for two additional storeys, only minor façade changes, and remains largely within the existing approved building footprint and envelope. These changes are minimal to retain a similarity with the external appearance of approved Building A now under-construction.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

Response:

The standard of design, building materials, building type and the location were assessed part of the overall Master Plan and Stage 1 DA. The current Development Application results in two extra levels comprising sixteen (16) additional independent living units (ILU's), results in a total of 83 ILU's for Building B, along with minor reconfiguration of the internal layout, and minor external façade changes when compared to the previous Master Plan and Stage 1 approval. In terms of architectural design, materials, and detailing, these are substantially the same as previously approved.

(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

Response:

There is no change to the approved public and resident community domain which provides a high level of amenity for residents and public access to facilities on site and inter-connectivity with the locality.

(c) whether the development detrimentally impacts on view corridors,

Response:

View corridors were assessed with the approved development. The current proposal makes no further change to view corridors and has the same impact as the approved Building B, given no change to the siting and position of the proposed Building B on the site.

(d) whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,

Response:

The proposal results in no impact on adjoining properties in terms of overshadowing or solar access. The increase in building height by two levels does result in a minor impact on proposed (future) Building C (Master Plan approved but not yet subject to a development application). Proposed Building B still results in an overall Master Plan compliance with solar access.

(e) the requirements of any development control plan to the extent that it is relevant to the proposed development,

Response:

The proposed development has been assessed in detail in the submitted Statement of Environmental Effects and considered on balance substantially comply with the relevant DCP controls. Where variations occur these have also been considered on merit and not found to have any adverse impact.

(f) how the development addresses the following matters:

(i) the suitability of the land for development

Response:

Site suitability was considered with the previous approval;

(ii) existing and proposed uses and use mix

Response:

These aspects were considered with the previous approval and still relevant given no changes to proposed uses and mix.

(iii) heritage issues and streetscape constraints

Response:

The proposal does not alter previous heritage considerations or impacted by streetscape constraints given occupation of the substantially same building footprint and envelope;

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

Response:

The proposal does not alter the previous relationship with adjoining development (existing or proposed) given occupation of the substantially same building footprint and envelope;

(v) bulk, massing and modulation of buildings

Response:

With the exception of the addition of two levels building bulk, massing and modulation is relatively unchanged and replicates those elements in the previous approval as shown in drawings submitted with the application.

(vi) street frontage heights

Response:

The proposed development increases building height by 4.84m over the previous proposal. In the context of the development this variation has no adverse impact on street frontages.

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity

Response:

The increased height of Building B creates overshadowing on Proposed (future) Building C which will be reviewed with a future DA for Building C. Other environmental aspects remain unchanged from the previous approval.

(viii) the achievement of the principles of ecologically sustainable development

Response:

No change from previous approval.

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements

Response:

No change from previous approval and all requirements met.

(x) the impact on, and any proposed improvements to, the public domain

Response:

The proposal improves public domain by providing additional public open space adjacent to the lake (detention basin) in front of Building A and proposed Building B, and potential pedestrian link to Council's open space and resident access to Circa Retail, as previously approved.

(xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,

Response:

The proposed development retains public access, communal open space and other facilities as previously approved.

(g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

We note Council's Panel is not yet formed and Council's Urban Designer has provided comments which are reviewed below. It is submitted that the issue of the panel does not

arise as at the time of providing this response, Council has not convened a panel to review the design excellence of this development application. Should the Council do so, we request these comments also be made available for the panel's consideration, along with our development application and previous approvals.

Comment:

The design excellence of the proposal was considered at a Design Excellence Panel meeting convened by Council and held on 22 February 2018. The following concerns raised by the panel:

- 1. Solar access to remaining proposed development blocks is removed by building blocks A and B and future development may struggle to reach compliance with SEPP65/ADG.*
- 2. The future lower blocks appear too repetitive and the panel recommends alternative layouts to improve orientation, minimise overlooking to south neighbours to create more communal open space variety.*
- 3. Impact on heritage views between Bella Vista Farm and the Pearce Family Cemetery does not seem to be fully resolved with Office of Environment & Heritage.*
- 4. Delineation of public and private open space is by many long fence lines, visual quality, variety and integration with landscape fencing is to be considered along with security.*
- 5. Spatial diversity and human scale must be carefully considered in development of the public domain and built form. Most 55's wishing to downsize are used to a domestic scale not an institutional scale.*
- 6. Safety and Security, prevention of members of public including children from falling into the lake is unclear. How this is to be resolved, needs to be addressed.*
- 7. Public access lines and ease of access to pedestrian bridge across Windsor Road are unresolved and do not seem to encourage public access to site. Why has the bridge been deferred?*
- 8. Location of public open space that has access to sunlight should be expanded to provide greater accessibility particularly the boardwalk along the lake edge. Width of proposed boardwalk could be increased to provide more amenity, given that the proposed communal open space is mostly overshadowed between 9am to 3pm during mid-winter.*
- 9. Circulation and access to residents of proposed community is unclear. More clarity is needed on how access is to be provided for residents to easily leave the community to go shopping in the adjacent block. Pedestrian paths of access and proposed crossing points need to be diagrammatically plotted and illustrated.*
- 10. The interaction of the buildings with the greater context is unclear; the master plan needs to demonstrate how the development does not present as a gated community. Integration with the wider community is not yet convincing.*
- 11. Location and height of buildings A and B have a significant impact within the wider landscape setting due to the bulk and scale of the built forms which due to close adjacency present as a single building form approximately 150m in length.*
- 12. The panel recommended that building B be distinguished from Building A in its architectural aesthetic to break down the scale and create more visual diversity.*

It is considered that the concerns raised at the Panel meeting are not matters for consideration under the subject modification consent or are issues that have been addressed under Development Application 1582/2017/JP. Notwithstanding, the following comment is made with regard to the points raised. With regard to point 1, solar access to units within masterplan was assessed as satisfactory, achieving compliance with the Apartment Design Guide which requires at least 70% of apartments receiving a minimum 2 hours direct solar access between 9am and 3pm midwinter. As assessed under Development Application 1582/2017/JP, the proposed modification would still achieve

compliance with the ADG in this respect. Future buildings would require assessment under a separate Development Application and will be assessed on merit.

With regard to point 2, building envelopes have already been approved and assessed as satisfactory. Details of the buildings C to J would be provided and assessed under future Development Applications.

With regard to point 3, heritage impacts have been addressed under the original assessment. The heritage impacts to the additional levels of Building B have been assessed under Development Application 1582/2017/JP. It was found that the form and scale of proposed Building B is appropriate to its context and setting and its relationship to Bella Vista Conservation Area and the Pearce Family Cemetery and therefore meets the objectives of Clause 5.10.

With regard to point 4, the development incorporates an open style 1.8m high prefabricated metal palisade fence to delineate the public and private domain areas internally within the site and will not be located on the street frontages.

With regard to point 5, spatial diversity and human scale has been considered in the redesign of Building B and addressed in Development Application 1582/2017/JP. This concern will also be addressed under future development applications for subsequent buildings along the road frontages.

With regard to point 6, the approved landscape plan indicates that terracing is proposed to the lake rather than a steep drop to the lake.

With regard to point 7, the pedestrian bridge and lower boardwalk have been deleted from the original consent under Section 96(1A) modification 992/2016/JP/B.

With regard to point 8, open space has previously been assessed under the original assessment of the application.

With regard to point 9, circulation and access were addressed under the original assessment of the application.

With regard to point 10, integration, siting and context of the approved development has already been assessed as satisfactory.

With regard to point 11 and 12, Building B has been modified in design to be distinct from Building A with the use of differing colours and materials.

In this regard, the proposed modification is considered to be satisfactory with regard to Clause 7.7 Design Excellence.

8.3 Heritage

Clause 5.10 of the LEP specifies objectives for the conservation of heritage items and conservation 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 within the vicinity of two State listed heritage items known as "Bella Vista" Conservation Area, 650 metres to the north of the site and the "Pearce Family Cemetery" 1km south of the site and 50 metres west of an archaeological site of local significance known as "Original Section of road and culvert" within the road reserve of Old Windsor Road.

Bella Vista Conservation Area 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 Conservation Area includes the built form and the Bunya Pines in addition to the protection of key vistas to and from the Park.

Pearce Family Cemetery is located on Seven Hills Road and has been identified as providing an important view to and from Bella Vista Conservation Area.

The "original section of road and culvert" within the road reserve of Old Windsor Road is identified as an archaeological site. The view corridor to and from Bella Vista Conservation Area has been identified as an important view.

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.

The original application was referred to the Office of Environment and Heritage for concurrence. No objections were raised and the Office stated the following:

"The proposal is unlikely to have an adverse impact on the heritage significance of Bella Vista"

No conditions were provided in relation to the approved development. In this regard, there are no statutory requirements to refer the proposed modification back to the Office of Environment and Heritage under a Section 4.55(2) modification application.

An amended Heritage Impact Report was submitted with the subject application which concludes that the proposal would unlikely have an adverse impact on the heritage significance of Bella Vista (the Homestead and ridge line) and the Pearce Family Cemetery. In addition, Building B is not located within the view corridor to and from Bella Vista Conservation Area and Pearce Family Cemetery. The report also indicates that Building B is located within the view corridor marked B as indicated in Section 2.6(h) of Part B Section 6 Business of The Hills DCP 2012. As acknowledged in the assessment of the approved masterplan and Stage 1 built from application, the view from the north to south has already been partially obscured by infill developments such as the Medical Centre and the Q-Central building. Similarly, the view from the south to the north on the "original" Old Windsor Road has been significantly impacted by the construction of buildings and public infrastructure including a T-way and pedestrian overpass. The subject application seeks consent for the construction of an eleven storey building, which is an extension of the built form for a nine storey residential flat building approved under 992/2016/JP. The additional height of 4.84m will result in a maximum height of RL 110.85 and still complies with the maximum RL under Clause 4.3 of the LEP and will not exacerbate the heritage impacts of the approved Building B.

The applicant has demonstrated that proposed Building B has been designed in a form and scale appropriate to its context and setting and its relationship to Bella Vista Conservation Area and the Pearce Family Cemetery and therefore meets the objectives of Clause 5.10. Clause 5.10 of the LEP specifies objectives for the conservation of heritage items and conservation 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.

In this regard, no objections are raised to the proposed development on heritage grounds.

9. SEPP 65 – Design Quality of Residential Flat Development and the Apartment Design Guidelines

The subject modification application has been considered under SEPP 65 requirements and the Apartment Design Guide (ADG). The proposed modification includes the addition of two levels for Building B which has been assessed under Development Application No. 1582/2017/JP. The subject application does not result in any changes to Building A. In this regard, the proposed modification is consistent with the original assessment of the relevant design quality principles and ADG requirements within the SEPP.

10. The Hills Development Control Plan 2012

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

10.1 Part D Section 6 – Business

The subject modification application has been assessed against the relevant controls of Part B Section 6 – Business and has been found to be consistent with the original assessment. No further variations are proposed.

10.1.2 Part B Section 5 – Residential Flat Buildings

The subject modification application has been assessed against the relevant controls of Part B Section 5 – Residential Flat Buildings. 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 proposed modifications have been found to be compliant with Part B Section 5 with the exception of the following:

10.1.2 Unit Layout and Design

The DCP requires a maximum of 30% Type 1 apartments, a maximum of 30% Type 2 apartments and all remaining units to comply with the Type 3 apartment size. The following table outlines the apartment type categories:

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

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

- One Bedroom: 67m² to 97m²
- Two Bedroom: 92m² to 115m²
- Three Bedroom: 132m² to 152m²

With respect to compliance, 0% of units are Type 1, 83% of units are Type 2 and the remaining 17% of units will be Type 3. In this regard, the proposal significantly exceeds the maximum permitted Type 2 apartment size by 53%.

The applicant has provided the following justification for the variation to apartment size:

An assessment of unit sizes proposed for Building B shows clearly the distinction between housing needs to accommodate seniors and people with a disability compared the DCP control focused on the needs of young families. Building B and the Master Plan and Stage 1 development approval is designed for people at a different stage in their life cycle as well as those needing care and support. Issues such as wheel chair accessibility and adaptability have significant influence on the size of units required for seniors and people with a disability. Consequently it can be viewed that these DCP controls are not a relevant measure for performance or accommodation need for the clientele likely to accompany units in the retirement development. Rather these units are purpose built and the variation to Council's DCP should be recognised.

Comment:

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

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

- 1 bedroom unit – 50m²
- 2 bedroom unit – 70m²
- 3 bedroom unit – 90m²

It is also noted that Clause 30 of SEPP 65 'Standards that cannot be used as grounds to refuse development consent' 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 Guide. 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.

Given the context of the site within the Seniors Living Circa Precinct, the proposed apartment sizes and mix is considered to be satisfactory.

10.1.3 Storage

The DCP requires at least 10m³ of storage space per dwelling within a lockable garage and must cover a minimum area of 5m³ with a minimum dimension of 2m. The proposed modification for Building B does not provide 10m³ to the 1 and 2 bedroom units. To ensure consistency with the original Masterplan and Stage 1 Built Form consent, the storage area for the subject application has been provided as an overall volume.

The applicant has provided the following justification for the variation to storage areas:

In the current approved Master Plan storage area has been provided as an overall volume based on 446 units. With the current application comprising an addition 16 units in Building B, taking the total number to 462 units overall, Council's DCP would require 4,620m³ of storage area. In comparison, it is noted that SEPP 65 only requires 3,714m³ of storage area. All units in proposed Building B are provided with adequate internal storage similar to the current building.

At present the approved Master Plan provides 4,277m³ of storage area. With the new Building B additional storage (total 4,400m³) has been provided to retain the average

storage area of 9.5m³ per unit as approved in the Master Plan. The proposal complies with the storage requirements of SEPP 65 and in this regard, the variation from Council's DCP may be accepted on merit.

Comment:

The proposed storage areas satisfy the requirements of SEPP 65 by providing 6m³ for each 1 bedroom unit, 8m³ for each 2 bedroom unit and 10m³ for each 3 bedroom unit and at least 50% of the required storage is to be located within the apartment. In this regard, a variation is considered to be satisfactory.

11. Issues Raised in Submissions

The proposal was notified to adjoining property owners in accordance with Council's DCP. In response, ten individual submissions were received from different property owners.

The issues raised in the submissions relate to building height, amenity, visual and acoustic privacy, loss of solar access, safety, local character and permissibility and Council's community consultation processes. The matters raised in the submissions have been summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
The approval of an increase in height to Building B sets an undesirable precedent for further increases in height to future built forms located to the south of the site, closer to existing residential properties.	The masterplan and built form development consent restricts the southern buildings D, E, F, G, H and the RACF to 4-6 storeys with a maximum RL of 93.80 which is 3.88 metres below the height of an approved data centre. Whilst separate Development Applications are required for the built form of these buildings, the heights proposed for the subsequent applications are to be consistent with the approved masterplan.	Issue addressed
Visual and acoustic privacy for adjoining southern residents.	<p>The proposal is an addition of two residential levels incorporating 1,992m² floor area and 16 additional units for Building B. 9 levels comprising 67 units have already been approved under DA 992/2016/JP.</p> <p>Building B is located 110m from the southern adjoining property. Given the substantial distance to adjoining residential properties to the south, the proposed increase in height and number of units will not result in undue overlooking and noise impacts to adjoining residential properties.</p> <p>An amended acoustic report was submitted with the DA 1582/2017/JP that demonstrates that the level of noise emitted by</p>	Issue addressed

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>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>In addition, mass planting along the southern property boundary is required as part of the masterplan consent which would provide some privacy mitigation for adjoining southern properties.</p>	
Loss of solar access to adjoining southern properties.	The Section 4.55(2) modification relates to Building B which is located 110m from the closest adjoining residential property to the south. During the winter solstice, the longest length of shadow cast from Building B to the south falls within the site. In this regard, the adjoining southern residential properties would not be impacted as only internal overshadowing impacts would result from the development.	Issue addressed
The original proposal is shop top housing disguised as "seniors housing" and does not comply with planning legislation. The contrast in building heights of the adjoining zones of B7 Business Park and adjoining R2 low density development to the south is not a good planning outcome.	<p>The site was subject to a Planning Proposal (15/2015/PLP) to amend Schedule 1 'Additional Permitted Uses' and the associated Additional Permitted Uses Map to permit the use of land at 26, 28 and 30 Norbrik Drive, Bella Vista (Lots 1 and 2 DP1195652 and Lot 701 DP1198639) for the purposes of 'seniors housing' with development consent.</p> <p>The Planning Proposal was forwarded to the Department of Planning and Environment and approved by the Delegate for the Greater Sydney Commission on 10 February 2017. Prior to gazettal of this planning instrument, the Planning Proposal received Gateway Determination on 19 November</p>	Issue addressed

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>2015 and was publically exhibited between 17 May 2016 to 17 June 2016. 15 submissions were received. A post exhibition report was prepared by Council Officers that addressed all submissions received during the exhibition period. A submission was received regarding residential development within the business park and submitted that "Council is circumventing their own zoning to help developers profit". The following response was provided in the Council report (Item -7, page 141 of the Business Paper dated 9 August 2016):</p> <p><i>The planning proposal will only permit 'seniors housing' on the site, not all residential development. Council is committed to delivering jobs growth, along with residential growth. The wider Circa Precinct and remainder of Norwest Business Park have capacity to provide a substantial amount of jobs growth in the future. This part of the business park is the least appropriate for high density commercial development, being located directly adjacent to low density residential development and furthest from the future rail stations. A 'seniors housing' development provides a softer interface with residential than commercial buildings and will facilitate housing for the ageing population.</i></p> <p>The approved development is for "seniors housing". Condition No. 4 is already implemented in the consent that requires that the self-care dwellings 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. In addition, a restriction on the title is already implemented in the</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	consent ensuring that 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. Refer to condition 93 (original consent).	
Transparency of Council's community consultation processes. Approval of this development would shatter Bella Vista resident's view of Council.	<p>Council has followed all processes and procedures in accordance with the former Division 4 LEPs under the Environmental Planning and Assessment Act, 1979. In particular, the Planning Proposal was publically exhibited and all submissions were considered in accordance with the former Section 57 Community Consultation of the Act. The Officer's report was available for public viewing in Council's Business Paper. Notwithstanding, the Delegate for the Greater Sydney Commission approved the Planning Proposal on 10 February 2017.</p> <p>Development Application No. 992/2016/JP for a Master Plan and Stage 1 Built Form (Buildings A and B) was approved on 18 August 2016 by the Sydney West Central Planning Panel. As required under Section 79C (4.15) of the Act, the proposal was notified to affected properties. 16 submissions including a petition were received during the first exhibition period, 5 submissions were received during the second exhibition period and 12 submissions were received during the third exhibition period. In addition, a Conciliation Conference was held on 6 April 2016 in which an additional 14 submissions were received. All submissions received (including submissions received from residents of Prestige Avenue, Sharleen Court and Patrine Place) were considered under the previous Section 79C (4.15) of the Act</p>	Issue addressed

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>and addressed in the Sydney West Central Planning Panel report prepared by Council officers.</p> <p>Council staff and elected representatives have followed all processes and procedures in accordance with Sections 53-60 (Division 3.4) and 79C (4.15) of the Act. Both the Planning Proposal and subsequent Development Applications were approved by the Greater Sydney Commission/Sydney West Central Planning Panel in accordance with the relevant sections in the Act.</p>	
The media has portrayed the owners and future operators of the site as having unethical practices. Council should not be supporting an application for these owners.	This is not a matter for consideration under Section 4.15 of the Act.	Issue addressed
Request to provide commercial style barrier and fencing/screening along the southern property boundary have been ignored.	A commercial style barrier was not required as a condition of consent under the original application. Council Officers have been in correspondence with the applicant to ensure that adequate mass planting is provided in accordance with the stamped approved plans under the original consent.	Issue addressed
Lack of security	The application was referred to NSW Police who raised no objections to the proposal and referenced previous comments under the original masterplan application. The original consent (condition No. 46) includes NSW Police requirements such as surveillance, lighting and technical supervision, environmental maintenance, access control and additional security measures.	Issue addressed
Devaluation of properties	There has been no evidence submitted to indicate that loss of property values will occur. This is not a planning consideration.	Issue addressed
On-going construction for an indefinite period of time would result in detrimental impacts to physical and mental health of adjoining	Conditions of consent to mitigate noise and dust impacts from construction have been implemented in the original consent. Council has	Issue addressed

ISSUE/OBJECTION	COMMENT	OUTCOME
southern residents.	<p>investigated several service requests lodged for breach of these consent conditions. This is a separate compliance matter and is not a matter for consideration under this subject application.</p> <p>There is no legislative requirement to enforce developers to provide a completion date for construction of development under development consent.</p>	
Changes in the tranquil character of the Bella Vista area. Undesirable location for a Seniors Housing development.	It is acknowledged that the character of Bella Vista is undergoing change as it has been identified as a Priority Precinct by the NSW Department of Planning and Environment and has been subject to a number of planning proposals. Notwithstanding, the Seniors Housing development has been approved by the Sydney West Central Planning Panel. The subject application is for a modification to increase the levels of Building B comprising 83 self-care units. 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 and is now permissible as 'Seniors Housing' under The Hills LEP 2012.	Issue addressed

12 Referral Comments

NSW 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 modification and have provided the following comment:

Roads and Maritime has reviewed the submitted documentation and notes the proposed amendments are consequential to the changes to Building B within Stage 1 for Seniors Housing development. Roads and Maritime raises no objections to the proposed modifications subject to Council satisfaction.

In this regard, NSW RMS raises no objections to the proposed modification and the RMS requirements recommended in the original consent remain valid.

NSW POLICE COMMENTS

The proposal has been referred to the NSW Police. The NSW Police made reference to previous advice provided for the original application and raised no objections to the proposal with no further conditions of consent recommended.

SYDNEY WATER

The proposal was referred to Sydney Water to ensure that the proposed development can be adequately serviced by connection to the water main located in Norbrik Drive and sewer main located within the development site. Sydney Water has reviewed the proposed development and raises no objections to the proposed modification.

ENDEAVOUR ENERGY

The proposal was referred to Endeavour Energy. Endeavour Energy made reference to previous advice provided for the original application and noted that previous recommendations and comments provided remain valid. Endeavour Energy has reviewed the proposed development and raises no objections.

SUBDIVISION ENGINEERING COMMENTS

The application was referred to Council's Subdivision Engineering Section. No objection to the proposed modifications and no additional conditions were recommended.

TRAFFIC MANAGEMENT COMMENTS

The application was referred to Council's Roads and Transport Section who has reviewed the submitted Traffic memo from TDG Consulting dated 17 January 2017. No objections were raised to the proposal. Council's Principal Coordinator – Road and Transport found that for the additional 16 units proposed, 7 additional peak hour trips over the original 27 peak hour trips approved under the Masterplan application. This was based on the rate of 0.4 peak hour trips per unit. It was determined that this additional peak hour traffic will have minimal impact on the operational efficiency of the surrounding road network or nearby intersections.

Council's Principal Coordinator – Road and Transport also noted that with respect to the comments from NSW Police, the RMS are in the process of identifying solutions to rectifying the existing delays that currently occur at several of the major nearby intersections such as Norwest Boulevard and Lexington Drive. Service levels at these intersections have however been in decline over an extended period of time as a result of intensified development in the Norwest precinct generally. The impact of the expected additional 7 peak hour trips from this proposal is negligible in with regard to the service levels at these intersections.

SECTION 94 COMMENTS

The application was referred to Council's Section 94 Section. No objections were raised to the proposed modification subject to conditions of consent.

TREE MANAGEMENT COMMENTS

The application was referred to Council's Tree Management Section. No objections were raised to the proposal subject to amended conditions requiring suitable planting depths for planting on slabs, replacement planting requirements and tree protection measures. Refer to conditions 43, 43a, 65a and 95.

ENVIRONMENT AND HEALTH COMMENTS

The application was referred to Council's Environmental Health Section. No objection to the proposed modifications and no additional conditions were recommended.

RESOURCE RECOVERY COMMENTS

The application was referred to Resource Recovery Section. No objections to the proposed modifications and no additional conditions were recommended.

CONCLUSION

The Section 4.55(2) application has been assessed against the provisions of Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered satisfactory.

The development as modified will remain substantially the same as originally approved.

The proposal is consistent with the controls and objectives of the site specific DCP and provides a built form that is envisaged for the desired future character of the area.

The proposal was notified to adjoining properties. In response, ten submissions were received from different property owners. The issues raised in the submissions primarily relate to building height, amenity, visual and acoustic privacy, loss of solar access, safety, local character and permissibility and Council's community consultation processes. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

Approval is recommended subject to the relevant conditions of consent being modified to reflect the proposed changes.

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 Modification Application be approved subject to the following:

1. Condition 1 be deleted and replaced with:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped 992/2016/JP and as amended by 992/2016/JP/A, 992/2016/JP/B and 992/2016/C and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – MASTERPLAN – DA 992/2016/JP

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 prepared by Jackson Teece	9	22/09/2015
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 – DA 992/2016/JP

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 – DA 992/2016/JP

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

REFERENCED PLANS AND DOCUMENTS – STAGE 1 (1A AND 1B) – DA 992/2016/JP/B

Amendments in red relate to the deletion of the lower boardwalk platform and pedestrian bridge.

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
SK-170909-3	Site Plan – Stage 1A and 1B Section 96 Issue	1	9/03/2017
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-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

REFERENCED PLANS AND DOCUMENTS – STAGE 1A – DA 992/2016/JP/B

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-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-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-3256	Typical Façade Study – Building A Atrium - Stage 1 prepared by Jackson Teece	5	29/09/2015
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-3220	Elevations – Building A Typical Materials – Stage 1 prepared by Jackson Teece	1	29/07/2016
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

REFERENCED PLANS AND DOCUMENTS – STAGE 1B – DA 992/2016/JP/B

1-DA-1200	Building B – Basement Plan - Stage 1 prepared by Jackson Teece	5	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-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-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-4210	Building B Section 1 - Stage 1 prepared by Jackson Teece	6	17/09/2015
1-DA-3221	Elevations - Building B Typical Materials - Stage 1 prepared by Jackson Teece	1	29/07/2016

REFERENCED PLANS AND DOCUMENTS – STAGE 1B – DA 992/2016/JP/C

DA-1215	Building B – Site Analysis - prepared by Nettleton Tribe	A	11/04/2017
DA-1216	Building B Basement Plan - prepared by Nettleton Tribe	A	11/04/2017
DA-1217	Building B Ground Floor Plan - prepared by Nettleton Tribe	A	11/04/2017
DA-1218	Building B L1 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1219	Building B L2 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1220	Building B L3 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1221	Building B L4 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1222	Building B L5 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1223	Building B L6 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1224	Building B L7 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1225	Building B L8 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1226	Building B L9 Plan prepared by Nettleton Tribe	A	11/04/2017

DA-1227	Building B L10 Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1228	Building B Roof Plan prepared by Nettleton Tribe	A	11/04/2017
DA-1229	Building B – Typical Level (Revised Design)	A	23/03/2018
DA-3213	Building B North and West Elevations prepared by Nettleton Tribe	A	23/03/2018
DA-3211	Building B South and East Elevations prepared by Nettleton Tribe	A	11/04/2017
DA-3222	Building B Typical Materials	A	21/03/2018
DA-4210	Building B Section	A	11/04/2017
DA-4211	Building B Section Comparison	A	11/04/2017

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. Condition 43 be deleted and replaced with:

43. Planting Requirements

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

For all planting on slab and planter boxes allow the following minimum soil depths:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and *not* the overall depth of the planter.

3. The addition of Condition 43a to read as follows:

43a. Replacement Planting Requirements

To maintain the treed environment of the Shire five (5) minimum 200 litre pot size replacement trees selected from following list are to be planted to the north/northwest of Building B, clear of line of basement and services.

Eucalyptus saligna Blue Gum

Eucalyptus tereticornis Forest Red Gum

If there are any planting constraints, further approval is required for alternative tree planting locations by Council's Environment and Health Manager.

4. Condition 45 be deleted and replaced with:

45. Provision of Parking Spaces

The development is required to be provided with 69 off-street car parking spaces for Building A and 90 off-street parking spaces for Building 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.

5. Condition 47 be deleted and replaced with:

47. External Finishes

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

6. Condition 54 be deleted and replaced with:

54. Section 94A Contribution

Stage 1A

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$447,750.75** 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.

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%

Stage 1B

The contribution levied under Condition 30 of Development Approval 1582/2017/JP is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$506,603.34** shall be paid to Council under Condition 30 of Development Approval 1582/2017/JP. 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.

7. The addition of Condition 65a as follows:

65a Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

8. Condition 95 be deleted and replaced with:

95. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

9. Condition 82 be deleted and replaced with:

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 Nos. and 682676M_05 and 782437M are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Floor Space Ratio Map
5. Height of Buildings Map
6. Approved Masterplan (6 Stages)
7. Approved Staging of Masterplan
8. Approved Stage 1 Site Plan (Buildings A and B)
9. Proposed Site Plan for Building B
10. Approved Building B North and West Elevation
11. Proposed Building B North and West Elevation
12. Approved Building B South and East Elevation
13. Proposed Building B South and East Elevation
14. Approved Building B Finishes Schedule
15. Proposed Building B Finishes Schedule
16. Proposed Building A and B North Elevation
17. Original Development Consent 992/2016/JP

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**THE HILLS DISTRICT HISTORICAL
SOCIETY AND BLACKTOWN CITY COUNCIL
ALSO NOTIFIED**

THE HILLS
Sydney's Garden Shire

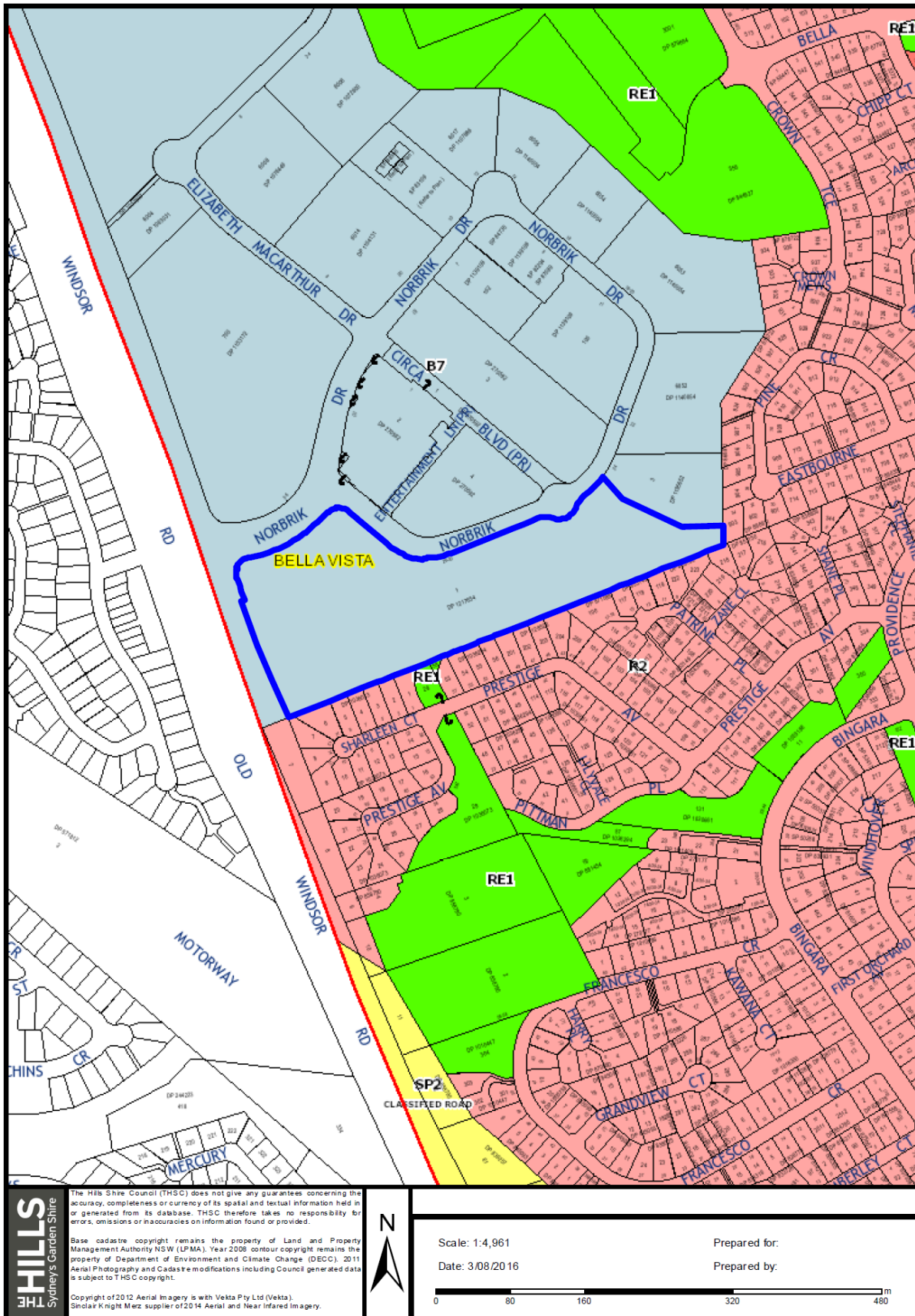
THE HILLS SHIRE COUNCIL

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 (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – LEP 2012 ZONING MAP



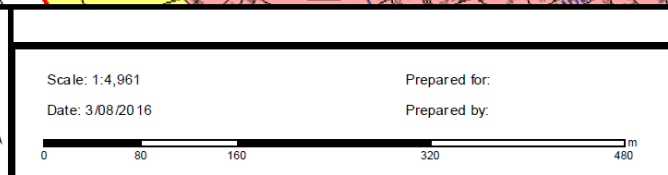
THE HILLS
Sydney's Garden Shire

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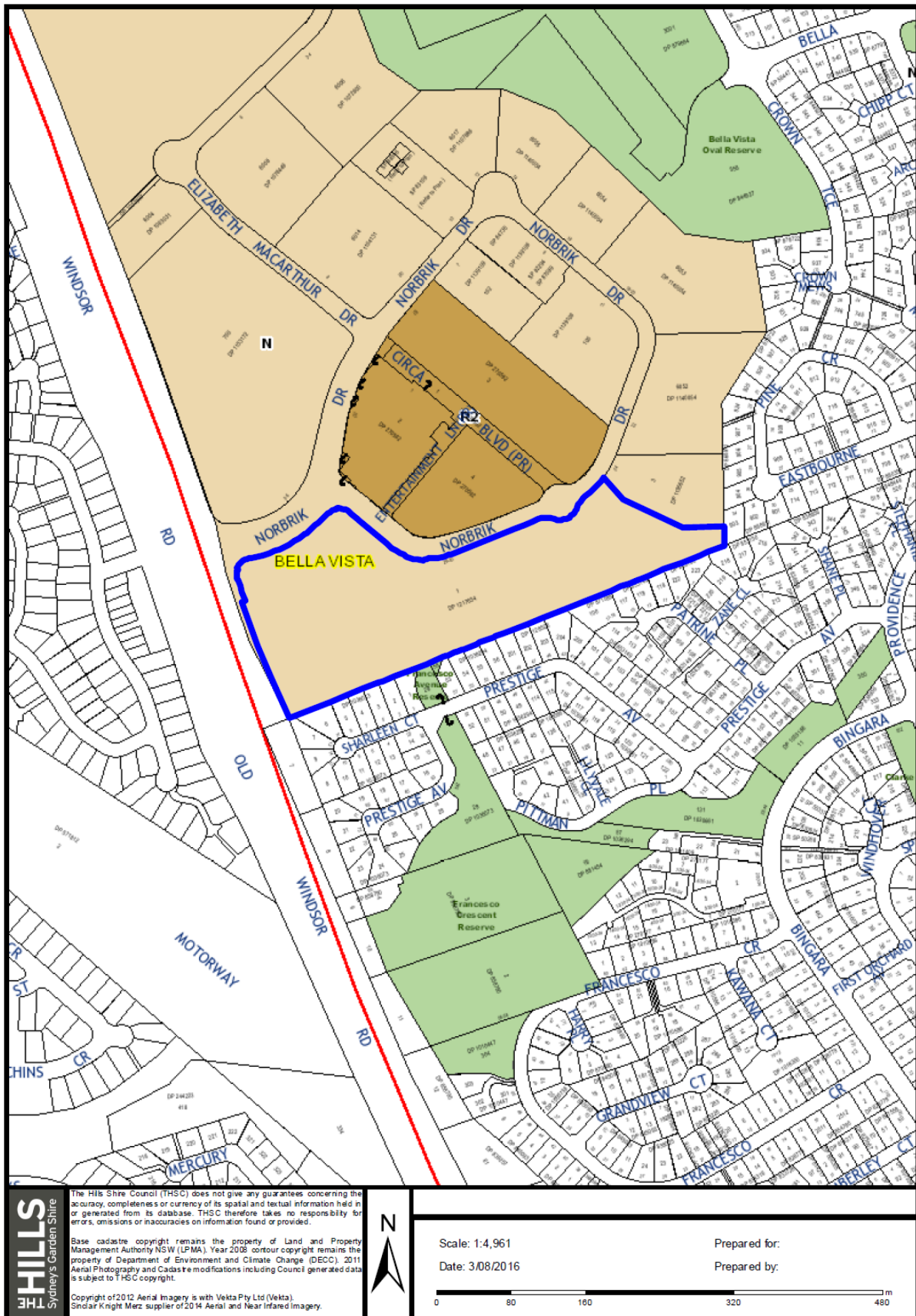
Base cadastre copyright remains the property of Land and Property Management Authority NSW (LPMA). Year 2008 contour copyright remains the property of Department of Environment and Climate Change (DECC). 2011 Aerial Photography and Cadastre modifications including Council generated data is subject to THSC copyright.

Copyright of 2012 Aerial Imagery is with Vekta Pty Ltd (Vekta). Sinclair Knight Merz supplier of 2014 Aerial and Near Infrared Imagery.

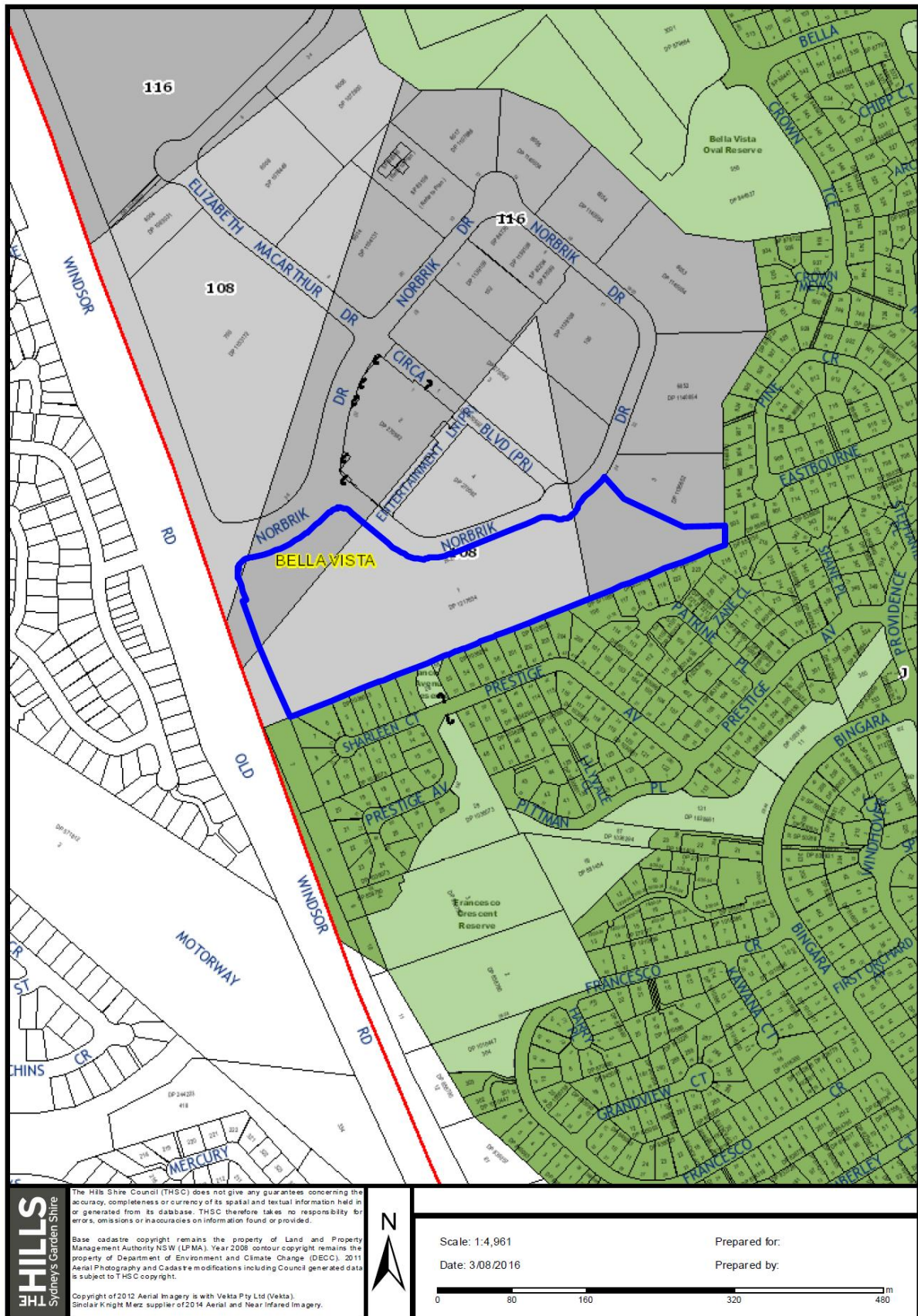
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ATTACHMENT 4 – LEP 2012 FLOOR SPACE RATIO MAP



ATTACHMENT 5 – LEP 2012 HEIGHT OF BUILDINGS MAP



ATTACHMENT 6 – APPROVED MASTERPLAN (6 STAGES)

SCHEMATIC LANDSCAPE MASTERPLAN

109



Maximum height of buildings on southern interface to range between 2-6 storeys as per Architectural Plans

Nature trail walk and bridge on southern boundary to be deleted.

ARCADIA
LANDSCAPE ARCHITECTURE

AVEO NORWEST MASTERPLAN
DEVELOPMENT APPLICATION



PREPARED BY
CLIENT
ARCHITECT
DATE
SCALE
ISSUE
MAY 2016
NTS
F

ATTACHMENT 7 –APPROVED STAGING OF MASTERPLAN (6 STAGES)



EXISTING STORMWATER DRAINS

LOCATION OF SUBSTANTIAL BASES, ASSESSED FOR ELS SERVICES AND DOCUMENTS TO BE RETAINED

CORPUS KENTILLION
CORPUS KENTILLION WALL AT HIGH LEVEL TYP. INTEGRATED INTO LANDSCAPE. REFER TO STR ENG DETAILS

OVERPASS TO OLD WINDSOR
NO SHOW DASHED

NOTE: EXTENT OF ST1A & ST1B LANDSCAPING OVER

GROUND FLOOR ENCLOSURES FROM BASEMENT ESCAPE STAIRS INCLUDED IN ST1A

HATCHED AREA AT GROUND FLOOR EXCLUDED FROM ST1A

OLD WINDSOR ROAD

BOUNDARY

ST1B
STAGE 2 WORKS

BUILDING B
UNDER REVIEW

COMMUNITY PAVILION STAIRS

ST1A

BUILDING A
FLATION CENTRE ROOF BELOW

DETENTION BASIN

DETENTION LINE FOR ST1A / ST1B

AREA EXCLUDED FROM ST1A WORKS

LEGEND

DELETED LOWER BOARDWALK AND PLATFORM BRIDGE LOWER BOARDWALK PLATFORM, BRIDGE IN FUTURE WORKS

APPROXIMATE SITE ENTRY LOCATION, ON SITE CONSTRUCTION ACCESS TO BE DETERMINED BY CONTRACTOR

MAIN ENTRY
SPACED

MAIN BASEMENT RAMP ACCESS TO STREET LEVEL

RL 74.600

SINGLE SLP LANE

TBC

SITE ROOSTER VALVES

GROUND CONDITIONS AS PER CIVIL ENGINEERS DOCUMENTS

TEMPORARY ASPHALT RAMP TO BASEMENT

RETAINING WALL EXTENT & LOCATION REFER TO CIVIL ENGINEERS DOCUMENTS

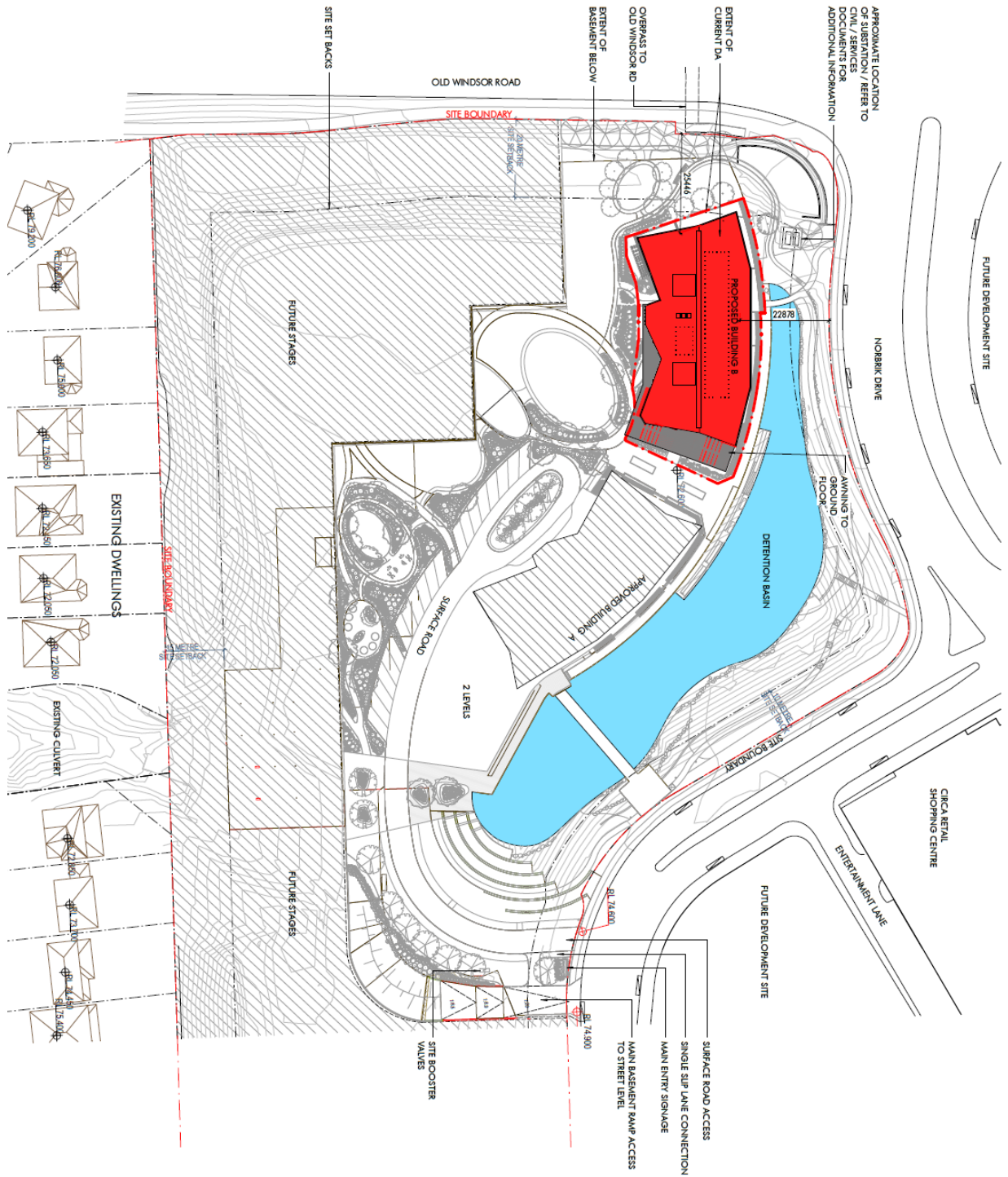
CONCRETE RAMP TO BASEMENT WITH LANDSCAPING AT GROUND LEVEL

EXTENT OF EARLY WORKS
DETENTION FACILITY BELOW

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO. 9822018-0118

Please refer to conditions of Development Consent for further details. This plan is a summary of the Development Consent and should not be used for construction without reference to the full Development Consent and associated documents.

ATTACHMENT 9 –SITE PLAN FOR PROPOSED BUILDING B



ATTACHMENT 10 – APPROVED BUILDING B NORTH AND WEST ELEVATION

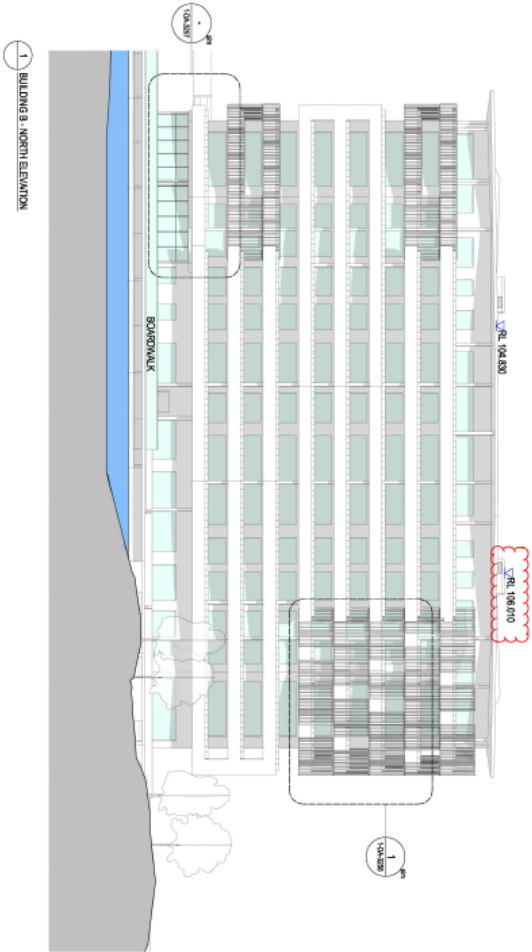
THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

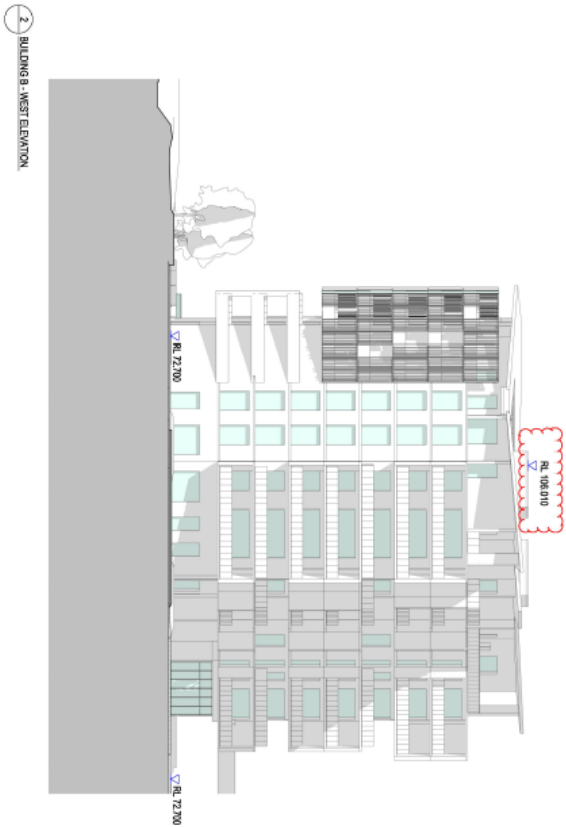
DEVELOPMENT CONSENT NO.

9852916.00

PLEASE NOTE: THIS DEVELOPMENT PLAN IS A PRELIMINARY DESIGN AND IS NOT A FINAL DESIGN. IT IS SUBJECT TO THE APPROVAL OF THE HILLS SHIRE COUNCIL. ANY CHANGES TO THE DESIGN MUST BE APPROVED BY THE HILLS SHIRE COUNCIL.

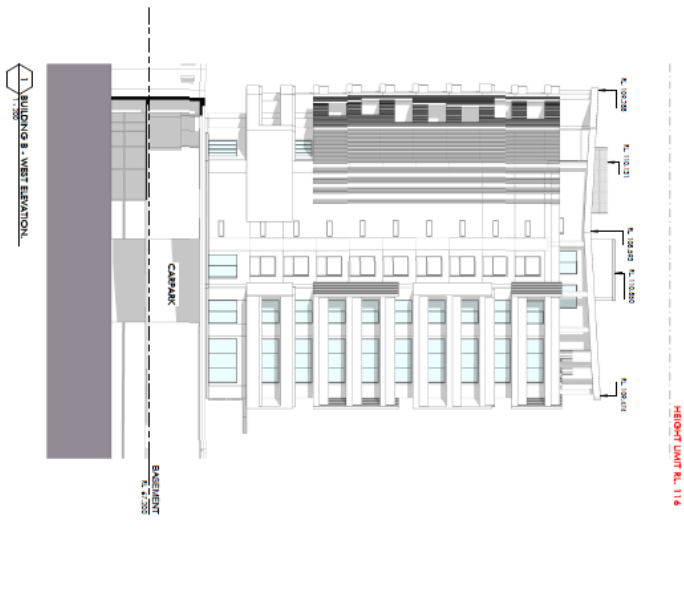
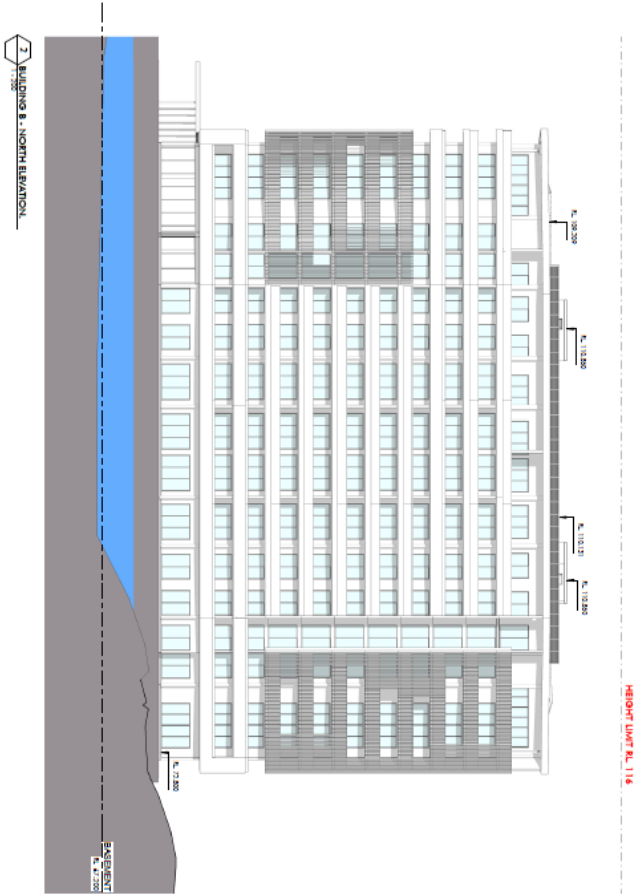


1 BUILDING B - NORTH ELEVATION



2 BUILDING B - WEST ELEVATION

ATTACHMENT 11 – PROPOSED BUILDING B NORTH AND WEST ELEVATION



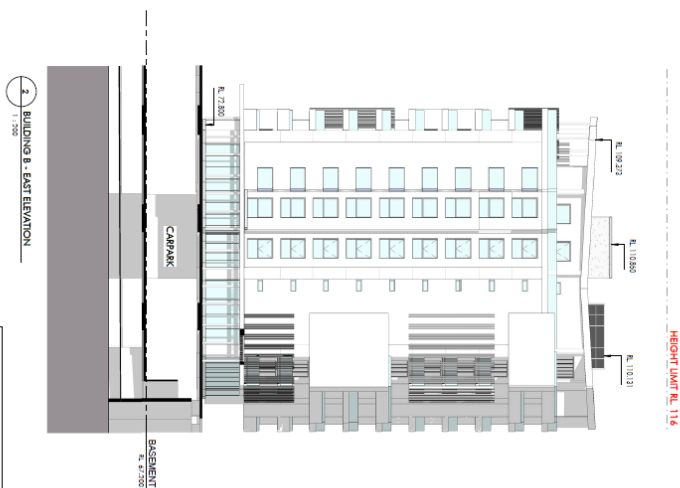
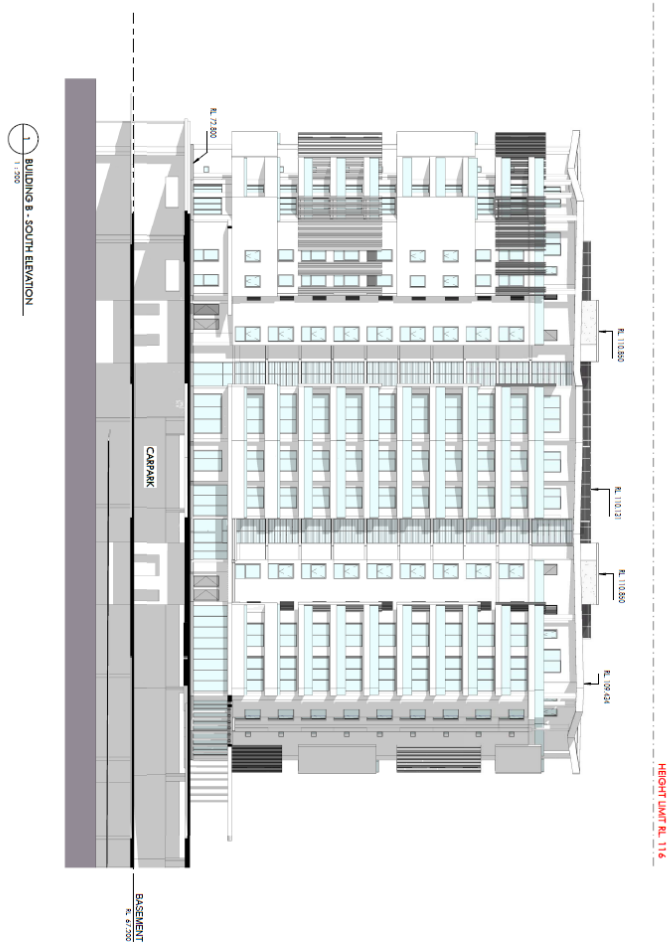
REVISED DESIGN
FOR DEVELOPMENT APPLICATION

ATTACHMENT 12 – APPROVED BUILDING B SOUTH AND EAST ELEVATION

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO.
8852016.00
This development is subject to a Development Consent
which must be complied with.
Any development which is not in compliance with the
Development Consent is prohibited.



ATTACHMENT 13 – PROPOSED BUILDING B SOUTH AND EAST ELEVATION

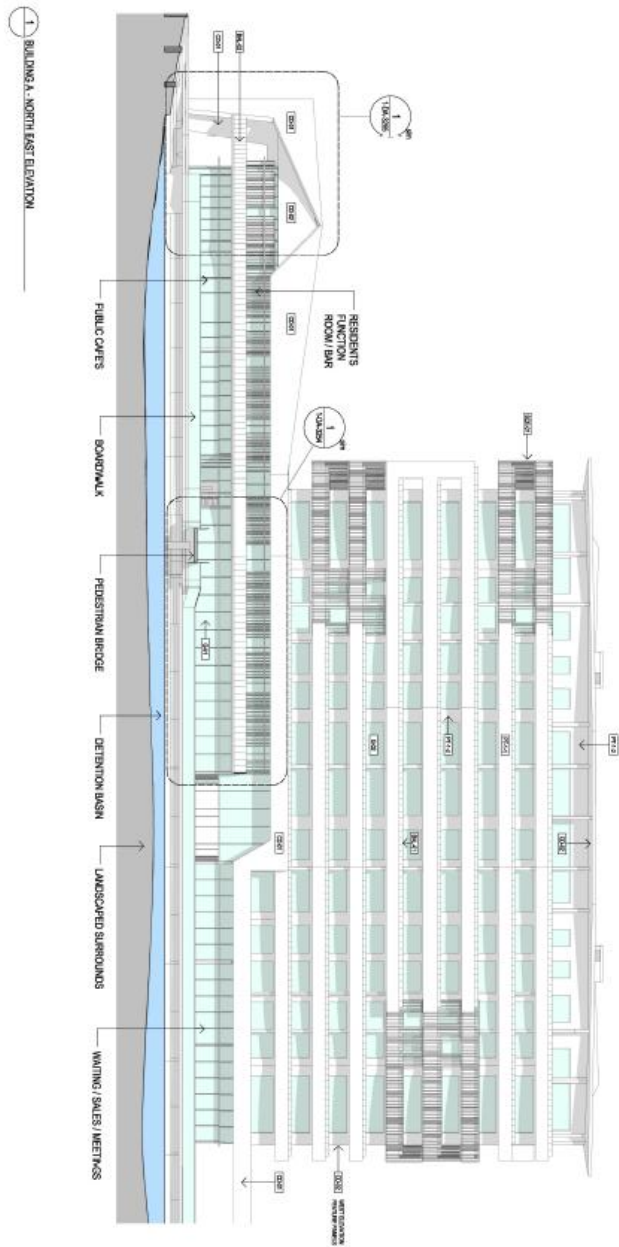


FOR DEVELOPMENT APPLICATION


THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSISTENT NO.
392/2016/DP
Please refer to conditions of Development Consent for the details of the required transaction and other matters which must be complied with.




MATERIAL TAG : SCE-01
COLOUR : WOOD-FORM CONCEPT CLICK - HONEY GUM
LOCATION : EXTERNAL BALCONY SCREENS




ATTACHMENT 15 – PROPOSED BUILDING B FINISHES SCHEDULE




MATERIAL TAG: PT-1.1
COLOUR - WIND WHITE
LOCATION - EXTERNAL BALCONY
FACADE




MATERIAL TAG: PT-1.2
COLOUR - SPARKED FACON
LOCATION - MAIN FACADE WALLS




MATERIAL TAG: PT-1.3
COLOUR - B&U
LOCATION - MAIN 19 AND 110 FACADE
WALLS



MATERIAL TAG: SCE-01
COLOUR - TIMBER LOOK SCREEN
LOCATION - EXTERNAL BALCONY SCREENS




MATERIAL TAG: BAL-01
COLOUR - CLEAR GLASS
LOCATION - EXTERNAL BALCONY BALUSTRADES



1. BUILDING B - NORTH ELEVATION WITH FINISHES

	Construction	Parameters	Detail
External walls	Pre-cast concrete	R2.5	
Internal walls (Walls within dwelling)	Carly Wall Plasterboard	None	
Party walls (Walls between apartments)	Carly Wall Plasterboard	R1	As per acoustic requirements
Walls to contain areas and corridors	Carly Wall Plasterboard	R1.5	
Ceilings	Plasterboard		2700mm
Roof	Concrete	R3	Includes the roof of an occupied space where there is a balcony/terrace or other external space above
Floors	Concrete	None between occupied levels R2 for exposed floors and floors above the carpark and other unconditioned spaces	Floor Coverings: → Living and kitchen = Timber → Bedrooms and Lounge = Carpet → Bathrooms and landings = Tile
Apartment 2113 (top floor sitting level)	Double glazed clear aluminium frames	U-value 4.8 SHGC 0.59	Thickness and lamination as per acoustic requirements
All other Glazing	Clear glass, aluminium frames	U-value 6.57 SHGC 0.57	Thickness and lamination as per acoustic requirements
Ventilation and sealing	Any downlights are to be installed with approved vapour sealed daylight covers which allow ventilation to be installed over the sides and top. All windows and doors are to be weather stripped and sealed to prevent air leakage.		



2. BUILDING B - WEST ELEVATION WITH FINISHES

REVISED DESIGN
FOR DEVELOPMENT APPLICATION

**ATTACHMENT 16 – PROPOSED NORTH ELEVATION INCLUDING APPROVED
BUILDING A**



Approved Building A



Building B



ATTACHMENT 17 – ORIGINAL DEVELOPMENT CONSENT 992/2016/JP



5 September 2016

Mulpha Norwest Pty Limited
Level 5 99 MacQuarie St
SYDNEY NSW 2000

Ref No.:992/2016/JP
Joint Regional Planning Panel (Sydney West Region): 18 August 2016

Dear Sir/Madam

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

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

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

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

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

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

Right of Appeal

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

APPLICANT Mulpha Norwest Pty Limited

OWNER: AVEO Southern Gateway Pty Ltd

PROPERTY: Lot 1 DP 1217654, Lot 1 DP 1195652, Lot 2 DP 1195652, Lot 701 DP 1198639
26-30 Norbrik Drive, Bella Vista

DEVELOPMENT: 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.

ENDORSED DATE OF CONSENT: 18 August 2016

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS – 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 -	17	23/04/2015

	Masterplan prepared by Jackson Teece		
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 prepared by Jackson Teece	9	22/09/2015
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 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 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.

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

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

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

Should you require any further information please contact James McBride on 9843 0251.

Yours faithfully



Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT

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.

DEVELOPMENT ADVISORY NOTES

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

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

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

B. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

(refer to Clause 98B Notification of Home Building Act 1989 requirements)

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

C. EXCAVATIONS AND BACKFILLING

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

D. RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

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

E. SUPPORT FOR NEIGHBOURING STRUCTURES AND SHORING AND ADEQUACY OF ADJOINING PROPERTY

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must at the persons own expense:
 - (a) seek advice from a professional structural engineer, and
 - (b) preserve and protect the building, work or retaining structure from damage, and
 - (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
 - (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.
- (2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.
- (3) In this clause, adjoining property includes a public road and any other public place.
- (4) The condition referred to above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. PROTECTION OF PUBLIC SPACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

G. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

H. TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

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

- (1) The provision and maintenance of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner. However, any work undertaken by private owners within the

public road area or footpath verge requires written approval from Council. Where new or replacement driveways and gutter crossings are proposed, the submission of an application for gutter and footpath crossings, accompanied by the current applicable fee as prescribed in Council's Schedule of Fees and Charges, must be submitted to Council.

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

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

- (2) The removal of all disused driveways and gutter crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjacent footpath verge area is required.
- (3) Council must be notified in the event of any existing damage to road, pavement, footpaving, kerbing and guttering and street trees prior to the commencement of the work. This notification should include photographic evidence of the existing damage. If Council does not receive notification it will be assumed that no damage existed prior to the work commencing.

Adequate protection must be provided for Council road pavement footpaving, kerbing and guttering and existing street trees prior to commencing and during building operations.

Upon completion of the work, any damage to road pavement, footpaving, kerbing and guttering and street trees not previously reported in accordance with (3) above shall be reported to Council and the cost of repair paid for in full prior to final certification of the works. A cost can be obtained from the Restorations Coordinator (ph. 9843 0234).

DRIVEWAY LOCATIONS & LEVELS

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

ROAD OPENINGS

Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped.

Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

J. STREET NUMBER

A street number is to be prominently displayed in a conspicuous position on completion of the building.

K. HOUSEHOLD SERVICES

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

- (1) No encroachment by any building or structure for private use will be permitted on a public reserve.
- (2) Soil and building materials are not to be deposited on any road, footpath or public reserve.
- (3) Building refuse or materials shall not be burnt on site.
- (4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.
- (5) Council consent is required before the removal of any tree, except those approved by this consent, or that is exempt under the Tree & Bushland Management Provision.
- (6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.
- (7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.
- (8) 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 web site <http://www.sydneywater.com.au/tapin/index.htm> - Sydney Water Tap in, or telephone 13 20 92.
- (9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244
- (10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

L. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial before You Dig* at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig Service, an amendment to the development consent (or a new development application) may be necessary. *Individuals* owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (*and its authorised contractors*) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or

installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's Infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 18008 10443.

M. CONNECTION OF STORMWATER DRAINS

All roof stormwater drains connected to Council's kerb must comply with the levels advised at the street alignment, must cross the footpath at 90° to the kerb line and be connected to existing holes provided in the kerb. Any alternative arrangements must be approved by Council's engineer and must comply with Council's Standard Drawing SD.13 (Roofwater Outlet Connection) a copy of which can be obtained from Council's website at www.thehills.nsw.gov.au.

N. TREE MANAGEMENT PROVISIONS

Clause 5.9 (Preservation of trees or vegetation) of The Hills Local Environmental Plan 2012, requires the preservation of all trees and prohibits the ringbarking, cutting down, topping, lopping or wilful destruction of trees except with the prior approval of Council.

O. INSURANCE REQUIREMENTS

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

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