

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018CC1022
<b>DA Number</b>	633/2019/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Integrated Seniors Housing Development and Associated Upgrade Works to the Castle Hill RSL Club Premises Pursuant to the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004
<b>Street Address</b>	Castle Hill RSL, 77 Castle Street Castle Hill
<b>Applicant/Owner</b>	Castle Hill RSL Club Ltd
<b>Consultants</b>	<p>Willow Tree Planning – Town Planning Consultant</p> <p>Marchese Partners International Pty Ltd – Architectural &amp; Civil Engineering Consultants</p> <p>Northrop Consulting Engineers Pty Ltd – BASIX and NatHERS Assessor</p> <p>McKenzie Group Consulting – BCA and Access Consultant</p> <p>Salt – Waste Management Consultant</p> <p>Naturally Trees – Arboricultural Consultant</p> <p>Lyll &amp; Associates – Stormwater Engineering Consultant</p> <p>Varga Traffic Planning Pty Ltd – Transport, Traffic and Parking Consultant</p> <p>Acoustic Logic – Acoustic Consultant</p> <p>Site Design + Studios – Landscaping Consultant</p> <p>Higgins Surveyors – Property &amp; Development Consultants</p> <p>RobertsDay Pty Ltd – Character and Visual Assessment Consultant</p> <p>Urbis Pty Ltd – Social Impact Assessment Consultant</p> <p>Rider Levett Bucknall NSW Pty Ltd – Quantity Surveyors</p> <p>Monkey Chatter – Communications Consultant</p> <p>Holmes Fire – Fire Engineering Consultant</p> <p>Mills Oakley – Legal Consultant</p>
<b>Date of DA lodgement</b>	18 October 2018
<b>Number of Submissions</b>	<p>1<sup>st</sup> Notification – 107</p> <p>2<sup>nd</sup> Notification - 8</p>
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	General Development with a Capital Investment Value (CIV) of more than \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• The Hills Local Environmental Plan 2012</li> <li>• The Hills Development Control Plan 2012 – Part B Section 5 – Residential Flat Building</li> </ul>
<b>List all documents submitted with this</b>	<ul style="list-style-type: none"> <li>• Site Compatibility Certificate</li> </ul>

<b>report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>Plans</li> <li>Submissions</li> </ul>
<b>Report prepared by</b>	Claro Patag – Development Assessment Coordinator
<b>Report date</b>	12 December 2019

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>No</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>NA</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## EXECUTIVE SUMMARY

The Development Application is for the construction of an integrated seniors living development and associated upgrade works to the Castle Hill RSL Club premises pursuant to the provisions of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors Housing SEPP).

The proposed development includes partial demolition of the RSL club building, tree removal and construction of an integrated seniors housing development consisting of 249 independent living units split in 5 buildings, 17 serviced care apartments and a 19-bed residential aged care facility with a total of 1,496 parking spaces to be provided across the site which are located within 3 levels of basement car park including the RSL existing at-grade southern car park. Construction of the proposed development is planned in 3 stages, i.e. Stage 1 construction to comprise Buildings 1, 2 and 3, Stage 2 will consist of Buildings 4 and 5 and community building, and Stage 3 will include the existing at-grade southern car park upgrade and construction of the residential aged care facility and serviced care apartment building. (refer Attachment 4).

The subject site is zoned RE2 Private Recreation under The Hills Local Environmental Plan 2012 (LEP 2012) which prohibits seniors housing and registered clubs. Despite this prohibition in LEP 2012, the proposed development is permitted with consent pursuant to the provisions under Clause 4.1 of the Seniors Housing SEPP. Clause 4(1) identifies land to which the SEPP applies, being land within NSW that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes. Clause 23 of the SEPP requires a Site Compatibility Certificate (SCC) to accompany a Development Application in respect of development for the purposes of seniors housing. The subject application is accompanied by a SCC.

The proposal complies with the key development standards of the SEPP in terms of site area, site frontage and floor space ratio. The SEPP development standard on building height does not apply to the site as it only applies in residential zones where apartment buildings are not permitted. The site is zoned RE2 Private Recreation. The building height has been assessed on merit with regard to the site compatibility certificate issued by the Department of Planning and Environment and impacts on the residential amenity of the immediate locality.

The Development Application was notified to adjoining and surrounding properties on two separate occasions. The first notification received 107 submissions and as a result a Conciliation Conference has been held between the applicant and objectors on 6 February 2019. In response to the outcome of the Conciliation Conference and issues raised by Council staff in the preliminary assessment of the application, the proposal has been amended which includes the following key changes: reduction in building height from 6-8 storeys to 5-6 storeys, reduction in the number of independent living units from 321 to 249 units, reduction in the number of residential aged care beds from 90 to 19 beds, increase in the number of serviced acre apartments from 6 to 17 units, and the removal of the southern car park structure from the plans. The amendments result in the reduction in gross floor area from 53,088m<sup>2</sup> to 40,391m<sup>2</sup>. The amended proposal was re-notified to adjoining and surrounding properties including previous objectors and received 8 submissions. The concerns raised in the submissions mainly relate to traffic impact, inadequate infrastructure support, visual, acoustic and solar access impacts, loss of privacy, property devaluation, out of character with the area, pedestrian safety, overdevelopment, unsuitability of the site, excessive building heights, impacts of construction on the amenity of surrounding properties in terms of noise, dirt, dust and vibration, impact on on-street parking along Castle Street, and distance from existing services and facilities. These issues have been addressed in the report and do not warrant refusal of this application.

The proposal has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, SEPP Seniors, SEPP 65, SEPP 55, LEP 2012 and DCP 2012 and is considered satisfactory.

The Development Application is recommended for approval subject to conditions.

## **BACKGROUND**

The subject site contains the existing Castle Hill RSL Club building which has been developed incrementally over a number of years. The Castle Hill RSL Club comprises the main Club and associated health and fitness centre. The Club building comprises 4 levels and consists of a number of lounge, bar and bistro areas, function rooms, Club administration and back of house areas. The cumulative floor area of the Club is 16,027m<sup>2</sup>. The health and fitness centre comprises a variety of areas including an indoor aquatic centre, fitness centre and gymnastics facility. The Castle Hill RSL is considered an integral component of the local community as it acts as a central focal point for community members to gather and engage.

Approximately 820 off-street parking spaces are provided by the Club for patrons and staff across two outdoor parking areas on the southern and western perimeters of the site (accessed via two separate driveways located off Castle Street) and a drop-off / pick-up area located outside the Club building accessed via a loop driveway ramp.

The Castle Hill RSL is currently operating as a registered club as defined in LEP 2012 under the existing use rights provisions of the Environmental Planning and Assessment Act, 1979.

Surrounding the site is an established low density neighbourhood which includes residential, education, open space and health based land uses. The site is adjoined to the northern boundary by Castle Hill Bowling Club and detached dwelling houses, to the eastern boundary

by Castle Hill High School and 1<sup>st</sup> Castle Hill Scout Hall, and to the southern and western boundaries by detached dwelling houses fronting Patrick Avenue and Britannia Road.

A Site Compatibility Certificate (SCC) was issued on 26 September 2017 by the Director-General of the Department of Planning & Environment pursuant to Clause 25(4) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. An SCC is required under Clause 24 of the SEPP in respect of a development application for the purposes of seniors housing (other than dual occupancy) if such development is proposed to be carried out on land that is used for the purposes of an existing registered club. The SCC issued by the Department was valid only for 2 years, hence prior to the expiry date the applicant sought a new SCC with the Department to ensure a valid SCC is current across the site at the time of determination of this Development Application. The Department through the Sydney Central City Planning Panel has considered and approved the applicant's revised SCC application on 11 November 2019.

A prelodgement meeting was held with the applicant on 17 November 2017. Further prelodgement meetings were held on 16 February 2018 and 14 September 2018.

The subject Development Application was lodged on 18 October 2018. It was notified to adjoining and surrounding properties between 29 October to 19 November 2018 and received a total of 107 submissions.

Additional information was requested from the applicant by letter dated 9 November 2018 regarding SEPP 65 assessment, unit numbering, heritage and environmental health issues.

On 20 November 2018, a letter was sent to the applicant advising that the application will require a review by Council's Design Excellence Panel pursuant to Clause 7.7 of THLEP 2012 as the proposed development has a maximum building height exceeding 25 metres.

A further letter was sent to the applicant on 10 December 2018 requesting additional information in relation to tree removal, landscaping, traffic impact assessment and SIDRA network modelling which was requested by the Roads and Maritime Services.

A Conciliation Conference was held between the applicant and objectors on 6 February 2019 given the number of submissions received.

On 13 February 2019, the proposal was reviewed by Council's Design Excellence Panel (DEP). The DEP did not support the proposal in its current form as it did not meet the requirements of design excellence. The DEP advised the applicant to address the issues raised at the meeting and present a revised application for further consideration. The DEP also noted that the proposal was inconsistent with the concept plans certified in the SCC in terms of built form. In response, amended plans were submitted by the applicant with primary changes relating to building height, gross floor area, total number of units and parking provision. The amended proposal was re-notified on 21 May 2019 for 14 days.

The amended proposal was reviewed by the DEP on 12 June 2019. The DEP noted that the proposal has been amended in compliance with the outcomes approved under the Site Compatibility Certificate and was better aligned with the site planning, built form, height, dwelling yield and unit mix outcomes approved in the site compatibility certificate. The DEP also noted that the final determination of layout, design and dwelling yield must be subject to the consent authority being satisfied with the resolution of issues in relation to pedestrian access and entries, extent of mature tree removal, deep soil zones, access to communal open space areas, landscaping maintenance and cross privacy issues between the apartment blocks. The DEP acknowledged the revisions made to the original application and the applicant's response to majority of the issues raised previously which have largely been addressed. The DEP recommended a further revision to the proposal to address the above



issues and if satisfactory the proposal does not need to be returned to them for further consideration.

An email was received from the applicant on 28 June 2019 advising that a revised site compatibility certificate application was lodged with the Department of Planning & Environment noting that their current site compatibility certificate was to expire on 26 September 2019.

On 12 July 2019, amended plans and documentation were received from the applicant in response to the outstanding issues raised by the DEP and in response to relevant Council officers' request for additional information regarding traffic, waste management and fire safety issues forwarded by email on 4 July 2019. The amended plans have been reviewed and considered satisfactory taking into consideration the remaining issues raised by the DEP and therefore the proposal was not returned to the DEP for review in accordance with their previous recommendation.

Additional information which includes a revised arborist report, amended landscape plans and written consent from the owners of the adjoining bowling club for the removal of 4 trees located within the bowling club's property was received from the applicant on 16 August 2019.

Applicant's response to fire safety comments received on 19 September 2019.

Further traffic information including SIDRA network modelling submitted by the applicant.

Email request for further information sent to the applicant on 1 October 2019 in relation to fire egress plans and calculations.

A new Site Compatibility Certificate has been issued by the Department of Planning & Environment through the Sydney Central City Planning Panel on 11 November 2019.

Additional information and documentation which includes a fire assessment report and fire egress diagrams were received from the applicant on 14 November 2019.

## DETAILS AND SUBMISSIONS

Owner:	Castle Hill RSL Club Ltd
Zoning:	RE2 Private Recreation
Area:	50,440m <sup>2</sup>
Existing Development:	RSL Club and ancillary facilities
Section 7.12 Contribution	\$3,400,969.00
Exhibition:	N/A
Notice Adj Owners:	Yes, 14 days
Number Advised:	1 <sup>st</sup> Notification: 571 2 <sup>nd</sup> Notification: 573 including previous objectors
Submissions Received:	1 <sup>st</sup> Notification – 107 2 <sup>nd</sup> Notification - 8

## PROPOSAL

The Development Application is for an integrated seniors housing development and associated upgrade works to the Castle Hill RSL Club premises pursuant to the provisions of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004. The proposed development will cater for low, medium and high care, comprising of independent living units, residential aged care facility and ancillary facilities. No changes are

proposed to the existing sports centre on the site. The proposal will not include any retail space or expansion of the RSL Club.

The proposed development originally comprises of 5 regular shaped buildings (6-8 storeys) containing a total of 321 self-contained dwellings or independent living units and a 6-storey residential aged care facility (RACF) building containing 6 serviced care apartments and 90 residential aged care beds/rooms to provide 24-hour high care to patients. The proposed RACF is a single built form, immediately adjoining the existing RSL Club with primarily north and south aspects. The existing Club building will be partially demolished to pave way for the proposed RACF building.

The initial proposal was referred to Council's Design Excellence Panel (DEP) on 13 February 2019 pursuant to Clause 7.7 of The Hills Local Environmental Plan 2012 as the proposed building height exceeds 25 metres. The DEP raised concerns relating to building design and amenity impacts on adjoining properties and as a result, the proposal has been subsequently amended. The amendments are summarised as follows:

- Reduction in building height from 6-8 storeys to 5-6 storeys
- Reduction in the number of independent living units (ILUs) from 321 to 249 units
- Reduction in the number of residential aged care (RAC) beds from 90 to 19 beds
- Increase in the number of serviced care apartments from 6 to 17 units (with a total of 19 beds)
- Reduction in gross floor area from 53,088m<sup>2</sup> to 40,391m<sup>2</sup>
- Reduction in the total parking provision from 1,926 spaces to 1,496 spaces
- Removal of the southern car park structure and external access road
- Provision of deep soil landscaping provision of 7,690m<sup>2</sup> (15.6%)
- Increase in landscaped area by 775m<sup>2</sup> providing an overall landscaped area of 19,566m<sup>2</sup> or 39.7% of the site area.

One of the key changes to the amended proposal is the removal of the southern car park structure and the retention of the at grade car park which results in increased vegetation along the southern boundary, no impact on the flood behaviour in the southern end of the site and reduced impact on the amenity of adjoining residential properties to the south.

The benchmark of the amended proposal is the built form of the existing RSL Club building (with an existing building height of 22.3m). The design allows for the built form to step down to the key interfaces between the public domain (Castle Street) and adjoining properties, with an aim of achieving a design outcome to minimise the bulk of the building from the streetscape as it will sit behind the existing built form of the Club building.

The table below shows a summary of key development changes as a result of the amendments to the original scheme:

<b>Summary of Key Development Changes</b>		
<b>Development Particulars</b>	<b>Original Scheme</b>	<b>Revised Scheme</b>
Building Height	6-8 storeys	5-6 storeys
Unit Mix	ILUs: 321 RAC: 90 beds Serviced Care Apartments: 6	ILUs: 249 RAC: 19 beds Serviced Care Apartments: 17
Gross Floor Area	53,088m <sup>2</sup>	40,391m <sup>2</sup>
Car Parking	1,926 spaces: <ul style="list-style-type: none"> <li>• ILU: 489</li> <li>• RAC/SAC: 38</li> <li>• RSL: 1,399</li> </ul>	1,496 spaces: <ul style="list-style-type: none"> <li>• ILU: 436</li> <li>• RAC/SAC: 36</li> <li>• RSL: 1,024</li> </ul>

Built Form	7 new buildings including a 2-level car park structure on the southern boundary	Removal of southern car park structure and external access road
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The table below shows a comparison of the original and amended scheme in terms of building height and number of storeys:

Building Type	Original Height	Amended Height	Original Number of Storeys	Amended Number of Storeys
ILU Building 1	20.8m	16.4m-19.8m	6 storeys	Part 5/6 storeys
ILU Building 2	20.8m	16.4m	6 storeys	5 storeys
ILU Building 3	27.9m	20.5m	8 storeys	6 storeys
ILU Building 4	20.8m	16.4m	6 storeys	5 storeys
ILU Building 5	27.9m	20.5m	8 storeys	6 storeys
RACF	27.2m	14.5m	6 storeys	4 storeys

Off-street parking is proposed to be provided within 3 levels of basement car park and at-grade car parking areas in accordance with Council and SEPP (Housing for Seniors or People with a Disability) 2004 requirements, as well as several at-grade pick-up and drop-off facilities. Vehicular access to the site is to remain via the two main existing driveways located off Castle Street.

Construction of the proposed development is planned in 3 stages (refer Attachment 4), details of which are shown in the table below:

Stage	Proposed Works
<b>Stage 1</b>	<ul style="list-style-type: none"> <li>The zone indicated as Stage 1 will be subject to early works with site access along the existing driveway from Castle Street</li> <li>The existing carpark indicated in Stage 2 will remain and will be accessed via the existing driveway at the rear of the Sports Centre</li> <li>Excavation of the carpark with temporary shoring wall built along the line of Stage 1 + 2</li> <li>Construction of the car park including resident and Club parking and construction of waste facilities and loading dock within the basement</li> <li>Construction of ILU Buildings 1, 2 and 3 including associated landscape works and facilities</li> <li>The Site access to Castle Street will be upgraded and form the resident entry to Stage 1</li> <li>Completion of ramping to ILU drop-off and parking</li> </ul>
<b>Stage 2</b>	<ul style="list-style-type: none"> <li>Closure of the existing carpark located on Stage 2</li> <li>Excavation of the carpark to the temporary wall built along the line of Stage 1 + 2</li> <li>Construction of the car park completing resident and Club parking and removal of the temporary shoring wall</li> <li>Construction of visitor parking and partial RACF parking, including a temporary shoring wall</li> <li>Construction and completion of ILU wellness centre, restaurant and other facilities</li> <li>Construction of ILU buildings 4 + 5</li> <li>Completion of all external and landscape works associated with Stage 2, including the Village Green and works connecting the ILU's with the Sports Centre and existing Club</li> <li>Installation of street/wayfinding signage at the Castle Street entry</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Construction of Men's/Maintenance shed and associated works.</li> </ul>
<b>Stage 3</b>	<ul style="list-style-type: none"> <li>▪ Upgrade the existing southern carpark including the construction of the pedestrian link, boom gates and new line marking as indicated</li> <li>▪ Stage 3 (RACF) subject to early works</li> <li>▪ Site access to RACF from Castle Street</li> <li>▪ Construction of remainder of RACF basement carpark and removal of the temporary shoring wall</li> <li>▪ Construction of the RACF</li> <li>▪ Final landscaping to the main ILU/RACF entry from Castle street, including all landscape works and entry arbour</li> <li>▪ Installation of the final street/wayfinding signage</li> </ul>

## CONCILIATION CONFERENCE

The application was notified for 14 days on two separate occasions. The first notification received 107 submissions. As a result of the number of submissions received, a Conciliation Conference was held between the applicant and objectors on 6 February 2019.

The following outcomes were achieved:

- The amended traffic study will be reviewed once it is received.
- The applicant is to consider all issues raised by residents, particularly residential interface and privacy.
- The overall proposal is still under review from Council's assessment staff, particularly with respect to environmental health, landscaping, engineering, heritage and waste management. The development application will be re-notified if significant changes are made.
- The proposal is also currently being reviewed by Council's Design Excellence Panel.
- The Chair advised that the matter will be reported to Sydney Central City Planning Panel for determination.

The proposal has been amended in response to the outcomes of the Conciliation Conference and comments from relevant Council officers in the assessment of the original scheme. The amended proposal was re-notified and eight submissions were received.

## ISSUES FOR CONSIDERATION

### 1. Compliance with SEPP (Major Development) 2005

The proposed development has a Capital Investment Value of more than \$30 million thereby requiring referral to, and determination by the Sydney Central City Planning Panel (SCCPP). In accordance with this requirement the application is referred to the SCCPP for determination.

### 2. Compliance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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

The Development Application is for the construction of an integrated seniors housing development comprising 249 independent living units split in 5 buildings, 17 serviced care apartments and a 19-bed residential aged care facility.

Clause 4(1) of the SEPP identifies land to which the SEPP applies, being land within NSW that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if “(b) *the land is being used for the purposes of an existing registered club*”. The site is being used for the purposes of an existing registered club, trading as the Castle Hill RSL Club. An existing registered club as defined in the SEPP means “*a registered club in existence on land immediately before the date on which State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2) commences*”.

Clause 5(b) of the SEPP states that a consent authority must not treat land that is being used for the purposes of an existing registered club as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes. The subject site is surrounded by R2 Low Density Residential and R3 Medium Density Residential zoned land as shown on the Land Zoning Map of The Hills Local Environmental Plan 2012 (LEP 2012), which are land zoned for urban purposes. The SEPP applies in this regard. Furthermore, the site is not identified as an environmentally sensitive land within the meaning of Schedule 1 of the SEPP.

For the purpose of assessment of this Development Application, the following clauses and provisions in the SEPP are relevant:

#### Clause 10 – Seniors Housing

**Seniors Housing** is defined as “*residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

*but does not include a hospital.”*

#### Clause 11 – Residential Care Facilities

A ‘residential aged care facility’ is defined under Clause 11 as a “*residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings, and equipment for the provision of that accommodation and care.*

*not being a dwelling, hostel, hospital, or psychiatric facility.”*

#### Clause 13 – Self-contained dwellings

The use of the proposed **Independent Living Units (ILUs)** is contained within the definition of “*Self-Contained Dwellings*” of Clause 13 of the SEPP. Definition of self-contained dwellings in the SEPP includes the following:

**(1) General term: “self-contained dwelling”**

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

**(2) Example: “in-fill self-care housing”**

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

**(3) Example: “serviced self-care housing”**

In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

**Comment:**

The proposed development consists of 249 independent living units (ILUs), 17 serviced care apartments and 19-bed residential aged care facility.

The proposed development will provide housing needs of low, medium and high care for a diverse population within a low density environment that is highly compatible with existing and surrounding land uses.

The proposed 249 ILUs are completely self-contained and are provided with independent cooking facilities, bedroom/s, living areas, bathrooms, laundry facilities etc.

The 17 serviced care apartments fall under the definition of “serviced self-care housing”.

The proposed development will provide housing needs of low, medium and high care for a diverse population within a low density environment that is highly compatible with existing and surrounding land uses. The proposed development therefore satisfies Clauses 10, 11 and 13 under Chapter 2 – Key Concepts of the SEPP in this regard.

**Clause 23 – Development on land used for the purposes of an existing registered club**

Clause 23 states the following:

*(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:*

*(a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and*

*(b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.*

*Note. The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures.*

*(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following:*

*(a) any separate pedestrian access points for the club and the residential areas of the proposed development,*

*(b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.*

*Note. See also clause 34 in relation to noise minimisation design principles*

**Comment:**

The proposed development is located on land used for the purposes of an existing registered club, the Castle Hill RSL. The proposed development has been designed to reflect the two individual land uses across the site while ensuring there is a seamless interface between the two. The residential aged care facility is proposed to be co-located with the commercial kitchen and administration facilities of the Castle Hill RSL whilst the serviced care apartments and ILU's will be standalone.

A comprehensive operational management plan accompanied the Development Application which clearly demonstrates the relationship between the existing Club and proposed seniors living development. The operational management plan covers village rules specific for seniors living development and residential aged care facilities. For seniors living development (ILUs), specific rules include noise management, parking, keeping of pets, garden and landscape maintenance, garbage disposal, common area restrictions, external appearance of residential premises, village security, use of seniors living services and community facilities and use of RSL facilities. For the residential aged care facilities, there are specific rules on the use of community facilities, garbage disposal, security and safety, complaints handling, visitors and guests, noise management, keeping of pets, garden and landscaping, common area restrictions and external appearance of residential premises. A condition is recommended to ensure adherence with the operational management plan at all times (refer Condition No. 105). A social impact assessment also accompanied the application.

**Clause 24 – Site compatibility certificates required for certain development applications**

Clause 24 applies to a development application made in respect of development for the purposes of seniors housing (other than dual occupancy) if:

*(a) the development is proposed to be carried out on any of the following land to which this Policy applies:*

*(i) land that adjoins land zoned primarily for urban purposes,*

*(ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*

*(iii) land that is used for the purposes of an existing registered club*

**Comment:**

The Development Application in respect of the development for the purposes of seniors housing (other than dual occupancy) requires a Site Compatibility Certificate (SCC) pursuant to Clause 24 of the SEPP as the development is proposed to be carried out on land that is used for the purposes of an existing registered club. The subject application was accompanied by an SCC issued by the Director-General of the Department of Planning & Environment on 26 September 2017 certifying the site's suitability for the construction of a seniors housing development. The SCC further certified that the site is suitable for more



intensive development than that currently exists and that the proposed seniors housing development is compatible with the surrounding environment having had regard to the criteria specified under clause 25(5)(b) of the SEPP. The SCC was only valid for 2 years and expired on 26 September 2019.

Clause 25(9) of the SEPP provides that “a certificate remains current for a period of 24 months after the date on which it is issued by the Director-General”. Accordingly, a consent authority is not lawfully capable of granting consent to a Development Application made in reliance upon an SCC unless the SCC is current at the time the application is determined. This principle was clearly expressed by Senior Commissioner Moore in *Benevolent Society v Waverley Council* [2010] NSLEC 1082 (*Benevolent Society*) at [38]:

*“The first of the consequences arises from the dating of the site compatibility certificate. The certificate itself contains a note that is valid for a period of 24 months from the date of the certificate. That annotation reflects the terms of cl 25 (9) of SEPP Seniors Living. The consequence of that is that, consistent with provisions of cl 24 (2), I am unable to grant a development consent (that is reliant on this certificate) unless final orders (incorporating the terms of this decision and embodying the required conditions of consent) are given no later than 12 May 2010.”*

In light of the above, legal advice was obtained by the applicant to determine whether a new SCC should be obtained to ensure an SCC was valid across the Site at the time of determination. As such, for the reasons outlined above, the consent authority can only grant development consent in reliance on the SCC if the SCC is current at the time of determination, that is, no later than 26 September 2019. Accordingly, for the reasons stated above, in order to have the proposal approved in reliance on the SCC, a new SCC application was submitted by the applicant to the Department of Planning and Environment to ensure a valid SCC is current across the site at the time of determination of this Development Application. The SCC application was considered by the Department through the Sydney Central City Planning Panel on 11 November 2019. By a unanimous decision, the Panel determined to issue a site compatibility certificate for the following reasons:

- *The site is suitable for more intensive development because it is currently developed as an at grade car park, is surrounded by urban areas, has good access to road and public transport.*
- *Seniors living would be compatible with the environmental characteristics and land uses on the site and its surrounds.*
- *The proposed development is not likely to have an adverse impact on the foreseeable future uses of the site and its surrounds. The affected area is likely to be used for higher density urban development and seniors living would be compatible with this.*
- *All required services and infrastructure are or can be made available at this site or can be made available.*
- *The proposal will not reduce the area of open space available in the locality.*
- *The proposal's built form, including its bulk, scale and character is compatible with scale and character and will be compatible with existing and probable future uses of the site and its surrounds.*
- *The proposal does not involve clearing of any scheduled, threatened or endangered vegetation or habitat.*
- *The Panel also note that there will be effective mitigation for the 97 trees to be removed by planting of at least 417 new trees as part of the proposed landscaping.*
- *The written submission from the Council does not include any material which invalidates the Panel's preceding conclusions above. The Panel notes that during the assessment of the development application for the proposed development, the applicant has agreed to reduce the bulk and scale at the suggestion of Council.*
- *For the reasons given above all requirements of clause 24 and 25 of the Seniors Housing SEPP have been met.*

A new Site Compatibility Certificate has been issued by the Department of Planning & Environment through the Sydney Central City Planning Panel on 11 November 2019.

**Clause 26 – Location and access to facilities**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.*

*(2) Access complies with this clause if:*

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

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*

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

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3),”*

**Comment:**

The proposal complies with the requirements of Clause 26 in terms of access to facilities. The site is located in close proximity to local shopping facilities and services in the Castle Towers Shopping Centre, which is centred on Pennant Street and Castle Street, approximately 1000m from the site. Castle Towers Shopping Centre contains a mix of land uses and building types and uses including medical/health care facilities, shops, restaurants, supermarkets, fruit and vegetable market, bakeries, travel agents, cafes, banks, recreational facilities, community facilities, post office, library, community centre and senior citizens centre.

Overall, the site is considered highly accessible in terms of services and facilities as well as public transport. With the location of the site in close proximity to retail, commercial, medical and recreational facilities, the site is considered suitable for this development. The Castle Hill RSL site is well serviced by buses that provide access to surrounding suburbs and service hubs including Castle Tower, and Parramatta. The area is well served by public transport and bus services. Several bus services operate along Showground Road with the closest bus stop approximately 300m away from the subject site. The proximity of the site to public transport,

particularly the interchange at Castle Towers, increases the site's accessibility to regional hubs and the Sydney CBD.

The Castle Hill RSL offers a courtesy bus to its patrons, operating Thursday to Saturday from 6pm to close of trading hours. The courtesy bus operates on demand and will take patrons home whenever they are ready to leave the Club. A home pick-up service is also available for patrons who live within 5km radius from the Club. The Sydney North West Metro opened in May 2019, with 13 stations along the Metro North West line, including Castle Hill. The opening of the North West Metro Line improves the accessibility to the site, increasing access to the greater metropolitan area.

The proposed development therefore satisfies Clause 26.

#### Clause 28 – Water and sewer

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

The subject site is currently serviced by water and sewerage infrastructure. A condition is recommended to require a Section 73 Compliance Certificate to be obtained from Sydney Water Corporation under the Sydney Water Act 1994 (refer Condition No. 77).

#### Clause 31 - Design of in-fill self-care housing

The proposed development has been designed having regard to the Seniors Living Policy: Urban Design Guidelines for Infill Development. Aspects relating to neighbourhood character, impacts on streetscape and neighbours' amenity and internal site amenity have been taken into consideration in the design of the proposal.

#### Clause 32 Design of residential development

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

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

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

#### Clause 33 - Neighbourhood Amenity and Streetscape

*The proposed development should:*

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

- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
  - (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site's land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

**Comment:**

The proposed development has been designed having regard to the existing and future character of the area, its current location and interface with neighbouring properties and character of the streetscape.

It is considered that the bulk and scale of the development is appropriate within the overall context of the locality. The design and siting of the building allows for the built form to step down to the key interfaces between the public domain (Castle Street) and adjoining properties, with an aim to minimise the bulk of the building from the streetscape as it will sit behind the existing built form of the Club building.

The proposal maintains residential amenity and exhibits an appropriate residential character as it:

- provides building setbacks that are compliant with the applicable planning controls.
- is of a bulk and scale that allows for the preservation of a high level of solar amenity to neighbouring properties and respects the topography of the site.

The proposed landscaping is considered appropriate for the existing and future context of the site as it incorporates the retention of a number of the existing trees, significant plantings in setback areas, substantial plantings in beds of various sizes and depths, throughout the courtyards and a range of plant types, including endemic species, groundcovers, shrubs and canopy trees. Council's Landscape Assessment Officer has assessed the proposal and is considered satisfactory.

The subject site is not located in a riparian zone.

**Clause 34 - Visual and Acoustic Privacy**

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

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

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

**Comment:**

The proposed development achieves an acceptable level of visual and aural privacy for adjoining residents and future occupants of the seniors living development through:

- appropriate setbacks to all boundaries
- orienting bedrooms towards internal courtyards, where possible
- providing appropriately sized windows to bedrooms, where they face boundaries
- recessing balconies behind the main building line
- incorporating significant screen planting within all setback areas

**Clause 35 - Solar Access and Design for Climate**

*The proposed development should:*

*(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*

*(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

**Comment:**

The proposed development maintains over three hours of solar access to neighbouring properties largely due to the orientation of the site as well as the siting of the proposed buildings.

The development achieves an appropriate level of solar access and design for climate as it:

- receives approximately 3 hours solar access to 50% of the area of each of the internal courtyard spaces;
- provides multiple openings from communal spaces to internal courtyards, facilitating natural air flow;
- provides appropriately sized windows to all bedrooms which allow for a generous amount of natural light and are capable of providing natural ventilation;
- includes a variety of native, endemic and low water species into its landscape design

**Clause 36 - Stormwater**

*The proposed development should:*

*(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*

*(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

**Comment:**

The proposal is accompanied by a stormwater management plan and concept stormwater plans which demonstrate that the proposal is capable of satisfying the relevant Council requirements. An on-site detention system is proposed to cater for all storm events up to 100 years annual recurrence interval. The outlet is proposed to discharge to existing drainage

easement and legal point of discharge. Council's subdivision engineer has assessed the application and no objection is raised subject to conditions.

### 37 - Crime Convention

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

*(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*

*(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*

*(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

#### **Comment:**

All internal and external areas of the buildings and site have been designed to promote the safety and security of all site users. Driveways, pathways, building entries and landscaped areas will be suitably illuminated and have been designed to ensure appropriate sightlines. A Crime Risk Assessment Report was submitted with the Development Application. The report addresses the 4 key principles to limit crime, including surveillance, access control, territorial re-enforcement and space/activity management.

### 38 - Accessibility

*The proposed development should:*

*(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*

*(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

#### **Comment:**

A continuous path of travel for pedestrian access will be made available from the main entry lobby across the entire site.

### 39 - Waste Management

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

#### **Comment:**

A Waste Management Plan has been submitted with the Development Application and is considered satisfactory. Relevant waste management conditions are recommended in any approval.

### Clause 40 - Development standards—minimum sizes and building height

#### **(1) General**

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

**Comment:** The proposed development complies with the relevant standards prescribed under Clause 40.

**(2) Site size**

*The size of the site must be at least 1,000 square metres.*

**Comment:** The site has a total site area of 50,440m<sup>2</sup>

**(3) Site frontage**

*The site frontage must be at least 20 metres wide measured at the building line.*

**Comment:** The primary frontage to Castle Street is approximately 124m.

**(4) Height in zones where residential flat buildings are not permitted**

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

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

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

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

**Comment:**

The application of this clause only applies to circumstances where the site is located in a residential zone. The RE2 Zone in which the site sits, is not constituted as a residential zone. Therefore, the building height control under cl. 40(4) does not apply to the proposed redevelopment as the site is not located in a “residential zone”. Further, LEP 2012 does not prescribe a maximum building height. Therefore, there is no prescribed maximum building height for the site under either the SEPP or LEP 2012. Consequently, the proposed concept has been informed and prepared having regard to the opportunities and constraints of the site, responding to the existing site conditions and natural features. However, whilst there is no prescribed building height across the site, the abovementioned objectives of the development standard have been considered to determine the appropriate height for varying aspects of the proposal. The use of this mechanism is supported by legal advice submitted by the applicant with this application.

**41 - Standards for hostels and self-contained dwellings**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

**Comment:**

The proposal will address the relevant provisions as required in the SEPP and compliance with these requirements are to be submitted at Construction Certificate stage.

*(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.*



**Comment:**

Not applicable. The proposed development is not made by a social housing provider.

**48 - Standards that cannot be used to refuse development consent for residential care facilities**

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

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or*

**Comment:**

As noted above, the application of Clause 40(4) only applies to circumstances where the site is located in a residential zone. The RE2 Zone in which the site is located is not a residential zone. Therefore, the building height control under 40(4) does not apply to the proposed redevelopment as the site is not located in a “residential zone”. Further, LEP 2012 does not prescribe a maximum building height. Therefore, there is no prescribed maximum building height for the site under either the SEPP or LEP 2012. However, whilst there is no prescribed building height across the site, the relevant objectives of the development standard have been considered in determining the appropriate height for varying aspects of the proposal. The use of this mechanism is supported by legal advice submitted by the applicant with the Development Application.

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,*

**Comment:**

The proposed residential aged care facility (RACF) has an FSR of 0.086:1. The seniors living precinct has a total FSR of 0.714:1. The overall development has a combined FSR of 1.12:1 (inclusive of the existing RSL Club). The SEPP identifies a maximum FSR based on specific building typology, which in the case of the RACF is well below the 1:1 FSR. The proposed development is considered suitable for the subject site and compatible to the surrounding land uses. Built form has been configured to minimise the visual impact of the proposed development on adjoining properties. Further, the scale and proposed land use are considered to be appropriate, as it provides a housing typology and land use, that is not considered a high intensity land use and that will serve the needs of the community, whilst being located in an accessible location.

*(c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,*

**Comment:**

The proposal complies. The individual units of the residential care facilities will be provided with adequate landscaped area and private open space.

*(d) **parking for residents and visitors:** if at least the following is provided:*

*(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*

*(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*

(iii) 1 parking space suitable for an ambulance.

**Comment:**

The residential aged care facility (RACF) comprising 19 beds requires at least 2 parking spaces. The traffic report indicates that the RACF will have a maximum of 7 staff during the main day shift, with 10 staff on-site during the afternoon shift change. Based on the rate of 1 parking space for each 2 staff, a total of 5 staff parking spaces will be required based on the assumed maximum shift of 10 staff. The 17 serviced care apartments which are co-located within the RACF building are required to provide 14 parking spaces. A total of 21 parking spaces are required to cater for both the RACF and the serviced care apartments. There are 36 off-street parking spaces and 1 ambulance bay proposed within this building to be shared between the RACF patients and staff and serviced care apartment occupants, therefore a surplus of 15 parking spaces. The proposal complies with the parking requirements in this regard.

**50 - Standards that cannot be used to refuse development consent for self-contained dwellings**

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:*

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

**Comment:**

As stated above, the application of Clause 40(4) only applies to circumstances where the Site is located in a residential zone. The RE2 Zone in which the site sits, is not constituted as a residential zone. Therefore, the building height control under cl. 40(4) does not apply to the proposed redevelopment as the site is not located in a “residential zone”. Further, LEP 2012 does not prescribe a maximum building height. Therefore, there is no prescribed maximum building height for the site under either the SEPP or LEP 2012. However, whilst there is no prescribed building height across the site, the relevant objectives of the development standard have been considered to determine the appropriate height for varying aspects of the proposal. The use of this mechanism is supported by legal advice submitted by the applicant with the Development Application.

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

**Comment:**

The self-contained dwellings (independent living units) including the service care apartments have a total FSR of 0.714:1. The overall development has a combined FSR of 1.12:1 (inclusive of the existing RSL Club). The SEPP identifies a maximum FSR based on specific building typology, which in the case of the self-contained dwellings is well below the 1:1 FSR. The proposed development is considered suitable for the subject site and compatible to the surrounding land uses. Built form has been configured to minimise the visual impact of the proposed development on adjoining properties. Further, the scale and proposed land use are considered to be appropriate, as it provides a housing typology and land use, that is not considered a high intensity land use and that will serve the needs of the community, whilst being located in an accessible location.

**(c) landscaped area: if:**

*(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or*

*(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,*

**Comment:**

The proposal is not made by a social housing provider. The proposed development incorporates substantial areas of landscaping in both the private and common areas. Planted areas have been maximised throughout the site and within the common areas of the development, providing a high level of planting for the development. The individual units of the will be provided with adequate landscaped area and private open space. This will either be in the form of balconies or ground floor private open space, where applicable. The site will contain significant landscaped areas and communal open space. Significant vegetation is to be retained around the perimeter of the site to maintain a visual buffer between the site and adjoining properties. Dedicated private open space and communal open space will be available to the residents. The proposed development includes a total landscaped area of 19,566m<sup>2</sup> (39.7%), therefore complies.

*(d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

**Comment:**

The deep soil zone is calculated at 7,690m<sup>2</sup> or 15.6% of the site. The proposal complies.

*(e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

**Comment:**

The configuration of the proposed built form will ensure solar access is achieved, providing a high level of amenity to future residents. Living rooms and private open spaces of at least 70.6% of apartments (176 out of 249 units) will receive a minimum of 3 hours direct sunlight between 9am and 3pm at midwinter. The proposal complies.

**(f) private open space for in-fill self-care housing: if:**

*(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*

*(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*

**Comment:**

Individual units will be self-contained and provided with individual private open space accessible from the living area. The private open space of all units complies with the minimum size and dimensions.

*(h) parking: if at least the following is provided:*

*(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*

*(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*

**Comment:**

There are 249 independent living units (self-contained dwellings) and 17 serviced care apartments. The ILUs comprise of 26 x 1 bedroom, 150 x 2 bedroom and 73 x 3 bedroom units, and the serviced care apartments are 15 x 1 bedroom and 2 x 2 bedroom units. Based on the SEPP rate of 0.5 car space for each bedroom, a total of 282 parking spaces will be required. A total of 436 parking spaces are provided for the ILUs, i.e. 11 visitor spaces at ground level (behind Building 5), 280 residents and 29 visitors parking spaces located at Basement 1 and 116 residents spaces located at Basement 2. Parking provision for the serviced care apartments' residents is located within the car park underneath the residential aged care facility (RACF) building which contains a total of 36 parking spaces. As noted above, there is a surplus of 15 spaces with the required parking for the RACF and serviced care apartments combined. The proposal exceeds the parking requirements for self-contained dwellings in this regard.

**3. Compliance with SEPP 65 – Design Quality of Residential Apartment Development**

Clause 4 of the State Environmental Planning Policy No. 65 – Apartment Design Guideline (SEPP 65) outlines that the SEPP applies to development for the purposes of: *...residential flat building, shop top housing, or mixed use development with a residential accommodation if:*

*(a) the development consists of any of the following:*

- i. the erection of a new building,*
- ii. the substantial redevelopment or the substantial refurbishment of an existing building,*
- iii. the conversion of an existing building, and*

*(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

*(c) the building concerned contains at least 4 or more dwellings.*

The proposal is not identified as a Residential Flat Building, but includes development that is identified as Seniors Housing, which comprises of residential aged care and independent living units. The independent living units can be defined as “self-contained dwellings” in accordance with Clause 13 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Considering the proposed development contains residential aged care and independent living units, the proposal could be considered a “mixed use development”, which is defined as: “a building or place comprising 2 or more different land uses”. Seniors Housing is contained within the definition of “Residential accommodation” in the Standard Instrument – Principal Local Environmental Plan. The proposal includes the construction of new buildings over 5-6 storeys, therefore, the application may be applicable to the controls provided within SEPP 65. A Design Statement has been prepared by the applicant's architect, Marchese Partners addressing the Design Quality Principles of the SEPP 65 including a detailed assessment against the relevant section of the Apartment Design Guideline, as follows:

## **Principle 1 – Context and Neighbourhood Character**

The selected site for the Castle Hill RSL Club is situated at Castle street to the eastern boundary of the site where the existing and proposed entry points to the site are located. The northern, western, and eastern sides of the site boundaries surrounded by low density houses next to Britannia Road to the west and Patrick Avenue to the south. The site is in close proximity to Castle Hill local civic centre and is centrally located between Hills Showground and Castle Hill Metro Stations. Castle Hill High School is located opposite to the site on Castle Street. The existing RSL site southern car park is currently used as an ad-hoc pedestrian walk-through for students to/from the school.

The original RSL Club was built in 1974 with alterations and additions taking place over the years, resulting in a Club building with no apparent identity, character or Architectural merit. The proposed development carefully addresses this point by linking the new Architectural forms with the existing RSL building, with an emphasis on landscape connections, as a holistic approach for the whole site. The substantial landscaping concept has been designed to reflect the character of the area, by incorporating significant plantings of native species whilst retaining most of and contributing to the existing trees surrounding the development. The street address of the development sits between two Club buildings: the RSL and Bowling Clubs, neither of which are typical of the context of the low scale residential Castle Hill neighbourhood. Castle Street will provide the entry point to the proposed RACF and ILU development. The new residential entry is designed to be pedestrian focused with clearly defined pedestrian and vehicular access through hard and soft landscape design. The proposed development is for seniors housing and comprises 5 Independent Living Unit (ILU) buildings and one Residential Aged Care Facilities (RACF) which incorporates serviced care apartments. All parking is located in basement levels below the buildings.

The integrated living development is designed to create a very clear sense of entry into the site and into each building. The drop off areas to both the RACF and ILU's create an impressive arrival point that defines a very familiarity as a gathering space in the lobby and reception areas where all residents and visitors can be guided to their destination.

Paths are clear and easily identified, with clear delineation between public, semi-private and private areas. Each ILU lobby is designed to encourage connectivity within the village with direct access to the internal Village Green courtyard. The internal communal areas and the Village Green courtyard provide large accessible outdoor spaces that can be enjoyed throughout the year by the residents and their visiting family and friends. In addition to that, a vast selection of on-site services has been incorporated to accommodate the needs of residents and family, friends and the greater community facilitating an ongoing connect with friends, family and the greater community.

The proposed use is consistent with the Site Compatibility Certificate (SCC) issued by the Department of Planning and Environment for the site and is compatible with the local character. The proposed buildings are designed to be compatible with the local character of the neighbourhood through articulation, materiality and landscape, incorporating the "green" context of The Hills district. The proposed development provides suitable seniors accommodation suitable for local residents looking at downsizing from their single dwellings into a Seniors living community, while maintaining ties within their community.

## **Principle 2 – Built Form and Scale**

The built form, height and the scale of the development have been carefully considered and designed with respect for the character of the area. The design apportions a lower scale to the north and west of the site where they adjoin low density residential dwellings with a modulation of the heights between the buildings at the site. The proposal provides significant communal open space and much needed amenity on ground level. Mature existing trees and

new vegetation will provide screening to the north, west and southern boundaries; preserving and adding to the existing canopy cover typical of the Castle Hill district. Building setbacks to the low-density residential zone are increased in compliance with the Apartment Design Guide. (ADG). Attachment 9 shows the relationship between the proposed built form and the adjoining existing houses.

Separation between buildings breaks the bulk of the development providing opportunity for green connection between the Village Green courtyard, ILU entry access and perimeter canopy landscape. The proposed development is significantly landscaped around its perimeter, consistent with the urban character of the area. The buildings are sited in response to the topography of the site which presents a significant difference in level at Castle Street from RL 102 to RL 110. The design of the buildings responds to this fall from east to west. The proposed buildings will be screened within both existing and new landscape. Facades and balconies provide generous articulation and visual variety to internal communal areas. The completed development will sit comfortably within the site and the increased setbacks, integration of landscape, articulation and height will form an appropriate development within the RSL Club site and the local character of the Castle Hill area.

### **Principle 3 - Density**

The design and configuration of the buildings on the site provides an appropriate response for the site and ensures the proposed dwellings have adequate light ventilation, privacy and amenity, while maintaining adequate light, ventilation, privacy and amenity to neighbouring dwellings.

### **Principle 4 - Sustainability**

The development is within proximity to public transport with facilities connecting to both the Showground and Castle Hill Metro Stations minimising the need for reliance on motor vehicle use. In addition to this, the following inclusions as part of the proposal will also contribute to minimising resources and energy:

- Solar access and cross ventilation are achieved to a significant proportion of the apartments, meaning that the internal spaces will not be reliant on air-conditioning to maintain thermal comfort.
- All units will have access to a substantial common open space situated in the centre of the development with considerable amenity and receiving maximum solar exposure.
- Variable balcony depths will provide shading in summer months while allowing lower winter sun to enter internal areas for passive solar heating into all north facing apartments.
- BASIX compliance will be achieved and demonstrated, including the provision of solar panels to rooftops.
- Provision will be made for vehicle charging stations throughout the development catering for the increasing number of electric vehicles.

### **Principle 5 – Landscape**

The proposal incorporates substantial areas of landscaping in both the private balconies and common areas of the development. The landscape design has been created to enable multiple layers of vegetation and interaction with its users. The materials and plant material chosen are in context to the surrounding environment. The landscape is visual from all areas of the proposed development to enable a green aspect that will create visual features. Planting will contribute to the amenity of the communal and public open spaces as a variety of heights and planting opportunities have been created.

The landscape design picks up on the existing streetscape vegetation and embellishes it to create a sense of entry and ease of wayfinding. Plant selection has been chosen specifically for the created microclimate and conditions to enable seasonal change to enhance the senses, ease of maintenance and hardiness.

### **Principle 6 – Amenity**

The proposed ILUs satisfy the crossflow ventilation and solar access requirement of both the Seniors Housing SEPP and ADG design criteria. Large areas of glazing are provided to living spaces affording generous natural light and views into landscaped areas, canopy, internal courtyard and the public domain via the development entry. All upper level apartments have balconies as their private open space and incorporate planters and operable plantation style shutters.

A large, central and well landscaped Village Green courtyard style communal open space with various amenities is situated in the centre portion of the development for exclusive use of all residents. Lift access is provided to all apartment levels and basement parking. The lobbies at all levels level will present as clearly articulated entries to the residential buildings, providing a welcoming and secure environment for residents and their guests.

The incorporation of planters to all private balconies plays an important role in increasing the amenity of the residents.

A plan of management will be in place to ensure the continual vitality of all planting within the development. The development will provide a reasonable level of amenity for its residents while preserving the amenity of neighbouring residences.

### **Principle 7 – Safety and Security**

The buildings containing the self-contained dwellings are designed within a secure environment. Access will be by electronic security devices at the vehicle entry point and within lobbies.

The basement car parking areas will be accessed via electronic security devices and an intercom for visitors. Car parks will be well lit and lifts will have security control and close circuit television cameras.

The external common areas will be well lit and designed with clearly defined paths. There is a clear definition between public and private spaces at the RSL Piazza and main entry from Castle Street.

Windows and balconies will provide passive surveillance to the common areas and public domain via the main entry pedestrian and vehicular entry from Castle Street.

A dedicated and clearly defined pedestrian access is to be provided from Castle Street to Britannia Road. It will be well lit to required Australian Standards and under CCTV surveillance.

### **Principle 8 – Housing Diversity and Social Interaction**

The site is located in proximity to public transport and the residential aged care facilities building will provide a high level of amenity for residents to enjoy and engage with the community. Wellness centre, consultants' rooms, café, a la carte restaurant, lounge areas, library, gym, hair salon, cinema, arts and crafts are all located in the amenities area at ground and 1st levels easily accessible by the residents. A Men's Shed is included in the amended design and available for use by all members of the local community. A community garden is



co-located on the rooftop off the men's shed, also accessible to all members of the local community. The inclusion of these community facilities encourages the social interaction and engagement between the ILU residents and the local community, as well as strengthening ties and relationships within the community. ILU types vary from 1 to 3 bedroom apartments to generous penthouse style apartments. The diversity of accommodation size and types will cater for differing budgets for prospective residents. All apartments are generous in size allowing for increased circulation and spatial requirements as per the Seniors Housing SEPP. The co-location of the RACF and Serviced Care Apartments provides further diversity of housing and accommodation, catering for the varying and changing needs of the ageing population, both within the development site and the wider Castle Hill precinct.

The development will allow Seniors wanting to downsize into a supported residential setting to remain within their community. The movement of Seniors out of the single dwellings frees up housing supply for younger generations requiring family homes. The proposed integrated seniors living development and associated facilities will be a great generator of employment opportunities, benefiting the local area.

## Principle 9 – Aesthetics

The proposed development has been substantially amended in response to feedback from the Design Excellence Panel. The revised design includes a significant reduction in yield, gross floor area, building height and a new response to the main entry, landscape and façade design. The amended design is a development of good proportions and scale against the adjoining buildings, including the existing Club, Sports Centre and Bowling Club while respecting the amenity and privacy of the neighbouring dwellings. The proposed Southern Carpark building has been removed from the amended proposal, retaining the existing at-grade car park while retaining and adding to all existing trees and landscaping. The built form of development is reflective of the internal layouts of the apartments. Specifically, planters are co-located with bedrooms and balconies incorporating planters adjoin living rooms. The use of planters is significant in the design of the development providing amenity, privacy and visual diversity to all buildings within the development. All buildings incorporate a complimentary variety of materials and textures in response to the varied urban fabric of Castle Hill. The intent of the design is to provide buildings for residents that encourage independent community living. Plantation shutters to all balconies add colour and texture to the facades while affording residents individual choice within their private open space, controlling visual privacy, light and shade. The design of the main entry to the seniors housing development is a resolved landscape response to what is currently a back-of-house laneway. The space between the RSL and Bowling Clubs will be transformed into an inviting landscaped entry with high and low level planting at a vehicular and pedestrian scale, clearly defining pedestrian and vehicular entry points. The proposed entry design is a vast improvement on the existing laneway and responds to what would be considered a desirable response to streetscape design on Castle Street.

The following table shows the development's performance against the relevant controls of the Policy.

### Apartment Design Guide (ADG) Requirements

Clause	SEPP 65 Requirements – ADG Design Criteria	Proposed Development	Compliance
<b>Siting</b>			
Communal open space	25% of the site, with a minimum of 50% direct sunlight to the principal usable part of the communal open space	Provided. The proposed communal spaces are located at the ground level with legible access from the reception area	Yes

	for 2 hours midwinter.	interconnected with the village green.	
Deep Soil Zone	<p>7% of site area.</p> <p>On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1,500m<sup>2</sup> and 15% for sites greater than 1,500m<sup>2</sup>.</p>	Deep soil area is 15.6% (7,690m <sup>2</sup> ) of the site area (50,440m <sup>2</sup> ).	Yes
Separation and Visual Privacy	<p>Minimum separation distances for buildings:</p> <p>Up to 4 storeys - 6-12m Up to 8 storeys – 9-18m</p>	Proposed setbacks to neighbouring properties are greater than the ADG requirements to achieve visual and acoustic privacy.	Yes
Carparking	<p>For development on the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400m of land zoned B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>The amount of off-street parking provision exceeds the required number of parking spaces for seniors housing as noted in the previous section of this report.</p> <p>ILUs (total 396 bedrooms at 0.5 space for each bedroom):</p> <p>198 resident spaces required 436 resident spaces provided including 11 visitor spaces</p> <p>RACF (19 beds and max. 10 staff at 1 parking space per 10 beds plus 1 parking space for each 2 staff plus 1 ambulance bay):</p> <p>7 spaces + 1 ambulance bay required</p> <p>36 spaces provided (shared with the serviced care apartments residents, with a surplus of 15 spaces)</p>	Yes. Clause 14 of the Affordable Rental Housing SEPP provides that a consent authority must not refuse consent to development on parking grounds. The proposal complies with the ARH SEPP's parking requirements.

Designing the Building			
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm mid-winter.	Living rooms and private open spaces of 70.6% (176 out of 249) of the apartments would receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	A maximum of 15% of the apartment would receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	Yes
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	63.1% (157 out of 249) of apartments are naturally cross ventilated.	Yes
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	The drawings submitted indicate that the finished floor level to finished floor level is 3.1m for all habitable rooms.	Yes
Apartment size	Apartments are required to have the following internal size:  Studio – 35m <sup>2</sup> 1 bedroom – 50m <sup>2</sup> 2 bedroom – 70m <sup>2</sup> 3 bedroom – 90m <sup>2</sup>	All apartments comply with the minimum required sizes.	Yes

	<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>		
Environmental Performance of Apartments	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	All habitable rooms proposed comply with the maximum allowed depth.	Yes
Apartment Layouts	<p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>All master bedrooms comply with the minimum required area.</p> <p>Bedrooms meet the minimum 3m dimension.</p> <p>Living/dining rooms meet the minimum required dimensions.</p>	Yes
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth  1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m  2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m  3 bedroom – 12m<sup>2</sup> with a</p>	All apartments comply with the required balcony areas and dimensions.	Yes

	<p>minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a minimum depth of 3m is required.</p>		
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup></p> <p>1 bedroom – 6m<sup>3</sup></p> <p>2 bedroom – 8m<sup>3</sup></p> <p>3+ bedrooms – 10m<sup>3</sup></p> <p>At least 50% of the required storage is to be located within the apartment.</p>	Provided.	Yes
Apartment mix	<p>A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.</p>	<p>The proposal includes a variety of apartment types including 10.4% 1 bedroom units, 60.2% 2 bedroom units and 29.3% 3 bedroom units.</p> <p>The apartment mix is appropriate taking into consideration the distances to shops and transport, the scale of the proposed development and the current demand for this type of housing.</p>	Yes

As outlined above, the proposal complies with the requirements of SEPP 65 and ADG.

#### **4. Compliance with State Environmental Planning Policy No. 55 – Remediation of Land**

Under the provisions of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

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

**Comment:**

A Geotechnical Report was prepared under a previous development application for alterations and additions to the Castle Hill RSL. Due to the nature of the residential development located in close proximity, it is considered the risk of contamination is minimal and unlikely to prevent the proposed development. In addition, the historic presence of the existing registered club indicates no contamination is considered to be present on the Site. It is considered no further investigation is required for the purpose of this application. Notwithstanding this, conditions are recommended that should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal during excavation indicate the likely presence of contamination on site, works are to cease, and that 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*.

**5. Compliance with The Hills Local Environmental Plan 2012**

The subject land is zoned RE2 Private Recreation under the provisions of The Hills Local Environmental Plan 2012 which prohibits this type of residential accommodation on land which contains a registered club. In this regard, the applicant lodged an application for a Site Compatibility Certificate (SCC) with the Department of Planning and Environment on two separate occasions. The initial SCC was issued by the Department on 26 September 2017 which was valid for 2 years, hence prior to its expiry the applicant lodged a new SCC application with the Department and was referred to the Sydney Central Planning Panel for determination. The Sydney Central City Planning Panel granted a new site compatibility certificate on 11 November 2019. The SCC certifies the suitability of the site for a more intensive development than what currently exists on the site subject to development consent. This is pursuant to the provisions under Clause 25(5)(b) of the SEPP.

The SEPP aims to encourage the provision of housing including residential care facilities that will increase the supply and diversity of residents that meet the needs of seniors or people with a disability.

**Building Height:**

LEP 2012 identifies that the site does not have a prescribed maximum building height. This control conflicts with that of the Seniors Housing SEPP for the proposed development which prescribes a maximum building height of 8m. Despite this, the application is accompanied by legal advice as the site is located on land that is not zoned for residential purposes, the maximum building height control under the SEPP Seniors is not applicable.

The legal advice concludes:

- The 8m height control contained in Clause (4) of SEPP Seniors does not apply to the proposed redevelopment as the Site is not located in a "residential zone";
- The proposed development is not required to comply with the development standards contained in Clause 48-50 of SEPP Seniors.

Therefore, there is no prescribed maximum building height for the site under either the SEPP or LEP 2012.

However, whilst there is no prescribed building height across the site, the abovementioned objectives of the development standard have been used to determine the appropriate height for varying aspects of the proposal. The proposed development provides the following building heights:

- ILU Building 1: 16.4m-19.8m
- ILU Building 2: 16.4m

- ILU Building 3: 20.5m
- ILU Building 4: 16.4m
- ILU Building 5: 20.5m
- RACF Building: 14.5m

### **Floor Space Ratio:**

In accordance with Clause 4.4(2) of the LEP 2012 the maximum Floor Space Ratio (FSR) for a building on any land is not to exceed that as described within the Floor Space Ratio Map. The objectives of the development standard are as follows:

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

In accordance with Clause 4.4(2) and the Maximum Floor Space Ratio Map, the site is not identified as having a maximum floor space ratio. However, Seniors Housing SEPP identifies a maximum FSR based on specific building typology, as follows:

- Residential aged care facility - 0.086:1
- Seniors living precinct - 0.714:1
- Overall development has a combined FSR of 1.12:1 (inclusive of the existing RSL Club)

The proposed development is considered suitable for the subject site and compatible to the surrounding land uses. Built form has been configured to minimise the visual impact of the proposed development on adjoining properties as described through this report. Further, the scale and proposed land use are considered to be appropriate, as it provides a housing typology and land use, that is not considered a high intensity land use and that will serve the needs of the community, whilst being located in an accessible location. It is noted that the Site Compatibility Certificate issued by the Department through the Sydney Central City Planning Panel certifies that the site is suitable for a more intensive development than that currently exists on the site.

The proposal satisfies the LEP 2012 provisions in this regard.

## **6. Compliance with The Hills Development Control Plan 2012**

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

### **i) Part B Section 2 – Residential**

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

The proposed apartment layout and orientation has been carefully arranged within the parameters set by the DCP. Privacy between the proposed dwellings within the site is achieved by appropriate building separation, in accordance with the Apartment Design Guide (ADG).



The buildings have been designed in a way that location of windows and balconies ensure the adequate level of visual privacy according to the ADG through distances and screening devices where appropriate.

The proposed development will not impact at all in any neighbouring properties living areas or private open spaces due to the appropriate bulk, scale and orientation of the built form.

## **ii) Part B Section 5 – Residential Flat Building**

### Number of Storeys

Council's Residential Flat Building DCP restricts apartment buildings to a maximum of 4 storeys.

**Comment:** The proposed development comprises of built forms ranging in 5-6 storeys. The proposed built form has been reconfigured across the site to maintain the approved density under the Site Compatibility Certificate whilst ensuring adequate residential amenity is achieved.

Substantial setbacks have been provided across the site, allowing for a built form which will maximise solar access to communal areas and dwellings,

### Building Separation

The minimum separation between buildings is 12 metres.

**Comment:** The proposal has been designed having regard to the Design Quality Principles in Schedule 1 of SEPP 65, as well as ADG requirements including setbacks and separation.

### Landscaped Area

The landscape area shall be a minimum of 50% of the area of the site. Such areas shall exclude building and driveway areas. Terraces and patios within one metre of natural ground level will be included in landscape area, including common open space above basement car park provided the area is grassed and suitably landscaped.

**Comment:** The total landscaped area to be provided is 15,150m<sup>2</sup> or 30% of the site, Although it does not meet the minimum requirements, in the nature and context of the proposed land use, it is considered adequate landscaping has been provided across the site that will meet the needs of future residents. The amount of landscaped area provided on site complies with the Seniors Housing SEPP.

### Density

The maximum population density permitted is 175 persons per hectare.

### **Comment:**

The proposed development has been designed in accordance with provisions of the Seniors Housing SEPP. The density control in the SEPP is expressed in floor space ratio and is based on specific building typology, which in the case of the residential aged care facility and independent living units is below the maximum 1:1 FSR. The proposed residential aged care facility (RACF) has an FSR of 0.086:1. The seniors living precinct has a total FSR of 0.714:1. The overall development has a combined FSR of 1.12:1 (inclusive of the existing RSL Club). The proposed development is considered suitable for the subject site and compatible to the surrounding land uses. The scale and proposed land use are considered to be appropriate, as it provides a housing typology and land use, that is not considered a high intensity land use and that will serve the needs of the community, whilst being located in an accessible location.

The ILUs which consist of 26 x 1 bedroom, 150 x 2 bedroom and 73 x 3 bedroom units, and the 17 serviced care apartments (15 x 1 and 2x 2 bedroom units) has an estimated population density of 112.93 persons per hectare which complies with the DCP maximum density of 175 persons per hectare.

#### Apartment Mix

No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments and no less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

#### Comment:

The proposal includes a variety of apartment types including 10.4% 1 bedroom units, 60.2% 2 bedroom units and 29.3% 3 bedroom units.

### **7. Issues Raised in Submissions**

The Development Application was notified to surrounding properties for 14 days in 2 separate occasions. The first notification received 107 submissions and the second notification received 8 submissions. The issues raised in the submissions are summarised and addressed in the table below:

<b>ISSUE/OBJECTION</b>	<b>COMMENT</b>	<b>OUTCOME</b>
<p>Castle Street is only narrow, and already is expected to deal with traffic from the High School, RSL, Scout Hall and traffic taking the back way to get to Castle Towers. Any further development of the site will put the aged and the school children at greater and unnecessary risks.</p> <p>The traffic would be increased due to the dramatic increase of deliveries to the aged care / RSL site, more residential cars and shuttle bus services.</p>	<p>Council's Traffic Engineer has reviewed the application and the traffic report submitted with the application. The SIDRA model (software package used for intersection and network capacity, level of service and performance analysis, and signalised intersection and network timing calculations) provided by the applicant has been reviewed which shows that the nearby intersections will still have acceptable level of service as a result of this development. No objection is raised to the proposed development from traffic point of view.</p>	<p>Issue addressed.</p>
<p>The proposed buildings are six storeys high running right along the boundary with windows overlooking neighbouring backyards. The buildings are uphill from the neighbour's property which will make them appear even higher. This will block out light and sun and the view from those units will severely impact their privacy.</p> <p>Part of the beauty and resale value of our home is their</p>	<p>Shadow diagrams submitted with the application show that private open spaces of neighbouring properties will not be unreasonably overshadowed during midwinter (refer Attachment 7). The proposed development maintains over three hours of solar access to neighbouring properties largely due to the orientation of the site as well as the siting of the buildings.</p> <p>The proposed landscaping and</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>backyard and this has been compromised by this proposal.</p> <p>Vegetation will not provide privacy for such a large structure unless it is a 30 metre high forest.</p>	<p>new planting will complement the existing vegetation and further provide a screen between the proposal and the adjoining residential properties. Where trees have been removed as a consequence of the proposal and associated building footprint, the proposed landscaping will envisage to replace the loss across the site. The development will be extensively landscaped.</p>	
<p>Some of the trees earmarked for removal are perfectly healthy and help provide necessary screening for the residents. Allowing the club to remove 100 trees to suit their benefit is an outrage and Council needs to reconsider this request. The club have stated that they intend planting new shrubs and trees, but they also promised to do that when they rebuilt the existing car park resulting in a few dead bushes that have been left to rot.</p>	<p>As stated above, where trees have been removed as a consequence of the proposal and associated building footprint, the proposed landscaping will envisage to replace the loss across the site. The comprehensive landscape plan incorporates significant plantings of native species whilst retaining most of the existing trees surrounding the development which will screen the development from neighbouring properties, retaining amenity and appropriate residential character.</p>	<p>Issue addressed.</p>
<p>Neighbouring properties' natural light will be severely affected and morning sunlight will be non-existent. The lack of light will also restrict growth of new shrubs and trees. Residents in Britannia Road are confined to 2 storey duplexes or a granny flat at best, but the proposed buildings will be 6 and 8 storeys high, housing up to 1,000 residents along with visiting family and friends.</p>	<p>The buildings are orientated to optimise solar access and view opportunities for the residential units, to minimise overshadowing to adjoining properties and increase natural surveillance of the public open spaces.</p> <p>The proposal has been amended reducing the height of building to a maximum of 6 storeys. The amended proposal was re-notified to surrounding properties including previous objectors.</p>	<p>Issue addressed.</p>
<p>Noise, dust and vibration can have a serious health effects on residents. In this case when the proposed 2 storey underground car park is being built and hammered into rock the vibration can cause damage to existing homes and swimming pools. Without vibration monitors, there is no way of knowing the damage</p>	<p>Conditions are recommended to address noise, dust and vibration during construction.</p>	<p>Issue addressed. Condition applied - see Condition Nos. 22, 23, 24, 45, 70, 71, 74, 88, 96, 98, 99, 101, 101 and 102.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
being caused by drilling and hammering.		
The proposed 6-8 storey apartments are too high given the closest train station is 1km away. The surrounding buildings are single dwelling buildings.	The proposal has been amended reducing the maximum height of buildings to 6 storeys. The amended plans were renotified to surrounding properties including previous objectors.	Issue addressed.
The proposed site currently is used as a car park. This site is sometimes also used for other purposes, such as for car exhibitions. Removing the car park would reduce the facilities available to the community for such events	The southern car park structure has been removed and will remain as an open space car park.	Issue addressed.
The closest facilities are in excess of 1km and therefore not within walking distance for seniors. Seniors would still require vehicles to access these services. If vehicles are required, there is no difference if the site is 1km or 20kms from the closest services, rendering the need for 6-8 storey apartments useless.	The site is located in close proximity to the retail node of Castle Towers, which provides a range of commercial premises, key office markets and retail. There are seven bus services which operate along Showground Road. The closest bus stop is under 500m away from the subject site. The proximity of the site to public transport, particularly the interchange at Castle Towers, increases the site's accessibility to regional hubs.	Issue addressed.
All night lighting would be out of character for the area.	A condition is recommended to control any lighting on the site so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill.	Issue addressed. Condition applied – see Condition No. 95.
There are already too many medium to high rise buildings designated for the area which will ruin the street appeal and streetscape. Aged care premises are currently being built to care for the ageing population and they do not need another one in such a traffic congested location.	The application is accompanied by a Site Compatibility Certificate issued by the Department of Planning which certifies that the proposed development is suitable for the site and is compatible with the adjoining land uses.	Issue addressed.
Large trucks and machinery parking around the side streets will be impeding traffic	A Traffic Control Plan will be required as a condition in any approval.	Issue addressed. Condition applied – see Condition No. 52.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>and hazard on safety. There is no footpath on Patrick Avenue and additional cars and trucks will increase danger for all pedestrians and especially children.</p>		
<p>High density housing not in line with surrounding landscape. All of the neighbouring houses are zoned R2 Low Density Residential.</p> <p>The RSL had this project planned for a long time, they should have built into the budget to buy the surrounding properties like other RSL has done in the past. Instead they are looking to save money and improve return of investment by screwing the private residents who just want to live in peace and get on with their lives.</p>	<p>The application is accompanied by a Site Compatibility Certificate issued by the Department of Planning which certifies that the proposed development is suitable for a more intensive development than that currently exists on site and is compatible with the adjoining land uses.</p>	<p>Issue addressed.</p>
<p>Their children attend Castle Hill High School across the road and a development of this nature is ludicrous, the school is already at capacity with at least 100 extra students attending each year.</p> <p>This area is already busy and congested for most of the day, a development of this size will only worsen the parking, traffic and safety of children issues that already exist. There are more people residing in the catchment area of Castle Hill High School every year so that the school grounds are now overflowing with demountables (using up outdoor recreational area) but there is no mention of school extensions or another government high school in the Hills area.</p> <p>There will also be electricity issues as the infrastructure is</p>	<p>Council's Traffic Engineer has assessed the application including the submitted traffic report and no objection is raised on traffic grounds.</p> <p>Conditions are recommended in any approval requiring submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 78 and 79.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>not in place for more properties in the area. The grid is at capacity which will mean outages will be more frequent which is not acceptable when the high school relies on electricity to function.</p>		
<p>Big construction project next to the Castle Hill High School is improper as such needs a long period to complete. The extreme construction noise will be a significant harassment to normal teaching and learning.</p> <p>Traffic and parking will also be an extreme challenge for parents dropping/collecting children. Further to the aforementioned, road safety will be the biggest problem.</p> <p>There are too many students walking and playing near the school and it will be difficult to maintain safety whilst too much traffic during the long construction period.</p>	<p>Relevant conditions are recommended in any approval to ensure the amenity of adjoining properties are maintained during construction such as submission of a traffic control plan and an acoustic report addressing noise and vibration as a result of construction activities, including dust suppression.</p>	<p>Issue addressed. Construction applied – see Condition Nos. 22, 23, 24, 45, 52, 70, 71, 88, 96, 98, 99, 100, 101 and 102.</p>
<p>They do not believe there is adequate infrastructure to support this development and this will impact on the local community.</p>	<p>The applicant is required as conditions of consent to submit a compliance certificate from relevant service providers confirming satisfactory arrangements have been made for the provision of electricity and telecommunication services.</p> <p>The site has good access to public transport, particularly the interchange at Castle Towers and nearby bus stops.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 78 and 79.</p>
<p>There is only one way in to Castle Hill High School and the RSL, one road that already has a very high volume of traffic. There is also a roundabout on Castle Street that is next to the school which has to be negotiated to get to the RSL. There are</p>	<p>As noted above, Council's Traffic Engineer has assessed the application including the submitted traffic report and no objection is raised on traffic grounds.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>near misses at this roundabout on a regular basis due to impatient drivers, traffic congestion and children crossing from all directions. The school has approximately 1700 pupils, all arriving and leaving the school at the same time. There are students everywhere at a time when there is very heavy traffic.</p> <p>There is going to be a substantial increase in traffic when these units are built.</p>		
<p>It is morally wrong to build a seniors precinct so close to the RSL club. The RSL clubs' gaming clientele comprises largely of elderly citizens and providing accommodation so close to these gambling rooms will cause undue temptation on the elderly.</p>	<p>The applicant is required under the Seniors housing SEPP to have an appropriate protocol in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.</p>	<p>Issue addressed.</p>
<p>The RSL club parking facilities are often full and reducing the parking areas will cause further difficulties and stress in finding appropriate spots when patronising the RSL Club and/or the Sporting Club.</p>	<p>A total of 1,496 off-street parking spaces will be provided as a result of this development, an increase of 676 parking spaces. The proposed number of parking spaces exceeds the parking requirements of the Seniors Housing SEPP.</p>	<p>Issue addressed.</p>
<p>The very limited residential and narrow roads surrounding the RSL will pose serious hazard and safety issues as large trucks and machinery will be parked and will utilise these streets as access points to the already restricted entry/exit site points.</p>	<p>Council's Traffic Engineer has assessed the application including the submitted traffic report and no objection is raised on traffic grounds. A traffic control plan will be required as a condition in any approval.</p>	<p>Issue addressed. Condition applied – see Condition No. 52.</p>
<p>The RSL was responsible for the removal of a number of trees behind the objector's house, which led to grave privacy concerns. The view looking out from their dining, entertainment area and back</p>	<p>Where trees have been removed as a consequence of the proposal and associated building footprint, it is envisaged that the proposed landscaping will replace the loss of vegetation across the site. The comprehensive landscape plan</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>bedroom have been compromised since 2012, with no action taken by the RSL to re-plant as promised. The actions they have taken to re-plant trees that were removed by the RSL are in no way sufficient in mitigating these privacy concerns given the RSL has failed to re-plant trees as promised. With the proposal to build a multi-storey car park which will be higher than my backyard fence next to my property, this is going to add very serious privacy concerns for their family. People will be able to very easily look into their backyard, which is very concerning for my family's privacy.</p>	<p>incorporates significant plantings of native species whilst retaining most of the existing trees surrounding the development which will screen the development from neighbouring properties, retaining amenity and appropriate residential character.</p>	
<p>Given the objector's current back-door access, this will pose another safety issue, as his access to the RSL and gym will be severely restricted both during and after construction. This is a result of the construction activities and from the 1,900+ cars that are set to enter and leave the multi-storey parking complex causing additional noise and pollution to the surrounding residents in addition to already being a concrete eyesore for the community at large.</p>	<p>A traffic control plan will be required as a condition in any approval. The southern car park structure has been removed from the application and will remain as an open space car park.</p>	<p>Issue addressed. Condition applied – see Condition No. 52.</p>
<p>RSL's proposal to construct multiple apartment/ retirement living blocks of between 6-8 levels in addition to a 4 level carpark, severely impacts the value of neighbouring properties. The high density housing that is going to be built by RSL is also not in line with the surrounding landscape. Given the future profitability to the RSL from having 5 high rise blocks in the form of a seniors living</p>	<p>Devaluation of property values is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979. No evidence is provided in the submission to substantiate this claim.</p> <p>The application is accompanied by a Site Compatibility Certificate issued by the Department of Planning which certifies that the proposed development is suitable</p>	<p>Issue addressed.</p>



ISSUE/OBJECTION	COMMENT	OUTCOME
<p>precinct, it is evident that a development of this scale will bring considerable financial benefit through property sales, leasing, catering, fitness and wellness activities and most importantly the increased entertainment revenue through the meals and beverages and gambling offered at the RSL.</p>	<p>for a more intensive development than that currently exists on site and is compatible with the adjoining land uses.</p>	
<p>Substantial seniors should be located away from high schools and traffic congestions. Substantial seniors should have access to outdoor living, encourage movements, walk in the park, lawn bowls, fresh air. The proposal for seniors housing will now allow and encourage vulnerable senior citizens to gamble. The RSL club will profit enormously from this development from substantial senior citizens.</p>	<p>Financial gain by a developer is not a matter for consideration in this application.</p> <p>Seniors housing is made permissible with consent despite its prohibition in the current zoning of the land via a Site Compatibility Certificate issued by the Department of Planning &amp; Environment pursuant to Clause 24 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p>	<p>Issue addressed.</p>
<p>The RSL club will lose the young and vibrant members. Furthermore, Castle Hill High School will be affected enormously by losing electrical capacity and suffer slower internet capacity. Why affect a vibrant high school that is producing the best public education for kids in NSW.</p>	<p>The proposed seniors living development should not pose as a risk to the young members of the community. The Seniors Housing SEPP where this application is made under is aimed to encourage the provision of housing that will make efficient use of existing infrastructure and services/ The concerns of losing electrical capacity and slower internet capacity is a matter for the Castle Hill High School administration to check and confirm with the relevant service providers.</p> <p>Relevant conditions are recommended in any approval requiring submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity and telecommunication services.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 78 and 79.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Traffic Congestion is already significant with the “cul-de-sac” end of Castle Street servicing both the school and RSL area. Traffic is often backed up from roundabouts going back to Rowallan Avenue and beyond. As a result many parents use Ensign Place off Britannia Road as a drop off point for their children to walk through the lane as they are simply unable to get near the school if they take the route via Carramar Road.</p>	<p>Council’s Traffic Engineer has reviewed the application and the traffic report submitted with the application. The SIDRA model (software package used for intersection and network capacity, level of service and performance analysis, and signalised intersection and network timing calculations) provided by the applicant has been reviewed which shows that the nearby intersections will still have acceptable level of service as a result of this development. No objection is raised to the proposed development from traffic point of view.</p>	<p>Issue addressed.</p>
<p>Concern is raised about placing such a high concentration of knowingly response time impaired drivers in a regularly high congested traffic area so near school children who (rightly or wrongly) with a thousand adolescent things on their mind and other distractions are apt to make sudden unpredictable movements re crossing/navigating the road in this area.</p>	<p>This is not a matter for consideration in this application. Traffic accidents happen on the roads which are inevitable which can be avoided through responsible and safe driving. The SEPP aims to encourage the provision of this type of housing to increase the supply and diversity of residences that needs of seniors or people with a disability.</p> <p>The traffic assessment report submitted with the application concludes that the projected additional traffic flows associated with the development proposal will not result in any appreciable increases in delays, nor will any road upgrades / improvements/widening be required.</p>	<p>Issue addressed.</p>
<p>Some reduced residential living at this site will be supported, however with caveats to provide additional entry/exit points from the RSL site including entry/exit points to any proposed senior residential dwellings well away from the school entry area, perhaps a second entry/exit point onto Britannia Road between Kathleen and Bounty Avenue.</p>	<p>Additional entry/exit points from the RSL site to the proposed seniors housing away from the school entry area is not envisaged in this application nor considered necessary as a condition in any approval.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>The RSL's carpark struggles on most popular days as it is (Mothers' Day, etc.), so it is hard to see how they will cope with less car parking spaces. The Hills Shire has been overrun with development since the train line approval, and it is time to stop so the community can still sustain its residents and allow them to peacefully enjoy their lives while also being close to transport and shops.</p>	<p>The provision of 1,496 off-street parking spaces is expected to comfortably exceed the actual peak operational requirements of the proposed development. The proposed number of parking spaces significantly exceeds the SEPP parking requirements.</p>	<p>Issue addressed.</p>
<p>Concerned about the safety of students, teachers and parents. Traffic demand on the surrounding streets is already too high and they believe this development, especially during the construction phase, comprises safety of ingress and egress to the school for students, staff, parents and school visitors. This needs to be considered with the fact that the Castle Hill High School is rapidly expanding in student numbers, partially driven by the high density residential developments in the area.</p>	<p>A traffic control plan will be required as a condition in any approval. The southern car park structure has been removed from the application and will remain as an open space car park.</p>	<p>Issue addressed. Condition applied – see Condition No. 52.</p>
<p>On-street parking is already very limited for the needs of the school and this development will only exacerbate this issue. They do not believe the traffic report adequately reflects what the true position of the traffic impacts will be particularly during the 8-9:30am and 2:30-4pm school zone periods.</p>	<p>Council's Traffic Engineer has reviewed the application and the traffic report submitted with the application. No objection is raised on traffic grounds.</p>	<p>Issue addressed.</p>
<p>With the RSL entry points remaining as is and with massive increases in resident numbers needing to access the site 24/7, their concern is the adverse impact on local school bus arrivals and departures.</p>	<p>The traffic assessment concludes that the projected additional traffic flows associated with this proposal will not result in any appreciable increases in delays, nor will require any road upgrades/improvements/widening.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>The development application does not address what measures they will take during the 8-year construction period to mitigate the resultant noise impacts during the critical HSC Exam period - typically mid-October to mid-November.</p>	<p>A traffic control plan will be required as a condition in any approval. The southern car park structure has been removed from the application and will remain as an open space car park.</p>	<p>Issue addressed. Condition applied – see Condition No. 52.</p>
<p>As the RSL are aware, by signing the lease for the Telstra mobile base station, they are legally liable for any health effects that occur due to EMR emissions. Elderly people at this site will face significant EMR exposure and as such the RSL should do everything in its power to have this base station removed from its roof. In addition, the Department of Education &amp; Communities (DEC) have a policy for mobile tower placement to be at least 500m from a school. As such this base station needs to be removed as part of this application.</p>	<p>Removal of the mobile tower base station is not a matter for consideration in this application. Operation of mobile towers is strictly governed by the Telecommunications Act particularly with regard to EMR emissions.</p>	<p>Issue addressed.</p>
<p>The proposed Southern car park will be undercover. It will reduce open space significantly.</p> <p>A thoroughfare will be built along the fence line of the adjoining properties at Patrick Avenue.</p> <p>From the proposed architectural plan the roof top of the Southern car park will be an open platform accessible by the club patrons/public. All the properties adjoining the club at Patrick Avenue will be adversely affected with loss of privacy as the car park roof top (as high as 7 to 10 meters) will be towering over the backyard of the adjoining</p>	<p>The southern car park structure has been removed from this application and will remain as an open space car park.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
properties at Patrick Avenue. The current Southern car park should be left as it is, i.e. as an open space car park.		
The development would increase amount of traffic by over 130% leading to road congestion/blockages, increase of noise, vibration and exhaust gases making the area less liveable and less healthy.	<p>The traffic assessment concludes that the projected additional traffic flows associated with this proposal will not result in any appreciable increases in delays.</p> <p>Issues relating to noise and vibration in relation to construction activities are addressed by way of conditions in any approval.</p>	Issue addressed. Conditions applied – see Condition Nos. 22, 23, 24, 45, 70, 71, 88, 96, 98, 99, 100, 101 and 102.
Extensive destruction to the existing mature vegetation. The proposed development will necessitate the removal of ninety-nine high category trees. These trees are considered high to very high significance and display good health and condition. On top of this twenty seven low category trees will be lost and further eighty-two high category trees may be adversely affected. Most of these trees are over 20m high and they are inherent to the image and well being of the area both humans and wildlife.	As noted previously, where trees have been removed as a consequence of the proposal and associated building footprint, it is envisaged that the proposed landscaping will replace the loss of vegetation across the site. The comprehensive landscape plan incorporates significant plantings of native species whilst retaining most of the existing trees surrounding the development which will screen the development from neighbouring properties, retaining amenity and appropriate residential character.	Issue addressed.
The description of the proposal is silent about the height of the development. But the buildings are to be up to 8 storeys high. Buildings have not been adequately modelled in terms of their true geometry and truly represented. For the above reasons the assessment is void.	The proposal has been amended reducing the maximum height of building to 6 storeys. The amended application was re-notified to surrounding properties and previous objectors.	Issue addressed.
Britannia Road is currently zoned low density residential. The Council has repeatedly maintained and actively defended this zoning. It is therefore a major contradiction and a threat to credibility of the Council to	The proposed seniors housing development is made permissible with consent via a Site Compatibility Certificate issued by the Department of Planning & Environment which certifies that the site is suitable for a more intensive development than that	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
allow a 6-storey residential block to be constructed on a neighbouring property.	currently exists on the site.	
In addition to creating increased congestion through the construction phases, the development will also permanently increase traffic and congestion in the streets around the Club. This will coincide with increased traffic resulting from the completion of the Sydney Metro North West rail link, and the resulting traffic impacts, which compounds the threat and risk to local residents.	The traffic generation has been assessed in the traffic report and concludes that the projected additional traffic flows associated with this proposal will not result in any appreciable increases in delays.	Issue addressed.
<p>The 30-40 metre high canopy of trees have for decades shielded the neighbouring residences from the Club property. The noise, lighting and traffic that is part and parcel to the business conducted on the site has been alleviated by this natural barrier and they have lived in harmony with the neighbouring Club.</p> <p>The plans indicate that the majority (approx 40 to 60 trees) of the large 30-50 metre high trees that currently provide the buffer between our homes and the Club, are to be removed. In addition to the large trees are a large number of shrubs that help form this buffer will be removed.</p> <p>In their place is planned a six storey tower with windows and balconies looking directly into the neighbouring properties. Due to the elevated aspect of the land even the ground floor apartments will have direct views into their yards and upstairs bedrooms. The morning sunshine will be</p>	Where trees have been removed as a consequence of the proposal and associated building footprint, it is envisaged that the proposed landscaping will replace the loss of vegetation across the site. The comprehensive landscape plan incorporates significant plantings of native species whilst retaining most of the existing trees surrounding the development which will screen the development from neighbouring properties, retaining amenity and appropriate residential character.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>totally removed from the rear of their properties due to the height. The visual outlook will change from a beautiful bushland setting to a brick wall towering well above our homes.</p>		
<p>The NSW Department of Planning and Environment has found the site compatible for independent living subject to resolution of issues relating to: bulk and scale, overshadowing, visual amenity, privacy and traffic. These issues have not been adequately resolved.</p>	<p>The proposal has been amended mainly reducing the height of buildings and dwelling yield. A new Site Compatibility Certificate (SCC) has been issued for the site by the Department of Planning and Environment through the Sydney Central Planning Panel on 11 November 2019. One of the main reasons in the Panel's decision in issuing a new SCC is that the proposal's built form, including its bulk, scale and character is compatible with scale and character and will be compatible with existing and probable future uses of the site and its surrounds.</p> <p>The proposed building are adequately set back at interface with adjacent residential properties with deep soil landscaping around the perimeter of the site providing a substantial level of screening between the site and surrounding properties to the north, south and west. The building setbacks reduce bulk and overshadowing maintaining a reasonable neighbourhood amenity including solar access. Shadow diagrams show that the proposed development will not reduce the solar access of nearby residences.</p> <p>Council's Traffic Engineer has assessed the application and raised no objection on traffic grounds. The traffic model provided by the applicant has been reviewed which shows that the nearby intersections have acceptable level of service.</p>	
<p>The required separation</p>	<p>This submission from the Bowling</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>distances should be shared between parties. The proposed development should provide a greater setback to achieve the required building separation, e.g. Level 06 of Building 3 has a 6m setback meaning that any corresponding level on the Castle Hill Bowling Club site would require a 12m setback to achieve compliance with building separation requirements.</p> <p>The proposed setbacks may contribute to the solar access compliance issues on Castle Hill Bowling Club's land when factoring in the shadow cast by the proposed development particularly in the afternoon.</p> <p>The proposed basement parking along the south-eastern boundary entirely precludes deep soil planting along the property boundary. The ADG encourages setbacks that maximise deep soil areas and are capable of supporting vegetation. It is strongly requested that such deep soil areas be provided to create an appropriate landscape buffer between the 2 properties.</p> <p>The proposed plans do not conform to building separation requirements at the interface with the bowling club's site, and this, in combination with the extent of cut proposed at the common boundary and the absence of deep soil in this location, may have implications for the development potential of the bowling club's site and result in associated amenity impacts.</p>	<p>Club was in relation to the original scheme which included an 8 storey building at the interface. The plans have since been amended lowering Building 3 from 8 to 6 storeys. The revised plans show compliance with the Apartment Design Guide, i.e. providing a 6m setback to the 4 storeys of Building 3 directly adjacent to the bowling club property on the eastern boundary and 9.4m setback to the topmost floor.</p> <p>Shadow diagrams show the Bowling Club will receive adequate sunlight access for at least 3 hours at midwinter.</p> <p>Council's Landscape Assessment Officer has assessed the proposed landscaping in particular at the interface between Building 3 and the Bowling Club and has recommended conditions requiring planting of an additional 7 Magnolia 'Teddy Bear' to planters to eastern boundary adjacent B3 and Bowling Club, and requiring that all planting on slab and planter boxes should have minimum soil depths of 1.2m for large trees or 800mm for small trees, 650mm for shrubs, 300-450mm for groundcover; and 200mm for turf.</p>	
<p>Concerned about the setbacks of buildings and</p>	<p>The setbacks provided to the rear boundary comply with the ADG</p>	<p>Issue addressed.</p>



ISSUE/OBJECTION	COMMENT	OUTCOME
<p>accessway so close from the rear boundary of adjoining residential property.</p>	<p>requirements having regard to the building separation requirements.</p> <p>Proposed deep soil landscaping around the perimeter of the site will provide substantial level of screening between the site and surrounding properties to the north, south and west.</p>	
<p>Noise impacts and visual intrusion of the access ramp feeding the carpark which is directly behind the objector's property, as well as noise impacts and light spill from circulating traffic using the multi-storey carpark.</p> <p>Noise from garbage processing and collection, service vehicles attending the site and night time servicing of these facilities.</p> <p>The operation of the existing access ramp from the lower to upper carpark which is right behind the objector's property significant impacts on the on their amenity.</p>	<p>The application has been assessed by Council's Environmental Health team with reference to the acoustic report submitted with the application. No objection is raised to the proposal subject to conditions.</p> <p>This submission was in relation to the original scheme which included a car park structure on the southern boundary. The plans have since been amended which removed the southern car park structure in this area which will remain as an open space car park as it is currently.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 22, 23, 24, 45, 70, 71, 88, 96, 98, 99, 100, 101 and 102.</p>
<p>This tall building so close to the high school is unsuitable as it will cast a building shadow over the high school, thus removing the children of light and sunshine.</p> <p>Council must reject this proposal and instead work on improving traffic and schools in Castle Hill area urgently. Castle Hill needs these improvements before considering further other building developments.</p>	<p>Shadow diagrams at midwinter show that the school will not be affected by overshadowing as shadow cast will only occur after 3pm.</p> <p>The traffic report has been reviewed by Council's Traffic Engineer and no objection is raised to the proposal from the traffic point of view.</p> <p>The proposed development will not have any unacceptable implications in terms of road network capacity. The projected additional traffic flows associated with the development proposal will not result in any increases in delays, nor will any road upgrades/improvements/widening be required.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Suggests to open up the end of the street onto Ensign Place and Britannia Road (which will require property acquisition) or the eastern side of the RSL carpark onto Patrick Avenue which is off Rowallan Avenue which in this way exit and entry points will be procured. Access to the club along with access to the school is already at full capacity and this further development without consideration of access is incomprehensible.</p>	<p>Alternate access points are not proposed in this application and not recommended in the traffic assessment report submitted with the application.</p> <p>It is proposed that the existing southern car park undergo minor upgrade works including implementing a one-way clockwise flow, associated line marking, a new pedestrian site-through link between Britannia Road and Castle Street and associated landscaping.</p>	<p>Issue addressed.</p>
<p>The school is intended to be a safe environment for children to grow and learn. How can they do their best with the pollution effecting health (as it is daily pollution in the air in their immediate environment) as well as the constant noise while they are listening to classes, studying, taking exams, etc.</p> <p>Building usually starts and finishes in line with school hours which is a concern. The noise of construction and vehicles entering the property will cause disruption to the school children. The HSC and other important exams are sat in the school hall which is at the front of the school across from the proposed site. This will cause significant disruption.</p>	<p>The acoustic report submitted with the application has been reviewed by Council's Environmental health team and no objection is raised to the proposal subject to conditions requiring the recommendations of the acoustic report are to be implemented as part of any approval. The conditions cover demolition, construction and operation of the facilities.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 22, 23, 24, 44, 68, 69, 94, 95, 96 and 98.</p>
<p>The proposed development will take 8 years to build, that means some kids will have their entire high school experienced interrupted by this development. The two entrances to the RSL are inadequate to allow construction vehicles to access the site.</p>	<p>A Traffic Control Plan will be required as a condition in any approval.</p> <p>Authorised traffic controllers will be required to supervise the movement of all vehicles across the footpath during the demolition and excavation stages.</p> <p>Authorised traffic controllers will</p>	<p>Issue addressed. Condition applied – see Condition No. 51.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	also be required during the construction stage of the project to facilitate major deliveries to the site.	
<p>The surface of the road would be damaged by construction vehicles traversing the road for the development. This will raise huge safety concern for students, teachers and school staff walking and crossing through the road every day.</p> <p>Not all students are mature enough to cross the roads regularly by themselves with heavy construction vehicles around. Please remember that year 7 students are just primary schoolers one year before. They are still so young.</p>	<p>A condition is recommended in any approval requiring a security bond 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.</p> <p>As part of the traffic control plan required as a condition in any approval, authorised traffic controllers will be required to supervise the movement of all vehicles across the footpath during construction stages.</p>	<p>Issue addressed. Condition applied – see Condition No. 38.</p>
<p>The introduction of the North West Rail Link will make a difference, but it is expected that virtually every adult resident in these developments would all have at least one car per family, and although they might catch a train to work if they work in the city, they will all be driving on the weekend, to sporting events, to purchase groceries etc.</p>	<p>Seniors housing development has lesser parking rates compared with multi-dwelling housing and apartment developments. The parking provision proposed comfortably exceeds the actual peak operational requirements of the proposed development.</p> <p>Availability of public transport within walking distance from the site for this type of development is required in the SEPP.</p>	<p>Issue addressed.</p>
<p>Currently Buildings 2 and 4 are 6 levels high, and only set back 6m from the boundary line.</p> <p>There is no privacy whatsoever for residents on Britannia Road. Buildings 2 and 4 should be no more than 3 levels high.</p> <p>Also the buildings need to be set back minimum 11m from the boundary, so it does not block all the sunlight for their backyards, and minimise noise levels.</p>	<p>This submission was in relation to the original scheme. The plans have since been amended with Buildings 2 and 4 being lowered from 6 to 5 storeys with the top floor being recessed from the western boundary.</p> <p>Shadow diagrams at midwinter show that neighbouring properties to the west will not be affected as shadowing will be cast wholly within the development site.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
Buildings 3 and 5 should be no more than 4 levels high.		
<p>Buildings 2 and 4 all have balconies facing Britannia Road which will cause privacy impacts. The plans should be amended with no balconies facing Britannia Road.</p> <p>The windows facing Britannia Road should be limited in size and frosted.</p>	<p>Overlooking onto immediate adjoining properties will be mitigated by way of operable timber screens and deep soil landscaping is proposed around the perimeter of the site which will provide substantial level of screening between the site and surrounding properties to the north, south and west. Given these mitigation measures, limiting the size and frosting windows is considered unnecessary in this instance.</p>	Issue addressed.
<p>Residents of Grand Way had put in submissions to be included in the rezoning without luck.</p> <p>They cannot understand why Council did not include the properties on the bottom side of the road. Properties on the bottom end could have been used to continue the expanding of development.</p> <p>They would have been compensated and the properties on the top end (if not rezoned as well) of the street would have no privacy issues.</p> <p>The Council have overlooked this issue. Council should except the streets (Grand Way) proposal for re zoning or the very least the bottom end homes that will be effected by the high rise development.</p>	<p>The concerns raised in this submission relate to a Planning Proposal for Castle Hill North (16/2016/PLP).</p>	Issue addressed.
Is the reduction in the total number of parking spaces provided satisfactory noting the scale of the proposed development and considerable number of club patrons that for years have been parking in Britannia	Despite the reduction in the total number of parking spaces, the proposal comfortably complies with the minimum parking requirements prescribed in the SEPP. This development cannot be refused on parking grounds if it complies with the parking	Issue addressed

ISSUE/OBJECTION	COMMENT	OUTCOME
Road and accessing club facilities via the public reserve adjoining their property?	requirements of the SEPP.	
<p>No details provided in relation to the proposed community building. The landscaping plan shows some information regarding the position of this building behind the sports complex and nominates a level of RL98.40, which is assumed the proposed floor level. The position of the community building is directly behind the concerned neighbour's property where the existing ground level at the rear boundary is approximately RL96.50. So this potentially places the floor level of the community building 1.9m above the ground level of thier property at the rear boundary (i.e. proposed floor level is the same as the top of my rear boundary fence).</p> <p>In addition to the concerns for the floor level elevation mentioned above, concern is also raised about several other factors, including height of the building and if RL 98.40 is the proposed floor level.</p> <p>Additional information was requested from the applicant to provide this information, including window placement details,, use of the building – what activities will be carried out and by whom and hours/days of operation.</p> <p>Potential overlooking and privacy loss particularly in respect of their rear yard and pool area which are well utilised for family activities. The applicant was requested to provide this information in detail, including potential impacts on their property and</p>	<p>Additional information and details were provided by the applicant and forwarded to the concerned neighbour. In reply, the neighbour indicated his satisfaction and raised no objection to the proposal subject to the plans and details including operating hours indicated in the applicant's letter dated 7 August 2019 being adhered to.</p>	<p>Issue addressed. Condition applied – see Condition No. 102.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>proposed mitigation measures to protect their amenity.</p> <p>Also requested the applicant to show the setback dimension from the rear boundary.</p>		
<p>With a further 436 potential cars traveling in and out of this complex plus a constant stream of commercial vehicles, private transport buses for the residents and ambulance access, this puts further pressure on Castle Street that is already struggling to cope with. The only access to this complex is through a narrow driveway right opposite the school. During peak times Ambulance access down Castle Street will be slow to impossible, surely easy access is a prerequisite for a Seniors care facility. Seniors driving in and out will have to deal with the heavy foot and road traffic at peak times and also the narrow roadway up Castle Street.</p> <p>If large complexes like this are being proposed, the surrounding infrastructure needs to be considered. Roadways cannot be left as is and hope they will be able to cope. If plans to widen Castle Street are being considered they need to be completed before a development like this is approved and not happen 3 years after it is built.</p> <p>They are not against the existence of this development but the surrounding roads and safety of the residents need serious consideration as part of this approval. Perhaps moving the entrance to Britannia Road at 62Z for residents and visitors to the RSL. This could potentially</p>	<p>As stated above, the traffic impact as a result of this development has been addressed in the traffic report submitted with the application. This report has been reviewed by Council's Traffic Engineer and no objection is raised to the proposal on traffic grounds.</p> <p>Alternate access points are not proposed in this application and not recommended in the traffic assessment report submitted with the application.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
even out the traffic and redirect up Showground Road and Tuckwell Road to Castle Towers.		
<p>One would assume that a residential aged care facility would require the arrival of emergency vehicles (ambulance and fire brigade). Due to this would current congestion be near impossible with lengthy delays and increased risk to vehicles, pedestrians, not to mention the delays affecting the residents requiring treatment.</p> <p>The timing of the traffic lights at the intersection of Showground Road and Rowallan Avenue is unacceptable given the increase of traffic on Rowallan Avenue.</p>	<p>The RSL Club currently has a fire/emergency management operation plan which will be updated at project completion to incorporate the new facilities. This is addressed in the Operational Management Plan submitted with the application (refer Attachment 11).</p> <p>The Sidra model provided by the applicant has been reviewed by Council's Traffic Engineer which shows that the intersection of Castle Street/Rowallan Avenue, Showground Road/Rowallan Avenue, Patrick Avenue/Rowallan Avenue has acceptable level of service.</p>	Issue addressed.

## 8. Internal Referrals

The application was referred to the following sections of Council:

- Subdivision Engineering
- Environment and Health
- Resource Recovery
- Traffic
- Fire Safety
- Tree Management/Landscaping
- Land Information Systems
- Section 7.12 Contributions

No objection is raised to the proposal subject to conditions.

## 9. A Metropolis of Three Cities – the Greater Sydney Region Plan

The Central City District Plan contained 'Directions for Liveability' which include:

- A City for People – Planning Priority C3 - Providing services and social infrastructure to meet people's changing needs; and
- A City for People – Planning Priority C4 - Fostering healthy, creative, culturally rich and socially connected communities.

The plan seeks to ensure that social interaction is encouraged where people can support creativity and cultural expression. The plan also refers to the co-location of schools, youth and health services, aged care, libraries, community and cultural facilities, parks and recreation. The Plan also seeks to support social connections to help foster healthy, culturally rich and

networked communities that share values and trust and can develop resilience to shocks and stress.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 3: Improved quality of life can be achieved by co-locating schools, recreation, transport, community and health facilities, social infrastructure and local services in walkable mixed use places.

Direction 5: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

The Greater Sydney Region Plan identifies Castle Hill as being located in the Central City District. The District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals, as well as community strategic plans and policies.

The Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Of particular reference to the subject development application is the liveability priorities.

Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth and the ageing population. Specifically, in the Central City District there will be a 95% increase in the 65-84 age group and 183% proportional increase in people aged 85 and over, by 2036. This means 16% of the District's population will be aged 65 or over in 2036, up from 11 percent in 2036. It is noted The Hills and Parramatta local government areas have the largest projected growth in the 65 to 84 age groups.

The following objectives and opportunities are identified based on the strategic context:

- Recognition of the strategic importance of the Site and the development potential to create an Integrated Seniors Living Precinct;
- Improvement in housing diversity to cater for the increasing proportion of older people and people with a disability through additional smaller homes, group homes, adaptable housing and aged care facilities;
- Create stronger connections between housing development and community facilities;
- Strategic concentration of appropriately zoned land for aged care and seniors living. This is particularly relevant given the evident trend toward a significantly older population profile by 2036, there will be a 95% increase in the 65-84 age group in the Central City District.

Overall, the proposed development will help address housing supply, especially in the form of seniors housing, in The Hills Shire Local Government Area (LGA), which is considered an integral form of social infrastructure, and is considered to satisfy the strategic objectives for the Central City District.

## **CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 4.15 of Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered to be satisfactory.



The issues raised in the submission have been addressed in the report and do not warrant refusal of the application.

Approval is recommended subject to conditions.

## **IMPACTS:**

### **Financial**

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

### **Hills 2026**

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

## **RECOMMENDATION**

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

## **GENERAL MATTERS**

### **1. Development in Accordance with Submitted Plans**

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

## **REFERENCED PLANS AND DOCUMENTS**

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA.G.0.00	Cover Sheet	S	10/07/2019
DA.G.0.01	Drawing List	R	05/08/2019
DA.G.0.02	Perspective Images	P	04/07/2019
DA.S.1.02	Demolition Plan	O	30/05/2019
DA.S.1.03	Staging Plan	O	30/05/2019
DA.M.1.00	Level B3 Floor Plan	R	05/08/2019
DA.M.1.01	Level B2 Floor Plan	S	30/05/2019
DA.M.1.02	Level B1 Floor Plan	R	05/08/2019
DA.M.1.03	Level 00 Floor Plan	S	05/08/2019
DA.M.1.05	Level 01 Floor Plan	R	22/11/2019
DA.M.1.06	Level 02 Floor Plan	R	05/08/2019
DA.M.1.07	Level 03 Floor Plan	R	05/08/2019
DA.M.1.08	Level 04 Floor Plan	R	05/08/2019
DA.M.1.09	Level 05 Floor Plan	R	05/08/2019
DA.M.1.10	Roof Level Floor Plan	R	05/08/2019
DA.M.3.01	Section AA	P	04/07/2019
DA.M.3.02	Section BB	P	04/07/2019
DA.M.3.03	Section CC	O	30/05/2019
DA.M.3.05	Section EE	O	30/05/2019
DA.M.3.06	Section GG	O	30/05/2019
DA.I.1.00	Level 00 Floor Plan	Q	10/07/2019
DA.I.1.01	Level 01 Floor Plan	Q	10/07/2019

DA.I.1.02	Level 02 Floor Plan	Q	10/07/2019
DA.I.1.03	Level 03 Floor Plan	Q	10/07/2019
DA.I.1.04	Level 04 Floor Plan	Q	10/07/2019
DA.I.1.05	Level 05 Floor Plan	Q	10/07/2019
DA.I.1.08	Level Roof Floor Plan	P	04/07/2019
DA.I.2.00	Elevations – SE B3 & B5	O	30/05/2019
DA.I.2.01	Elevations – SW B4 & B5	P	02/07/2019
DA.I.2.02	Elevations – NW B2 & B4	O	30/05/2019
DA.I.2.03	Elevations – NE B4 & B5	P	04/07/2019
DA.I.2.04	Elevations – SE B2 & B4	O	30/05/2019
DA.I.2.05	Elevations – NW B5-B3	O	30/05/2019
DA.I.2.06	Elevation – NE & SE B1	O	30/05/2019
DA.I.2.07	Elevation – SW & NW B1	O	30/05/2019
DA.I.2.08	Material Board	O	30/05/2019
DA.R.1.00	Level 00-02 Floor Plan	R	04/07/2019
DA.R.1.01	Level 03-05 Floor Plan	R	04/07/2019
DA.R.2.00	Elevation NE	P	04/07/2019
DA.R.2.01	Elevations NW & SW	P	04/07/2019
DA.R.3.01	Section S	P	04/07/2019
DA.G.2.10	Community Building Floor Plan	A	31/07/2019
L-1	Cover Page	L	15/08/2019
L-2	Landscape Overview	L	15/08/2019
L-3	Site Plan	L	15/08/2019
L-4	Detail Plan 01	L	15/08/2019
L-5	Landscape Sections 01	L	15/08/2019
L-6	Landscape Sections 01.1	L	15/08/2019
L-7	Detail Plan 02	L	15/08/2019
L-8	Landscape Sections 02	L	15/08/2019
L-9	Landscape Sections 02.1	L	15/08/2019
L-10	Detail Plan 03	L	15/08/2019
L-11	Landscape Sections 03	L	15/08/2019
L-12	Detail Plan 04	L	15/08/2019
L-13	Detail Plan 05	L	15/08/2019
L-14	Detail Plan 06	L	15/08/2019
L-15	Precedent Images – Village Green	L	15/08/2019
L-16	Precedent Images - Piazza	L	15/08/2019
L-17	Indicative Planting Details	L	15/08/2019
L-18	Landscape Specification – Details	L	15/08/2019
L-19	Advanced Tree Planting Plan	L	15/08/2019

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

## **2. Construction Certificate**

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

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

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

## **4. Provision of Parking Spaces**

The development is required to be provided with 1,496 off-street parking spaces comprising 436 parking spaces for the independent living units, 36 parking spaces for the residential aged

care facility, 1,024 parking spaces for the RSL Club and 1 ambulance bay. These car parking spaces shall be available for off street parking at all times.

#### **5. External Finishes**

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

#### **6. Colours and Materials**

All colours and materials shall be in accordance with the external material palette provided in Drawing No. A800 dated 25/03/2019. Any change to colours or materials requires a Section 4.55 modification application.

#### **7. 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. A restriction shall be placed on the 88B Instrument to this effect.

#### **8. Accessibility and Adaptability**

The access report dated 9 October 2018 prepared by McKenzie Group (Job No. 75270) must be adhered to at all stages. The development is to be designed according to the report.

#### **9. 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.

#### **10. Road Opening Permit**

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

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

### **11. Separate Application for Strata Subdivision**

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

### **12. Protection of Public Infrastructure**

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

### **13. 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.

### **14. 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.

### **15. 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 additional requirements apply. Compliance with each of these points must be addressed at the detailed design stage/ with the Construction Certificate documentation:

- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- The driveway long-section must be extended to the kerb and gutter in Castle Street to demonstrate compliant grades through the footpath verge.

- The driveway plan must be extended to include the portion of these works in the footpath verge in Castle Street. The driveway must be 6.6m wide at the boundary splayed to 8.6m at the kerb to accommodate access into and out of the site by the nominated design service vehicle (HRV). A swept path assessment at this driveway must be provided showing a HRV turning left into the site from Castle Street at this location.
- Similarly, a swept path assessment for a HRV must be provided in both directions along the length of the internal driveway from Castle Street to the loading bay/ turn table at the bottom of the ramp. Specifically, the assessment must show that the nominated design service vehicle (HRV) is able to manoeuvre the median, the 90 degree bend at the end of the internal driveway/ top of the ramp fronting the ILU building as well as the curved ramp itself.
- The transition lengths and inside and outside radius of the curve along the length of the ramp must be dimensioned demonstrating compliance with AS 2890.2 above.
- The loading bay/ turn table at the bottom of the ramp must be dimensioned demonstrating compliance with AS 2890.2 above.
- Where the 5.8m parking aisles have a wall/ structure along one edge, the parking aisle width must be increased to 6.1m for the parking spaces opposite in response, complying with AS/ NZS 2890.1 above.
- Disabled parking spaces (and the adjacent shared areas) must comply with AS/ NZS 2890.6 above.
- The narrower/ 3.6m wide ramps between basement levels 02 and 03 are restricted to one way vehicular movements only.
- The three parallel visitor parking spaces on level 00 fronting the ILU building must be removed or a turning space/ area provided at the end of this parking aisle noting these parallel spaces are located along a blind/ dead-end aisle.

The removal of the existing circulation roadway connecting the southern and northern parking areas along the north-western edge of the existing sports centre must be detailed on the plans.

#### **16. Vehicular Crossing Request**

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

#### **17. 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 driveway to/ from Castle Street must be built to Council's heavy duty standard. The driveway must be 6.6m wide at the boundary splayed to 8.6m wide at the kerb to accommodate access by service vehicles (HRV).

A separate vehicular crossing request 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. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

**c) Site Stormwater Drainage**

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

**18. Excavation/ Anchoring Near Boundaries**

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

**19. Imported 'Waste Derived' Fill Material**

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

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

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

**20. Contamination**

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

**21. Litter Control**

A sufficient number of litter bins must be provided on the premises for litter disposal.

**22. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as Castle Hill RSL Senior Living Precinct dated 17<sup>th</sup> July 2019 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Table 4 – Recommended Glazing Constructions
- Table 5 – Minimum STC of Glazing

- Section 4.4.2 – External Walls and Roof Construction
- Table 7 – Noise Emission Criteria
- Table 8 – Sleep Arousal (Emergence Criteria)
- Section 5.5.2 – General Requirements
- Section 5.5.3 – Residential carpark ventilation
- Section 5.5.4 – ILU Rooftop condensers
- Section 5.5.5
- Section 5.5.6
- Section 5.5.7
- Section 6 – Construction Noise and Vibration

### **23. 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.

### **24. 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.

### **25. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings and Mixed Use Developments**

The responsibility for property and unit numbering is vested solely in Council under the *Local Government Act 1993*.

The overall property address for this development is: - **77A Castle Street, Castle Hill.**

Unit numbering as provided on the following lodged plans are NOT approved and must NOT be used under any circumstances:-

- DA.G.2.01 dated 4/10/2018 and Titled “Units Numbering – 01”;
- DA.M.1.03 – DA.M.1.10 dated 30/5/2019.

Council approved unit numbering for all Independent Living Units is as per plans marked up within consent documentation; and as follows:-

Level	Lift A	Lift B	Lift C	Lift D	Lift E	Lift F	Lift G	Lift H	Lift I
Ground	G01-G06	G07-G12	G13-G18	G19-G24	G25-G30	G31-G36	G37 – G42		N/A
Level 1	101-106	107-112	113-118	119-124	125-130	131-136	137-142	143-145	N/A
Level 2	201-206	207-212	213-218	219-224	225-230	231-236	237-242	243-248	249-257
Level 3	301-306	307-312	313-318	319-324	325-330	331-336	337-342	343-348	349-357
Level 4	401-402	403-404	405-406	407-408	409-410	411-412	413-418	419-424	425-433
Level 5	N/A	N/A	N/A	N/A	N/A	501 - 502	503-505	506-509	510-515

These addresses shall be used for all correspondence & legal property transactions.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

Unit numbering of Residential Aged Care Facility is to be allocated by the applicant; however, under no circumstances can unit numbering be repeated throughout the entire development.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

#### Mail Boxes

It is acknowledged that on 23/1/2019 Australia Post provided approval for the location of mail boxes and the delivery of mail as shown on plans submitted marked as DWG No DA.M.1.03 Revision J dated 4/10/2018.

Unit numbering must be allocated and displayed on mail boxes as per Council approval above.

#### Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered to council@thehills.nsw.gov.au for the allocation of final Property and Unit numbering required to be included within the registered Strata Administration sheet.

#### **26. Tree Removal**

Approval is granted for the removal of Trees 1 to 29, 32, 33, 35 – 37, 43, 44, 49-55, 64, 66, 78, 92, 94, 98, 99, 106-110, 121, 123, 124, 127-137, 142, 143, 144, 159, 239-268 as numbered in Arborist report prepared by Jacksons Native Works dated 22 June 2019 plus Addendum dated 15/8/19.

Tree 18 is a commemorative tree which is to be transplanted on site.

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

#### **27. Planting Requirements**

- a) 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/m<sup>2</sup>.
- b) To east west pedestrian path through southern carpark, install structural soil or cell under proposed footpath adjacent tree planting to increase tree pit for root growth.
- c) Allow to plant an additional seven (7) Magnolia 'Teddy Bear' to planters to eastern boundary adjacent B3 and Bowling Club.
- d) Allow to plant an additional three (3) Tristaniopsis laurina 'luscious' to eastern boundary adjacent block B1.
- e) For all planting on slab and planter boxes allow the following minimum soil depths: A soil depth plan is a useful way to illustrate proposed 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.

### **28. Retention of Trees**

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Jacksons Native Works and the following requirements:

- Direct drilling of services to be under bored to trees to eastern boundary

### **29. 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](http://www.wastelocate.epa.nsw.gov.au).

### **30. 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.

### **31. Construction of Waste Storage Area(s)**

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The area(s) must provide minimum storage facility for 20 x 1100 litre bins for the Independent Living Units, 8 x 1100 litre bins for the Residential Aged Care Facility and a 23m<sup>3</sup> compactor.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork.

- The floor of the waste storage area(s) must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The waste storage area(s) must have an access door, which allows wheelchair access for adaptable sites. Suitable access doors are single or double swinging doors. The access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (NSW EPA approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

#### **Example Bin Measurements (mm)**

1100L: 1245 (d) 1370 (w) 1470 (h)

#### **32. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- The turntable dimensions must be suitable for use by a 12.5m long heavy rigid vehicle (dimensions as per Australian Standard 2890.2-2002) and must be able to withstand the loads imposed by a 28 tonne gross vehicle mass. The turntable must be maintained in accordance with manufactory standards.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.

- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.

### **33. Waste and Recycling Collection Contract**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

### **34. Provision of Waste Chute System**

The development must incorporate dual chute systems for waste and recycling with a total of 9 x pairs of chutes. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre bins and recyclables must also discharge into 1100 litre bins. The waste chute system must be maintained in accordance with manufactory standards.

### **35. Clause 94 Upgrade**

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. The existing hydrant system serving the RSL club is to be upgraded, appropriate to EP1.3 of the BCA, to ensure the following:
  - a. Adequate system pressures and flows for the system
  - b. Hydrant coverage to the reconfigured (demolition and new external walls) premises is adequate, taking into consideration the location of existing landing valves & internal walls
  - c. Existing landing valves located less than 10m to the existing building are to have sufficient construction to protect against radiant heat and be located at an adequate distance for protection in the event of structural collapse.
- ii. The existing fire suppression system serving the RSL club is to be upgraded to ensure sprinkler coverage is provided to all portions of the premises, appropriate to EP1.4 of the BCA.
- iii. The existing hose reel system serving the RSL club is to be upgraded, appropriate to EP1.1 of the BCA, to ensure the following:
  - a. Hose reels are sited at locations which are at appropriate distances to required exits, which will allow occupants to safely undertake initial attack on a fire.
  - b. Hose reel coverage to the premises is adequate, taking into consideration the location of reels, the storeys they serve and any doors which form part of fire separated areas.
- iv. A review of emergency lighting in the RSL club is to be undertaken. Emergency lighting is to be upgraded to provide a safe level of illumination during an emergency appropriate to EP4.1 of the BCA.
- v. A review of exit signage in the RSL club is to be undertaken. Exit signage is to be reconfigured and upgraded to identify all available exits and the direction to all exits in order to facilitate evacuation appropriate to EP4.2 of the BCA.

- vi. A review of smoke exhaust for the club and auditorium is to be undertaken to ensure conditions remain tenable during evacuation, appropriate to EP2.2 of the BCA.
- vii. A review of egress is to be undertaken for each storey to ensure safe evacuation and tenability appropriate to DP4, DP5 and EP2.2 of the BCA.

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

### **36. Section 7.12 Contribution**

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$3,400,969.00** 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.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

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

### **37 .Design Verification**

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP 65.

### **38. 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.

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

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$150,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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.

#### **40. Stormwater Management**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by Marchese Partners Revision K dated 30/05/2019 and the accompanying stormwater management report also prepared by Marchese Partners Revision E dated 30/05/2019 are for development application purposes only and are not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) A catchment plan must be provided delineating the development area from the overall site, along with the catchment split between the two OSD storages. These areas must reflect the calculations included with the stormwater management report.
- b) The rainwater tanks must be 5,000 litres each (with 10,000 litres total volume) as per the stormwater management report (noting the stormwater concept plan refers to two 3 cubic metre rainwater tanks).
- c) A stormwater pump out system is required in the ILU/ RSL basement because it is unable to drain to either legal point of discharge (below) under gravity. A stormwater pump out system is not required in the RACF basement because this area is otherwise able to drain to either legal point of discharge (below) under gravity. The detailed design must reflect this necessary change.
- d) The two OSD storages must have a minimum volume of 834 cubic metres and 264 cubic metres as per the stormwater concept plan and the accompanying stormwater management report.
- e) The sump in the base of the high early discharge pit/ chamber must be replaced with mass concrete benching sloping towards the invert of the orifice so that no water ponds in this area.
- f) The site slopes to the north-west and to the south-west. The stormwater concept plan has all runoff being directed to the existing Council easement/ pipeline under the car park towards the south-western corner of the site however there is an area behind the ILU buildings in the north-western corner of the site that cannot be directed that way. The portion of the site/ development sloping towards this corner needs to be connected to the existing pit/ pipe and associated easement over 44 Britannia Road shown on the stormwater concept plan. This catchment split needs to be reflected on the catchment plan required to be provided under point a) above also.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

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

Water sensitive urban design elements, consisting of 10,000 litres of rainwater reuse over two tanks and two gross pollutant traps upstream of the OSD storages, are to be located generally in accordance with the stormwater concept plan prepared by Marchese Partners Revision K dated 30/05/2019 and the accompanying stormwater management report also prepared by Marchese Partners Revision E dated 30/05/2019.

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

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

All model parameters and data outputs are to be provided.

#### **41. Stormwater Pump/ Basement Car Park Requirements**

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

#### **42. Works in Existing Easement**

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

#### **43. Works on Adjoining Land**

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

#### **44. 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).

#### **45. Demolition and Construction Noise Management Plan**

Prior to the issue of the Construction Certificate a Demolition and Construction Noise Management Plan is to be submitted to and approved by Council's Manager Health and Environment. The Demolition and Construction Noise Management Plan must include at a minimum the following details;

- Project Specific Construction and Demolition Noise Levels;
- Details of the exact location of all Acoustic Walls to be installed around the construction site;
- A noise monitoring program to confirm compliance with the project specific noise levels; and
- Details of all actions to be taken to manage noise offensive noise to the surrounding residential properties.

The approved demolition and construction noise management plan must be complied with for the duration of the construction works.

#### **46. Internal Pavement and Turntable Structural Design Certification**

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to the Principal Certifying Authority confirming the structural adequacy of the internal pavement design and turntable. The pavement design and turntable specifications must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

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

#### **47. 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 and receipt from Sydney Water Tap in™ (if not already provided) 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.

#### **48. Management of Building Sites – Builder's Details**

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

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

#### **49. Details and Signage - Principal Contractor and Principal Certifying Authority Details**

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

## **Signage**

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

## **50. 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.

## **51. 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).

## **52. Traffic Control Plan**

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

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

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

## **54. Property Condition Report – Public Assets**

A property condition 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.

## **55. 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.

## **56. 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.



### **57. 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.

### **58. Notification of Asbestos Removal**

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

### **59. Tree Protection Fencing**

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

### **60. Tree Protection Signage**

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

### **61. Mulching within Tree Protection Zone**

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

### **62. Trenching within Tree Protection Zone**

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention without supervision of a project arborist. Stormwater is to be under bored to eastern boundary within TPZ of trees to be retained.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching and excavation works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

### **63. Engagement of a Project Arborist**

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:

- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

#### **64. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

#### **65. Construction and/or Demolition Waste Management Plan Required**

Prior to the commencement of works, a Waste Management Plan for the construction and/ or demolition phases of the development must be submitted to and approved by the Principal Certifying Authority. 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 and/ or demolition phases of the development.

#### **66. Demolition works information**

As part of the RSL is to be demolished (including external stairways and elevated egress pathways), the following is to be submitted to the Principal Certifier:

- i. Details of the new external walls for the reconfigured RSL club. Details are to include the Fire Resistance Level of the proposed external walls to ensure sufficient separation between buildings.
- ii. As the existing elevated egress pathway is to be demolished at the rear of the RSL club, egress plans are to be submitted to the Principal Certifier demonstrating the following:
  - a). Occupants using the existing external stairway serving part of the auditorium on level 4 & 5 and egress from the sports bar on levels 2 & 3 are afforded sufficient egress widths for the populations they serve, ensuring the widths do not diminish whilst descending. The plans are also to indicate that occupants are capable of discharging from the stairway/ramp to a road or open space.
  - b). Occupants discharging through the external courtyard on the ground floor have sufficient egress widths and pathways which will enable connection to the road or open space.
  - c). The location and layout of any new stairways, ramps or pathways required to ensure safe egress from the reconfigured building.

### **DURING CONSTRUCTION**

#### **67. Hours of Work**

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

**Monday to Saturday - 7.00am to 5.00pm;**

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

Any variation sought to the hours of work above, for exceptional circumstances, will require the approval of Council's Manager Regulatory Services. Should approval for works beyond the hours specified above be granted, written notification must be provided to neighbouring properties at least 48 hours in advance of work commencing.

**68. 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. 920483M\_03 dated 31 May 2019 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.

**69. 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.

**70. 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.

**71. 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)*.

**72.. 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.

**73. 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.

**74. 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.

#### **75. Loading Dock and Waste Storage Area Drainage**

All drains from waste storage areas and covered loading docks shall be discharged to the sewer in accordance with approval and all requirements of Sydney Water.

#### **76. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

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

#### **77. Section 73 Certificate**

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

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

#### **78. 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.

#### **79. 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.

#### **80. Access and Useability**

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

#### **81. 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.

#### **82. 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.

### **83. Property Condition Report – Public Assets**

Before an Occupation Certificate is issued, an updated property condition 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.

### **84. Pump System Certification**

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

### **85. OSD System Certification**

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

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

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

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

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

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

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

### **87. 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 dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

#### **a) 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.

#### **b) Restriction/ Positive Covenant – Water Sensitive Urban Design**

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

#### **c) Positive Covenant – Stormwater Pump**

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

**d) 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.

**88. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Environmental Noise Impact Assessment – Castle Hill RSL – Seniors Living Precinct prepared by Acoustic Logic Pty Ltd dated 17<sup>th</sup> July 2019. Certification is to be provided.

**89. 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 plans 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 plans.

**90. Internal Pavement and Turntable Construction**

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to the Principal Certifying Authority confirming that the internal pavement and turntable has been constructed in accordance to the approved plans, and is suitable for use by 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

**91. Waste Chute System and Turntable Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system and turntable, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

**92. Maximum Capacity Signage to be Displayed in the Premises**

With effect from 26 January 2010, it is a Prescribed Condition under Clause 98D of the Environmental Planning and Assessment Regulation 2000 that Entertainment Venues, Function Centres, Pubs, Registered Clubs and Restaurants shall have a Maximum Capacity Signage on display. The following signage is ready for use and shall be displayed in a prominent position in each of the buildings:

## **Maximum Capacity of Venue**

**Pursuant to Development Consent No.633/2019/JP, the maximum number of patrons and staff that are permitted in each building are as follows:.**

### **1. Castle Hill RSL**

**Maximum capacity: 2900 persons, comprising –**

**Ground floor: 1100**

**Level 2 & 3: 850**

**Level 4 & 5: 700 (including the auditorium)**

**Level 6 & 7: 250**

**Note: The capacities are based on the available egress width and information provided with Development Application 633/19/JP. Any variations to the capacities will require a Section 4.55 1(A) to be lodged with the Consent Authority.**

**2. ILU Restaurant: 315 persons**

**3. ILU Café: 200 persons**

**4. RACF Restaurant: 365 persons**

**Note:**

1. The approved method to calculate that the authorised capacity is not exceeded is by the issue of numbered tickets to patrons upon admission, together with regular head counts at intervals during the hours of operation; or
2. The approved method to calculate that the authorized capacity is not exceeded is by a counting device accurately indicating numbers of patrons "IN" and "OUT" of the premises during high peak periods. These details are to be kept in a logbook and updated at the end of trading on each day. The logbook is to be available for inspection upon request by the Consent Authority or other licensing authorities.

**The name, address and telephone number of the council area in which the building is located:**

**The Hills Shire Council  
3 Columbia Ct  
NORWEST NSW 2153  
Tel: 9843 0555**

**The name and business telephone number of an owner or manager of the building (to be completed by owner or manager):**

**Owner/Manager's Name:  
Tel:  
Mob:**

## **93. Entertainment Venue – Compliance with Prescribed Conditions**

The Entertainment Venue shall comply with the Prescribed Conditions in Clause 98D (Maximum Capacity Signage) and Schedule 3A of the Environmental Planning and Assessment Regulation 2000 below:

### **1. Nitrate film**

An entertainment venue must not screen a nitrate film.

## **2. Stage management**

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

## **3. Proscenium safety curtains**

If a proscenium safety curtain is installed at an entertainment venue:

- a. there must be no obstruction to the opening or closing of the safety curtain, and
- b. the safety curtain must be operable at all times.

## **4. Projection suites**

1) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.

2) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia , the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

3) No member of the public is to be present in the projection suite during the screening of a film.

## **5. Emergency evacuation plans**

1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.

2) An "emergency evacuation plan" is a plan that specifies the following:

- a. the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
- b. the number of any fire safety officers that are to be present during performances,
- c. how the audience are to be evacuated from the building in the event of a fire or other emergency.

3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

## **USE OF THE SITE**

### **94. Number of Beds**

The residential aged care facility as approved in this consent shall have a maximum capacity of 19 beds. Any increase in the total number of beds shall be subject to a separate approval by the relevant consent authority.

### **95. Lighting**

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



## **96. Final Acoustic Report**

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

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

## **97. Hours of operation for waste collection, delivery / dispatch of goods**

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. Offensive Noise - Acoustic Report**

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

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

## **99. Offensive Noise**

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

## **100. Noise to Surrounding Area**

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

## **101. Acoustic – Maintenance**

All approved acoustic attenuation measures installed as part of the development are to be maintained at all times, in a manner that is consistent with the excepted acoustic reports, the consent and so that the noise attenuation effectiveness is maintained. This includes but is not limited to:

- Mechanical plant acoustic barriers.

## **102. Operational Noise Level**

The operational noise limits for the Castle Hill RSL Seniors Living Development shall be in accordance with the noise limits detailed in Table 7 – Summary of Noise Emission Criteria, specified in the submitted Environmental Noise Impact Assessment – Castle Hill RSL – Seniors Living Precinct prepared by Acoustic Logic Pty Ltd dated 17<sup>th</sup> July 2019. Specifically the use of the site must comply with the below mentioned noise levels;

Receiver	Location	Time of day	Site Specific Noise Criteria
Residential	To the south of the site	Day	52 dB(A)
		Evening	41 dB(A)
		Night	43 dB(A)
Residential	To the west of the site	Day	47 dB(A)
		Evening	37 dB(A)

		Night	33 dB(A)
Residential	To the north of the site	Day	47 dB(A)
		Evening	37 dB(A)
		Night	33 dB(A)
Commercial		When in use	65 dB(A)

### **103. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include 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. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

### **104. Waste and Recycling Collection**

All waste generated on the 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 previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

### **105. Operational Management Plan**

Adherence with the Operational Management Plan dated 18 November 2019 at all times.

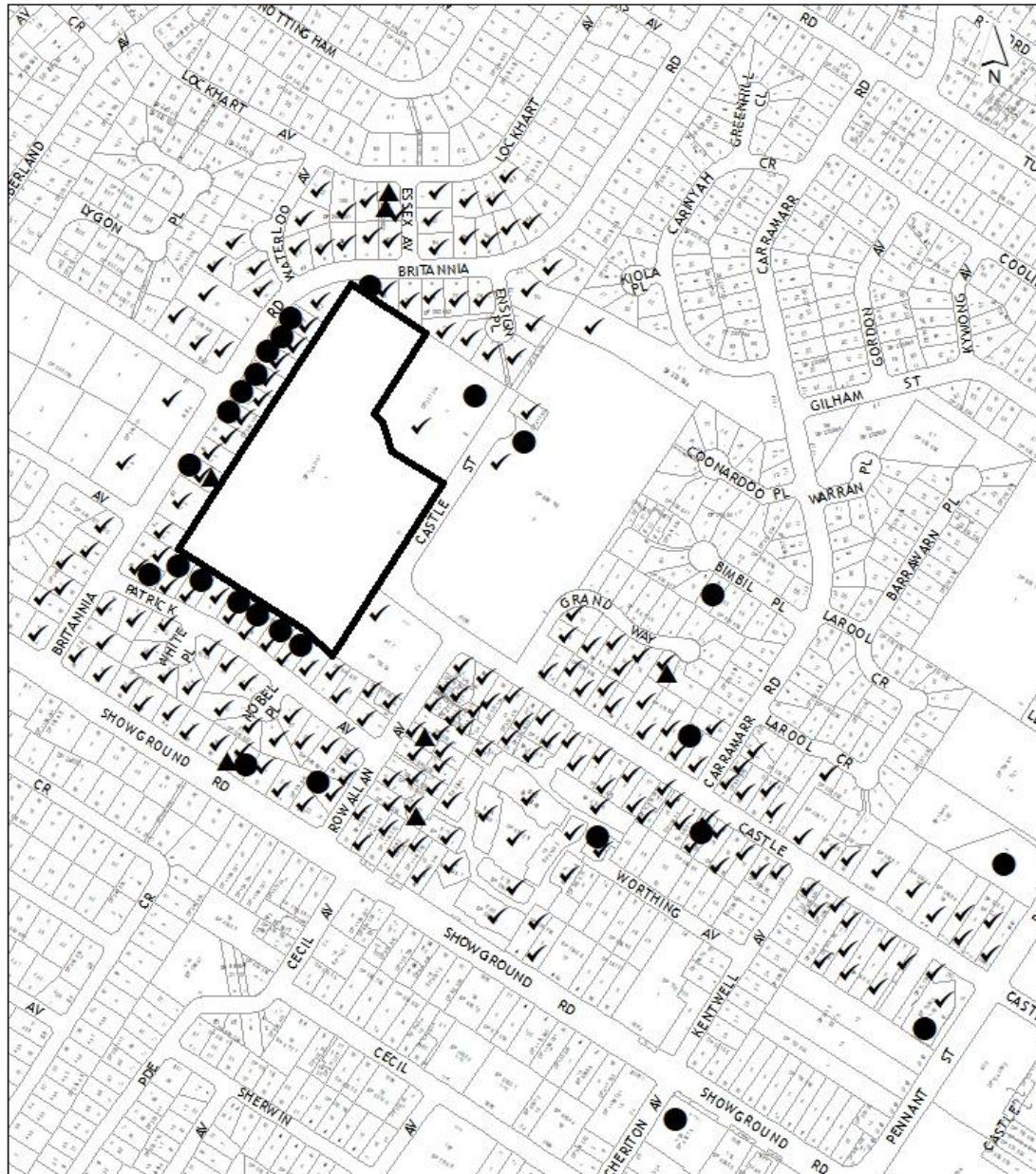
### **106. Use of the Maintenance/Men's Shed**

The Maintenance Shed shall be open for trades (as employed by the Castle Hill RSL) to collect their equipment from 7am - 4pm Monday to Friday and 7am - 1pm Saturday and Sunday.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Site Plan/Staging Plan
5. Floor Plans (5 pages)
6. Sections/Elevations (8 pages)
7. Shadow Diagrams – Midwinter
8. Demolition Plan
9. Cross Sections Showing Relationship with Adjoining Existing Houses Fronting Britannia Road
10. Perspectives
11. Operational Management Plan (12 pages)
12. Site Compatibility Certificate (2 pages)

## ATTACHMENT 1 – LOCALITY PLAN



● SUBMISSIONS RECEIVED -  
1ST NOTIFICATION

✓ PROPERTIES NOTIFIED

□ SUBJECT SITE

▲ SUBMISSIONS RECEIVED -  
2ND NOTIFICATION  
(ONE SUBMISSION OFF THE  
SCOPE OF THIS MAP)

NOTE: APPROXIMATELY 62 SUBMISSIONS  
RECEIVED OFF THE SCOPE OF THIS MAP  
CASTLE HILL HIGH SCHOOL, CASTLE HILL  
P&C ASSOCIATION, RMS AND HILLS DISTRICT  
HISTORICAL SOCIETY 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 (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT  
TO THIS COPYRIGHT.



## ATTACHMENT 2 – AERIAL PHOTOGRAPH



SUBJECT SITE

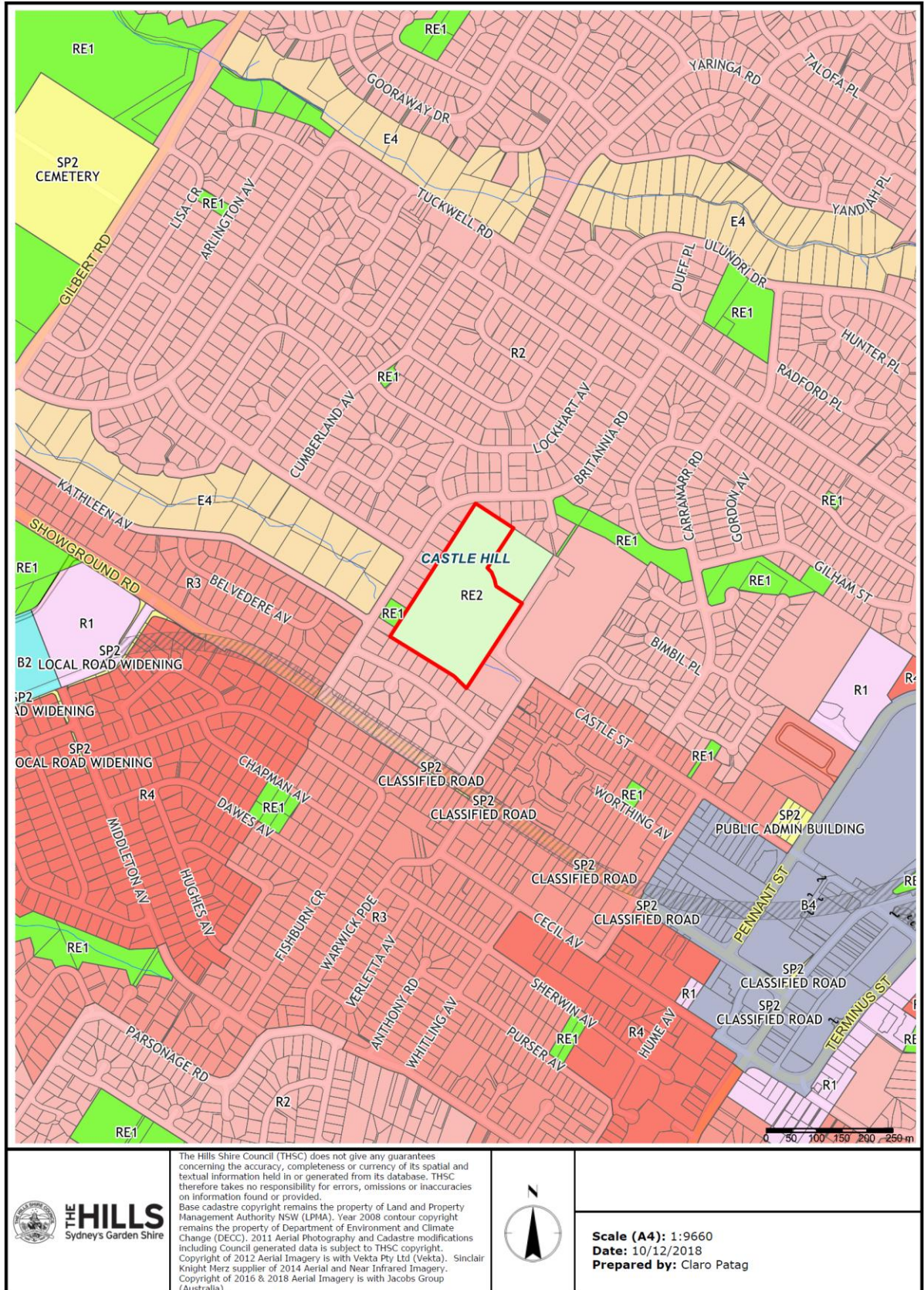
**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

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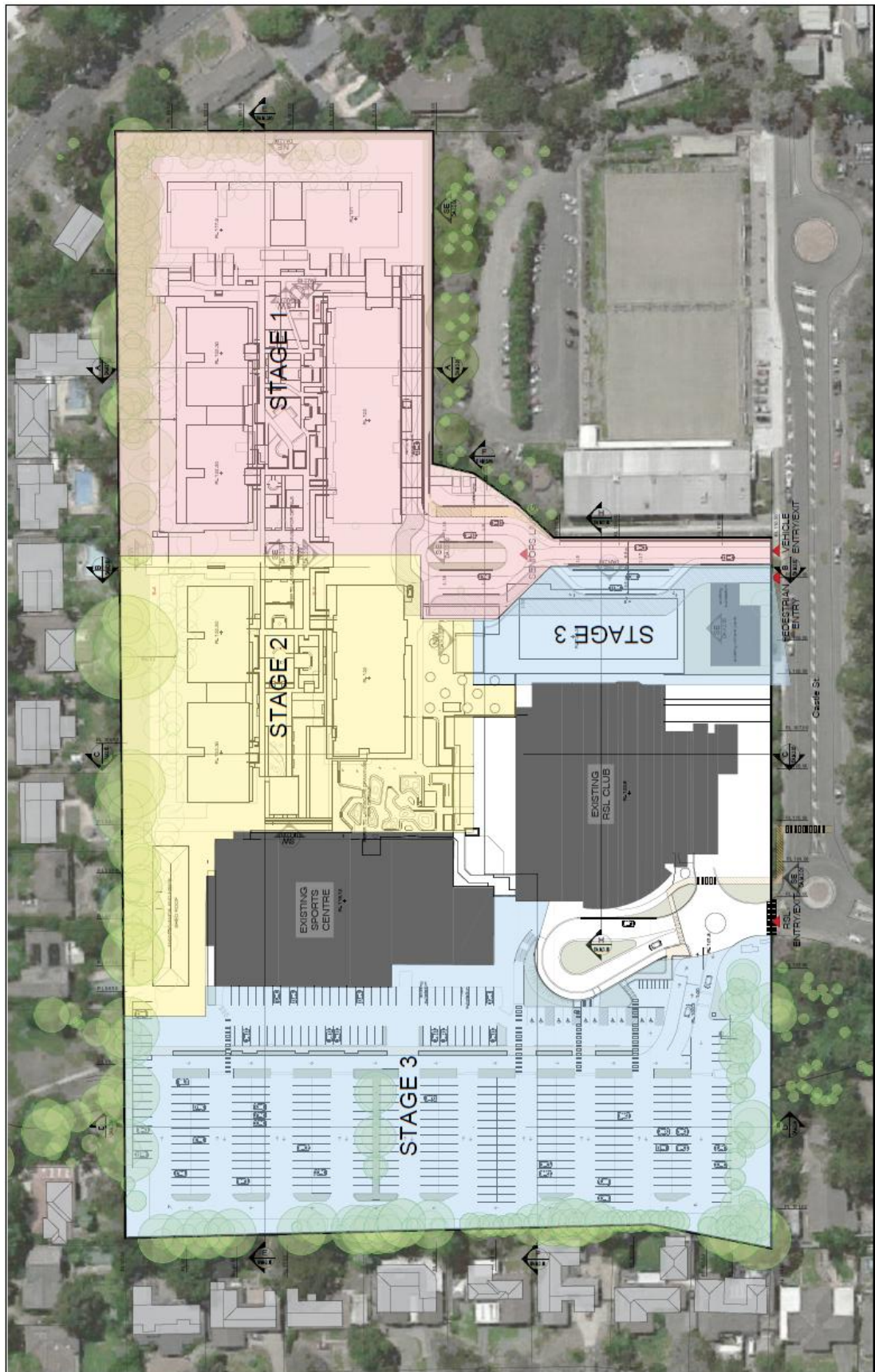


## ATTACHMENT 3 – ZONING MAP

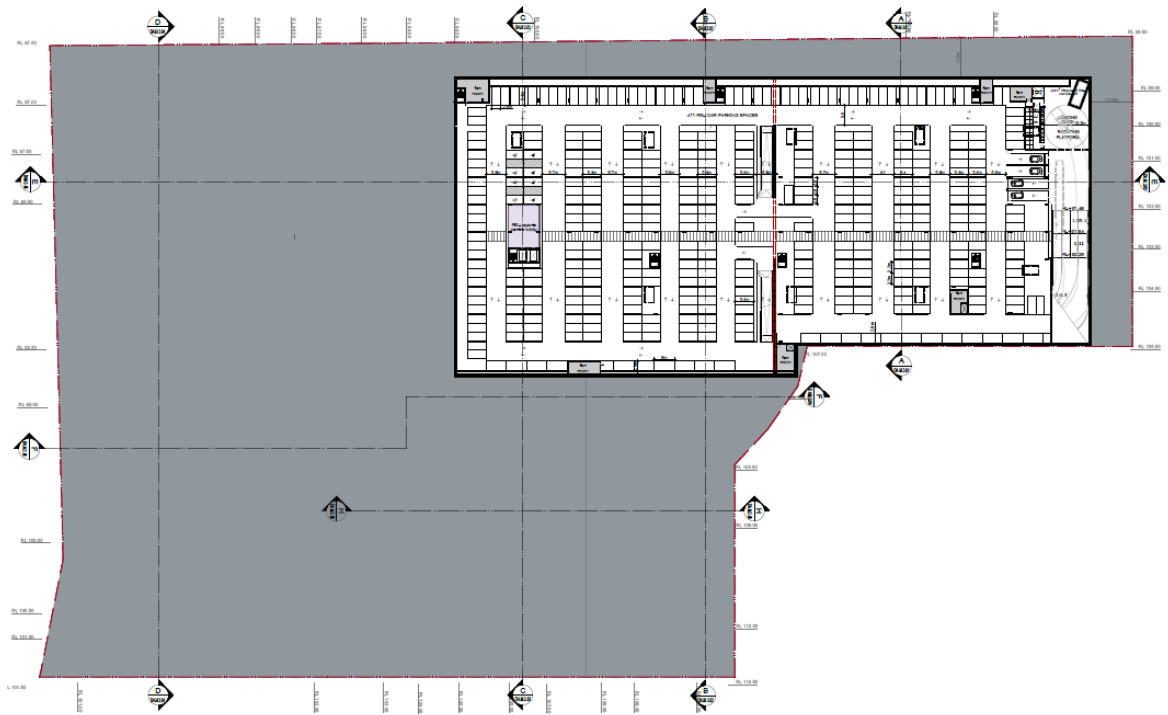




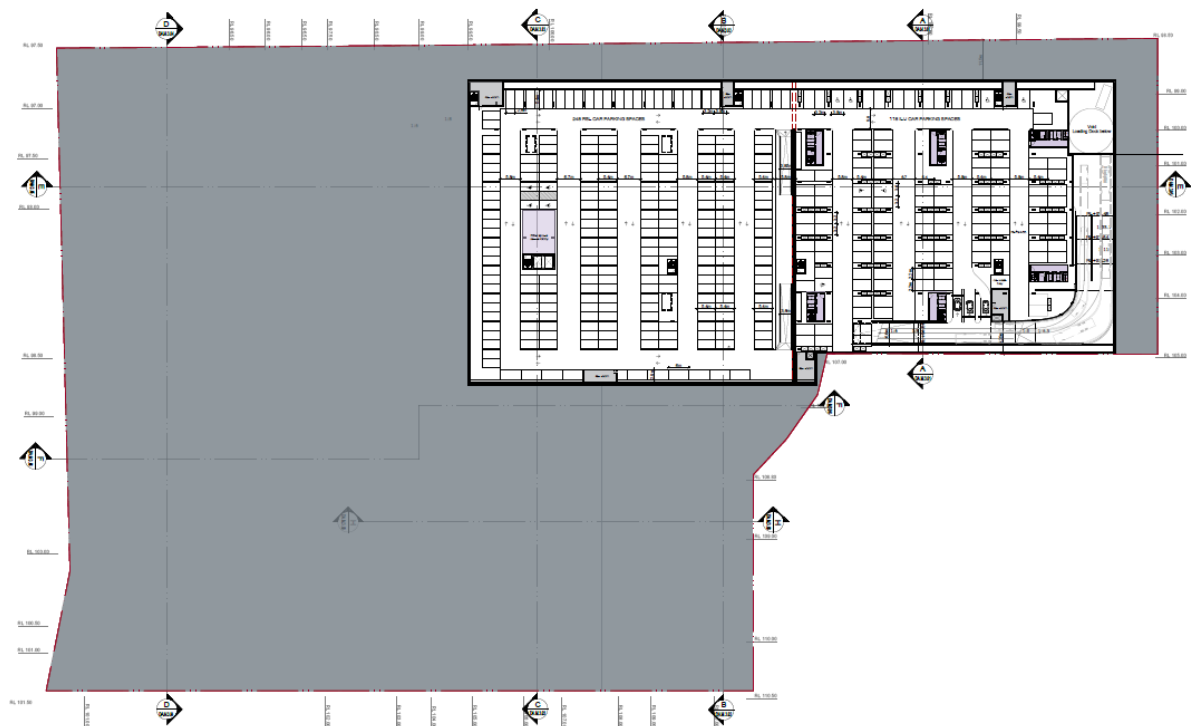
## ATTACHMENT4 – SITE PLAN / STAGING PLAN



## ATTACHMENT 5 – FLOOR PLANS (5 PAGES)



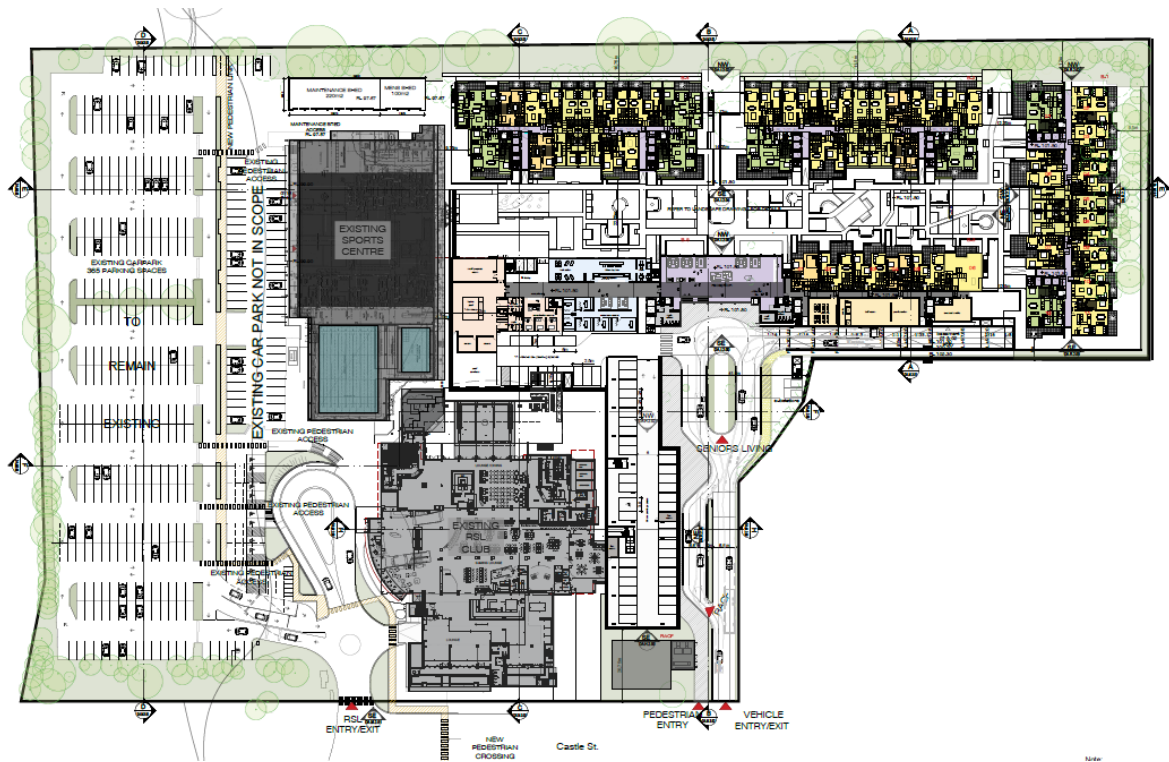
LEVEL B3 FLOOR PLAN



LEVEL B2 FLOOR PLAN



LEVEL B1 FLOOR PLAN



LEVEL 00 FLOOR PLAN





LEVEL 01 FLOOR PLAN



LEVEL 02 FLOOR PLAN

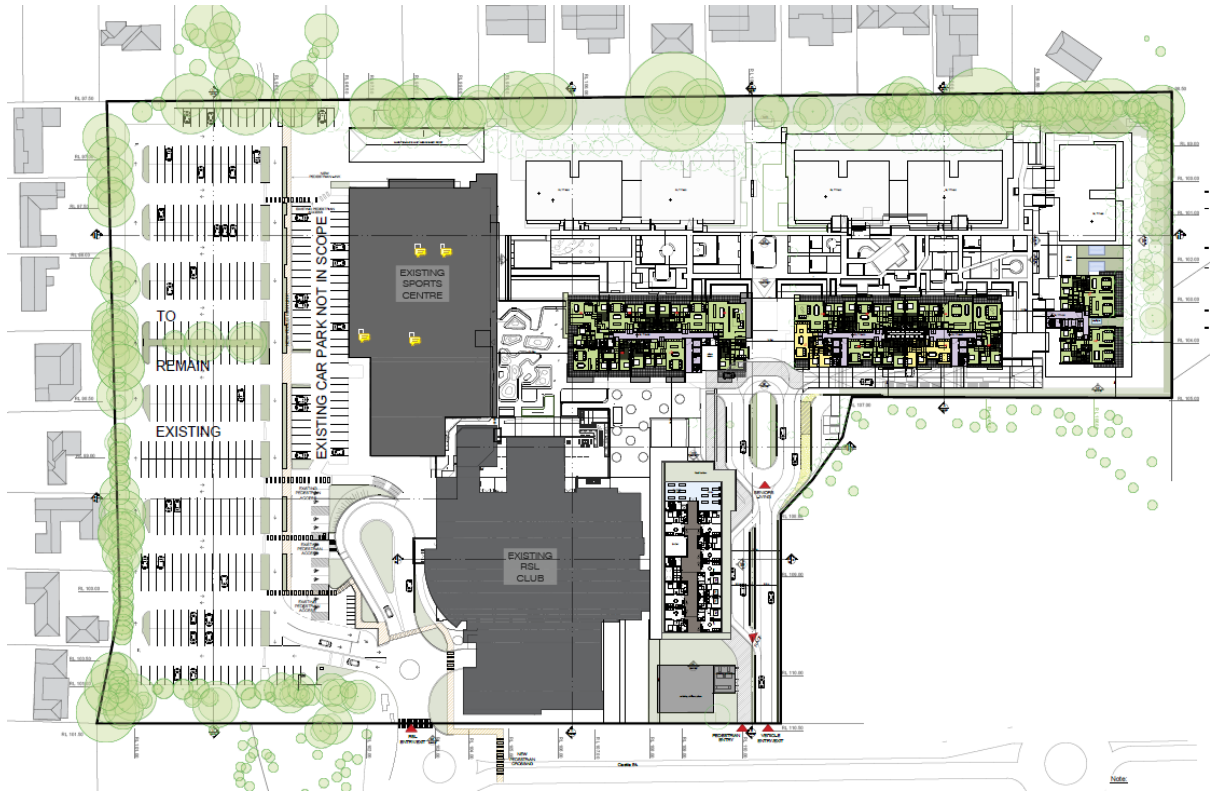


LEVEL 03 FLOOR PLAN

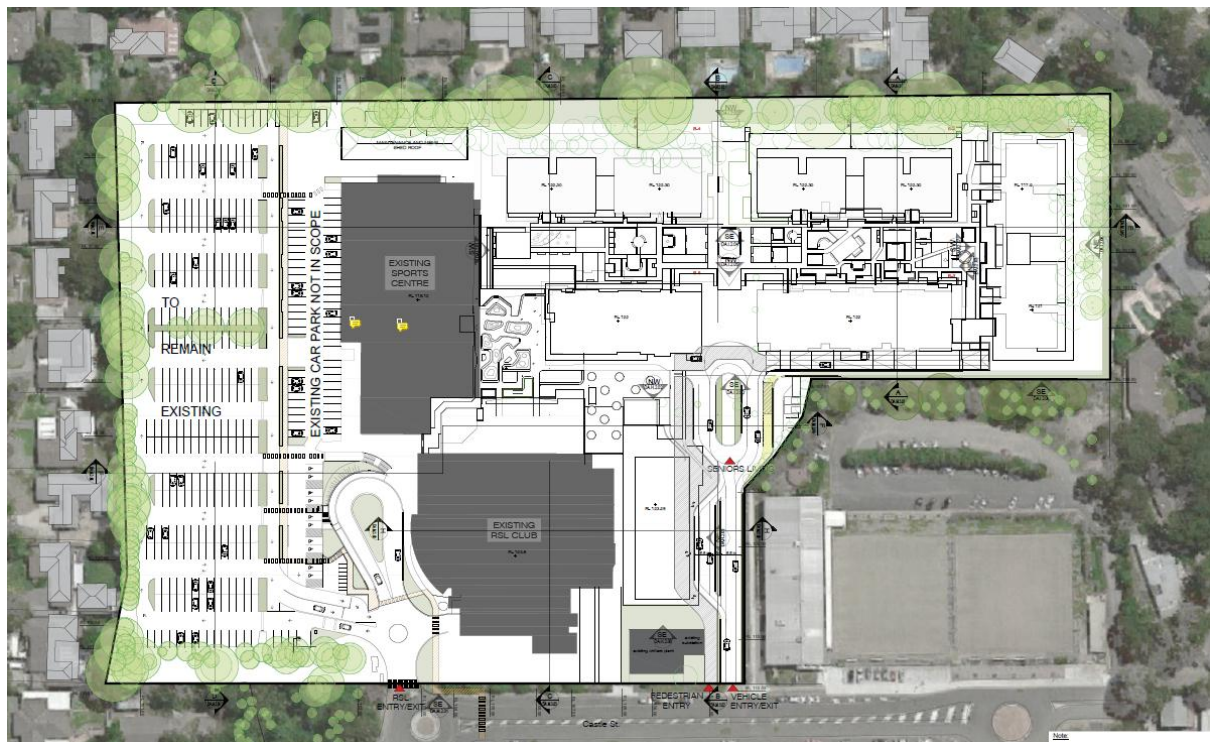


LEVEL 04 FLOOR PLAN



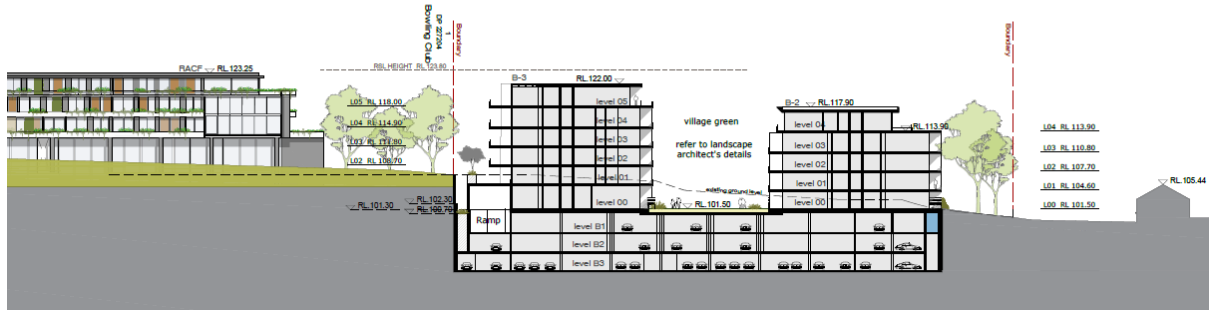


LEVEL 05 FLOOR PLAN



ROOF LEVEL FLOOR PLAN

A diagram of a building layout with a red line indicating a path or boundary. The building is represented by a white outline with several grey rectangular areas inside, likely representing rooms or corridors. A red line runs vertically on the right side, with arrows pointing upwards and downwards, suggesting a direction of travel or a boundary.



A diagram of a building layout with a red line indicating a path or boundary. The building is divided into several rooms, some of which are shaded grey. The red line starts at the top right, goes down, then left, then down again, and finally left, ending at the bottom left. There are red arrows at the top and bottom of the vertical segment, pointing downwards.



SECTION BB



SECTION CC



SECTION EE



SECTION GG



ELEVATIONS – SE B3 & B5







ELEVATIONS - NE B4 & B5



ELEVATIONS - SE B2 - B4



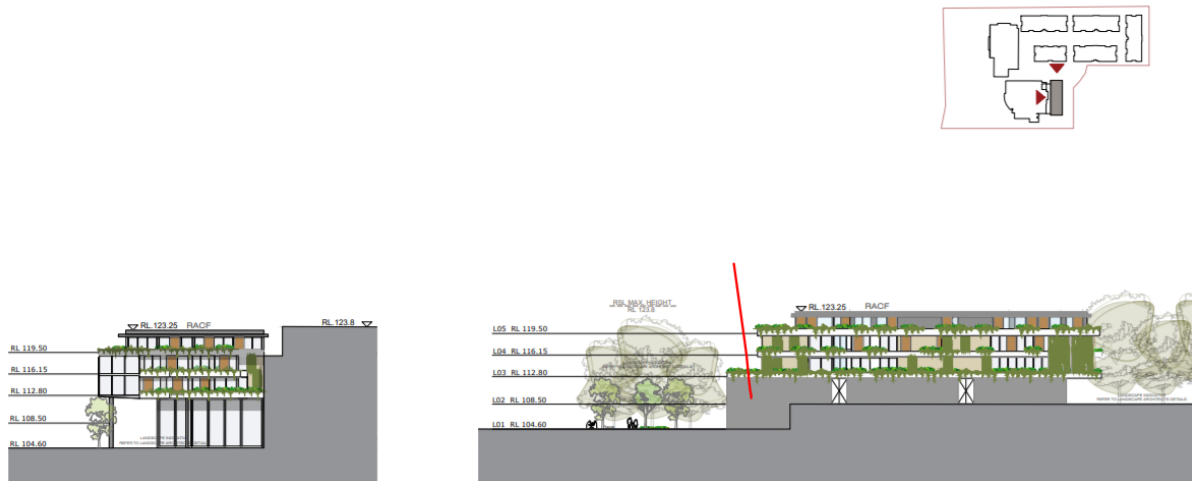




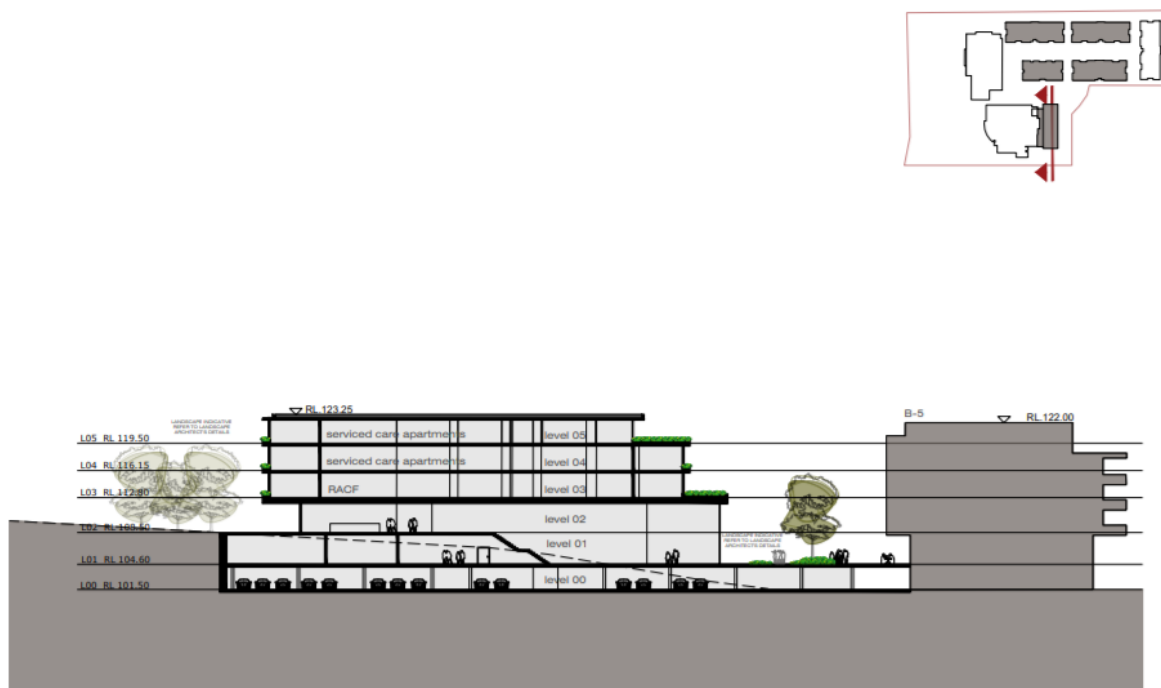
ELEVATION – SW & NW B1



ELEVATION NE



ELEVATIONS NW & SW



SECTION S

**ATTACHMENT 7 – SHADOW DIAGRAMS – MID-WINTER**

JUNE 21 - 9AM



JUNE 21 - 10AM



JUNE 21 - 11AM



JUNE 21 - 12PM



JUNE 21 - 1PM



JUNE 21 - 2PM

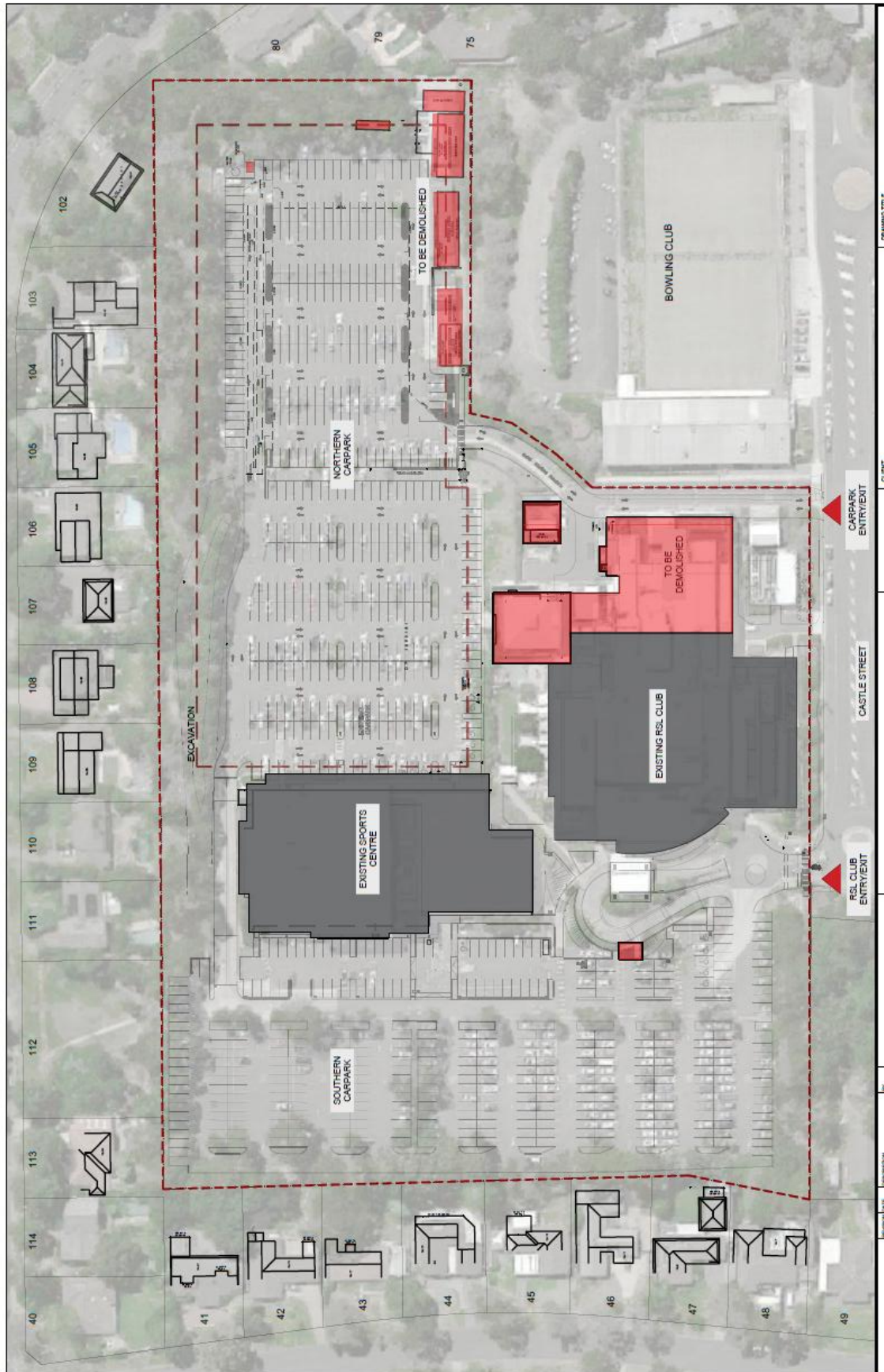


JUNE 21 - 3PM





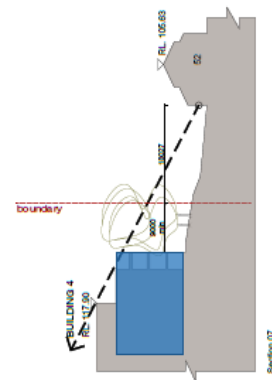
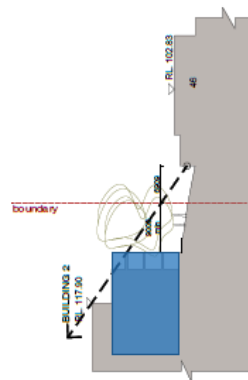
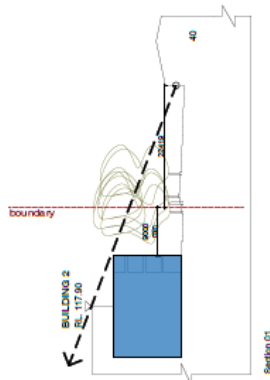
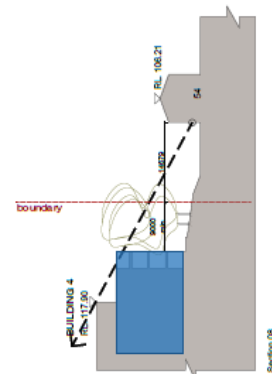
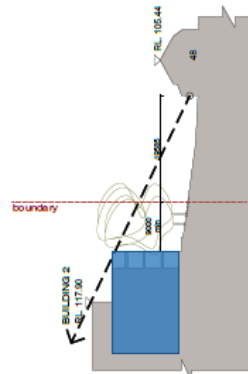
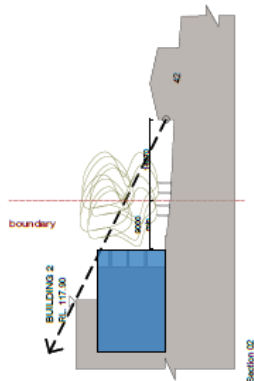
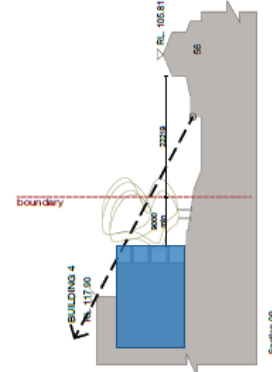
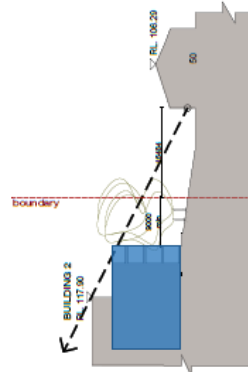
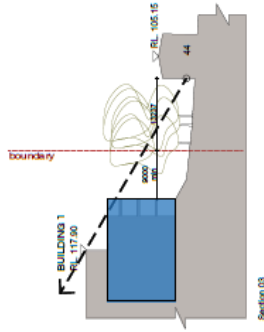
## ATTACHMENT 8 – DEMOLITION PLAN



## ATTACHMENT 9 – CROSS SECTIONS SHOWING RELATIONSHIP WITH ADJOINING EXISTING HOUSES FRONTING BRITANNIA ROAD



This drawing illustrates a series of cross sections along the Northern boundaries of the site. The cross sections show the relationship between the proposed building forms and the adjoining existing houses. The proposed building forms along the boundaries are significantly setback from the boundary line, complying with objective 3F of the ADG





**ATTACHMENT 10 – PERSPECTIVES**



PIAZZA



CASTLE STREET ENTRY



INTERNAL COURTYARD

## **ATTACHMENT 11 – OPERATIONAL MANAGEMENT PLAN (12 PAGES)**

Seniors Living Development by Castle Hill RSL,  
Serviced Apartments & Residential Aged Care Facility by  
Castle Hill RSL

### **Operational Management Plan**

18 November 2019



## **1. INTRODUCTION**

This Operational Management Plan has been prepared in support of a Development Application (DA) submission to The Hills District Council for a proposed development. The proposed development comprises the construction of five new buildings for independent Seniors Living and a Residential Aged Care Facility (RACF) with Serviced Apartments.

The RACF / Serviced Apartments are proposed to be co-located with the commercial kitchen and administration facilities of the Castle Hill RSL whilst the Seniors Living development is standalone. For the purposes of this document, the RACF / Serviced Apartment building is referred to as the RACF.

## **2. FACILITY DETAILS**

### **2.1 BUSINESS NAME**

The Precinct is to be named Monash Residence.

It is envisaged that each residential building, community gathering space and the RACF will be named in accordance with the Branding philosophy adopted for the Precinct. This structure is designed to establish a sense of ownership and bring the scale of the development onto a personal level.

### **2.2 LOCATION**

The site is located at 77 Castle Street in Castle Hill.

The site is located approximately 1.5km to the Castle Hill town centre and future Metro Station, surrounded by Castle Hill RSL club and gymnasium buildings to the south and east, Castle Hill Bowling Club to the east and residential houses to the north and west.

### **2.3 HOURS OF OPERATION**

The Monash Residence Seniors Living development will operate and staffed from 7.00am – 6pm Monday to Friday 52 weeks of the year. Out of these hours emergency response staff will be on site to provide support services in the event of residents experiencing a medical or other emergency.

## 2.4 FACILITY

The development will include the following facilities and functions across the five Seniors Living Buildings:

- 249 Independent Living Units (ILUs)
- 1000m<sup>2</sup> of Seniors Living communal areas, short stay rooms and admin offices
- 600m<sup>2</sup> of RSL owned and operated Restaurant
- 1200m<sup>2</sup> of RSL owned and operated Wellness Centre and Day Spa
- Three levels of basement carparking

The RACF development is comprised of:

- 19 bed Residential Aged Care Facility
- 17 serviced apartments
- 150m<sup>2</sup> of gymnasium space
- 400m<sup>2</sup> of restaurant

## 2.5 SITE CHARACTERISTICS

The Seniors Living site is owned by the Castle Hill RSL and is currently used for on-grade carparking. The RACF site is owned by the Castle Hill RSL and is presently the back one third of the existing club which houses conference rooms, a commercial kitchen, administration offices, loading dock and compactus. It is proposed a portion of the existing RSL building be demolished, the commercial kitchen and loading dock areas be reconfigured and a new RACF building constructed.

## 3. OPERATIONS AND MANAGEMENT

### 3.1 STAFF STRUCTURE

The Monash Residence retirement village will be permanently managed by an on-site Village Manager and an Assistant Village Manager.

The RSL restaurant will be permanently staffed by a Manager and receptionist. The Wellness Centre and Day Spa will be permanently staffed by a receptionist and overseen by the RSL Operations Manager.

The medical staffing for the RACF will be appointed by the approved operator who will own and operate the facility. Staff resourcing will be implemented to ensure the provision of class leading services and care.

### 3.2 SHORT STAY APARTMENTS

Subject to further research, the Seniors Living development has allocated space within the ground floor community area to accommodate 2 x short stay studios of 25sqm each. The apartments would be fully self-contained and their purpose would be to provide short term accommodation for the exclusive use of families visiting their parents or relatives who live in the Monash Residence Village.

The apartments will be owned, managed and maintained by Village Management. They are not for sale and nor can they be rented to the open market.

### **3.3 FIRE SAFETY**

All staff in both the Seniors Living development and RACF will be instructed on the safety measures and procedures in the event of a fire or other emergency on the site.

The RSL Club currently has a fire/emergency management operation plan which will be updated at project completion to incorporate the new facilities.

### **3.4 PEDESTRIAN AND VEHICULAR ACCESS**

Pedestrian access to both the Seniors Living and RACF sites will be via the existing footpath on Castle Street to two new entries (1) the RACF building and (2) the Seniors Living development. A dedicated and covered pathway extends from Castle Street through the RACF porte cochere and then onto the Seniors Living development, Castle Hill restaurant and Day Spa reception.

Vehicular access will be provided via the existing driveway and carpark entry road from Castle Street with separate entry points and porte cochere access to the RACF and Seniors Living development. The road access will provide vehicular access for emergency vehicles, staff, residents, deliveries and waste management for the Seniors Living Development. A pedestrian footpath will be provided adjacent the main access road from Castle Street into the RACF and Seniors Living development.

RSL club member vehicular access will remain as it is currently is via the existing club entry at Castle Street. This access road will also provide access for staff, visitors, deliveries, waste management and emergency vehicles. Existing pedestrian pathways and crossing will be retained.

### **3.5 DELIVERIES**

Deliveries to the Seniors Living development and RACF from different suppliers (such as linen, equipment and cleaning products) will be provided via the existing vehicular access from Castle Street.

A delivery timetable will be developed to keep major deliveries to hours that will not compromise the residential quality of life and interfere

### **3.6 SECURITY**

All staff and residents will be issued with electronic identification cards with designated and specific access to one of the following (1) the Monash Residence Seniors Living (2) the RACF and (3) RSL facilities.

There are emergency and security protocols in place at the RSL club which will be updated to include the new development upon project completion.

### **3.7 WASTE MANAGEMENT**

Internal rubbish bin chutes including recycling bins will be located on each floor of the Seniors Living buildings. The chutes direct the rubbish to a basement level of parking where they will be collected by maintenance staff and transported to a centrally located compactus for collection.

Internal rubbish bin chutes will be located on each floor of the RACF. Waste management access for the RACF will be via the RSL club access from Castle Street and will utilise the existing location and facilities. These will be reconfigured to accommodate additional waste generated from the RACF.

### **3.8 COMPLAINT MANAGEMENT**

A formal complaints system will be implemented within the RACF and Seniors Living development which will involve reporting to the complainant and staff. All complaints will be resolved in a timely and effective manner.

## 4 VILLAGE RULES – SENIORS LIVING DEVELOPMENT

These rules have been made to maintain a peaceful, comfortable, safe and enjoyable village environment for residents, staff, visitors and guests.

### 4.1 Definition in the following rules:

- (a) "Common Areas" means any part of the village other than residential premises
- (b) "We", "our" and "us" mean the operator of the village and includes employees, agents or representatives of the operator; and
- (c) "You" and "your" apply to any resident of the village.

### 4.2 Resident Committee

- (1) A Village Residents Committee will be established upon commencement of the village operations. The Village Residents Committee will be comprised of residents elected to the positions by the retirement community and a management representative from the operator.
- (2) The Village Resident Committee is responsible for contributing to the operating policies for the village, dealing with policy breaches and reviewing the annual operating budgets on behalf the broader community.

### 4.3 Visitors and guests

- (1) We encourage residents to keep links with relatives, friends and other people from outside the village. Visitors or short-stay guests are welcome any time and there is no need for you to get our consent. However, we encourage you to inform us of visitors staying overnight for safety and emergency reasons. A visitor or short-stay guest is someone who visits during the day or stays overnight for up to two weeks.
- (2) You must ask us beforehand and get our consent if you want to have a guest live with you on a temporary basis. A guest is someone who intends to stay for more than 2 weeks. We will not unreasonably refuse such a request.
- (3) You must accompany all your visitors and guests (including tradespeople) when using the village facilities, ensuring compliance with the village rules. Any visitor or guest who seriously or repeatedly breaks the rules may be asked to leave the village immediately.

### 4.4 Noise

- (1) As with any other residential complex, a level of noise within the village is to be expected. However, you must not make any noise likely to reasonably interfere with the quiet enjoyment of others in the village. This rule applies whether you are inside your premises or on common areas.
- (2) When listening to music or a radio or playing computer games or watching television, you should not have the volume turned high enough to be heard from outside your

premises. Residents with hearing problems are encouraged to use headphones or other aides.

- (3) Please be considerate when using air conditioners, washing machines and dryers or any high noise appliance. Please restrict their use to the hours between 8am and 10pm.

#### 4.5 Parking

- (1) Parking spaces are clearly designated for each apartment and you may only park a vehicle in the carspace allocated specifically to you. You must not park or stand a vehicle on any other part of the village such as the entrance, loading docks, car wash bay, visitor or disabled carparking.
- (2) This rule does not prevent you from stopping in restricted areas to enable passengers to get out of or enter your vehicle.
- (3) "Visitor parking" spots are available for use only by visitors, tradespeople, visiting doctors, emergency vehicles or other people just visiting the village. They are not to be used by residents, guests staying overnight or longer; or staff.
- (4) In this rule, "vehicle" means a car, caravan, trailer, boat or other motor vehicle.
- (5) Please keep car washing bay(s) clear at all times for the convenience of residents.
- (6) Resident vehicle access into the basement will be via remote control device.

#### 4.6 Pets

- (1) We recognised the important role pets play in the lives of many people. You may keep fish or a small caged bird (for example, a budgerigar or canary) in your premises at any time without the need to let us know or to get our consent.
- (2) If you want to keep a cat or a dog as a pet, you must obtain our prior consent. We will consider each case on its merits and we will not unreasonably refuse such a request. Unsuitable or very large dogs for our environment or known dangerous breeds of dogs, will not be allowed.
- (3) If we permit you to keep a cat it must be kept inside your premises after dark and wear a bell on a collar at all times. If we permit you to keep a dog it must be on a leash at all times when on common areas.
- (4) Pets are not allowed in any building (other than their owner's premises) or any enclosed common area in the village.
- (5) Cats and dogs kept as pets within the village must be de-sexed.
- (6) If we permit you to keep a cat or a dog we may withdraw our permission if your pet creates unreasonable noise or nuisance, attacks or threatens people or other animals within the village, causes damage to village property or if the rules set out above are broken. Replacement of pets is at the discretion of management.
- (7) For the safety of other residents, no other animals are to be kept as pets or brought onto common areas at any time.
- (8) Our Pet Policy must be signed and adhered to at all time.



#### 4.7 Garden and Landscaping

- (1) The state of the grounds is important to the overall appearance of the villages for residents and visitors. It is our responsibility to maintain all the lawns and gardens on common areas in a presentable condition.
- (2) However, if you wish to assist, such as by watering or weeding the common area near your premises, you are welcome to do so. You must not prune or remove plants, take cuttings or pick flowers from the common area gardens without our consent.
- (3) You must not use any part of the common areas as your own garden with the exception of any vegetable or herb gardens allocated for resident use. Any resident wanting to participate in the vegetable gardens, must first request permission from the Village Manager; an area will be allocated and gardening in this area must be in consultation with the Village Manager. The Village Manager has total authority for the management of these areas.
- (4) Planter boxes on ground floor apartments will be maintained by the garden staff including watering. Pots on your balconies are the resident's responsibility and must be maintained in an acceptable condition. Care should be taken when buying new plants for your balconies and you must not knowingly plant any trees, flowers, shrubs or vines that grow rapidly or commonly cause allergic reactions. Trees, shrubs or vines with the potential to grow in excess of 1 metre (approximately 3ft 3in) in height must not be planted without our consent.

#### 4.8 Garbage Disposal

- (1) For health and safety reasons you must ensure your garbage is securely wrapped before placing it in a bin or rubbish chute. Recyclable materials shall be disposed of separately from the general rubbish and placed in bins or areas provided.
- (2) You must not litter or leave rubbish on village property, other than in the bins provided.
- (3) The burning of garden waste is not permitted within the village.

#### 4.9 Common Area Restrictions

- (1) The Common Areas are provided for the use and enjoyment of all residents. Signs posted on Common Areas about such matters as hours of use, form part of these rules and must be obeyed.
- (2) You must not obstruct or permit the obstruction of walkways, entrances, stairways, corridors, fire escapes, lights, windows or other parts of the common areas. (For example, pot plants, hoses, brooms, rakes and other items which may present a hazard if left on common areas.)
- (3) When on common areas, you and your visitors and guests must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to another person.
- (4) Smoking is not permitted in any building (other than your premises) or other enclosed parts of common areas.

- (5) It is our job to maintain and clean the common areas. However this does not prevent you from sweeping or vacuuming the pathway or corridor immediately outside your premises.

#### **4.10 External appearance of residential premises**

We respect your right to privacy and autonomy over your possessions and domestic affairs however please comply with the following:

- (1) You must not hang any washing, towels, bedding, clothing or other article on any balcony or other part of your premises in such a way as to be visible from the outside. Such items may be hung on any lines provided in the common areas but only for a reasonable period.
- (2) You must not place any object such as a pot plant on any ledge, sill or elevated surface on the exterior of your residential premises in a position from which it may fall.
- (3) Only suitable outdoor furniture is to be placed on the balconies. Balconies are to be kept uncluttered and aesthetically pleasing to maintain the ambience of our complex.
- (4) Internal window furnishings which may include blinds, shutters and curtains are to be white or have a white backing to ensure a consistent presentation when viewed from outside.
- (5) External window furnishings such as louvres are to be agreed with the Village Manager, selected from a pre-approved range and installed at the cost of the resident.

#### **4.11 Village Security**

- (1) It is our job to ensure the village is generally reasonably secure.
- (2) In particular, we are required to provide and maintain locks or other security devices to ensure your premises are reasonably secure.
- (3) Chains and bolts must not be fitted to external doors of your premises because they could prevent emergency help and be in breach of fire safety requirements.
- (4) Locks shall not be changed without prior approval of the Village Manager and will need to be done in accordance with the Master Key schedule.
- (5) You must not interfere with the self-closing mechanisms of exterior doors which are designed to maintain security and / or fire protection.
- (6) To help prevent theft you must ensure all windows, doors and other openings to your premises are closed and securely fastened when your premises are not occupied.
- (7) Access to the RSL club and facilities including the Piazza, gymnasium and clubhouse is strictly controlled by two points of entry; reception area to the Piazza and reception area to the Club. At both these points you and your guests will be required to sign-in and show identification. The internal and external premises of the Club and facilities are monitored by CCTV and on ground staff who are there to ensure the safety all patrons to the Club.

#### **4.12 Use of Seniors Living Services and Seniors Living Community Facilities**

- (1) The Village Manager will have total authority in respect to the direction of use and bookings of all Seniors Living Community Facilities. Consent will not be unreasonably withheld.



- (2) Private Functions must be booked in advance and approved by the Village Manager. Cost of use of the required facility and associated cleaning will apply; charges will be updated and distributed annually.
- (3) All internal and external Seniors Living Community Facilities must be used by residents in accordance with the prescribed rules of booking and use, as stated by the Village Manager.

**4.13 Use of the RSL facilities including the Wellness Centre, Day Spa and Restaurant**

- (1) The RSL owned and operated Wellness Centre, Day Spa and Restaurant are located on ground and first level of one of the Seniors Living apartment buildings. The Wellness Centre includes medical and allied health consulting rooms and rehabilitation services including a hydro-therapy pool and low-impact exercise room. The Day Spa includes hair and beauty services.
- (2) These facilities are for use by the residents, RSL club members, guests and visitors. Access to the Wellness Centre and Day Spa is via appointment only which can be arranged through the reception desk. To access these facilities, all visitors, guests, residents and club members will need to sign-in and show their identification at the reception desk on the ground floor of these facilities.
- (3) The restaurant can only be accessed via the reception desk on the first floor where all visitors, guests, residents and club members will need to sign-in and show their identification.

**4.14 Notes:**

- (1) Any of these rules may be changed or deleted or a new rule added if at least 70% of voting residents vote in favour of the proposal.
- (2) These rules, as amended, prevail over any inconsistent term of a village contract.
- (3) It is our job to enforce the village rules fairly and equitably.
- (4) You can apply to the Residential Tribunal to make us enforce the rules if you think a rule is unjust, unconscionable, harsh or oppressive.
- (5) If you do not comply with these rules we may apply to the Residential Tribunal for an order that you comply or, in serious persistent cases, an order to terminate your residence contract.

## **5 VILLAGE RULES – RESIDENTIAL AGED CARE FACILITY (RACF) & SERVICED APARTMENTS**

### **5.1 Use of Community Facilities**

The community facilities will be the social hub of the facility and will be available, 7 days per week, for all residents and their guests.

Administrative staff will be situated adjacent to the community facilities and will foster the opportunity for resident social interaction and usage of the facilities such as café, dining, lounge and library.

There will also be opportunity for residents of the RACF to utilize the RSL wellness centre to participate in a variety of therapeutic activities such as pilates, yoga, gentle exercise, visiting a range of health care practitioners, gymnasium and aqua aerobics / hydro therapy.

### **5.2 Garbage Disposal**

Each floor of the facility is serviced by an elevator to the basement. Adjacent to the elevator core in the basement will be an enclosed garbage room with the appropriate recycling bins for refuse. The maintenance staff will be responsible for transporting the refuse to the collection area in the basement at the garbage collection point.

### **5.3 Security & Safety**

It is intended that a variety of staff disciplines will be on site including administrative and maintenance that amongst their duties, will be a security and safety brief. The access points into the facility for vehicles and visitors will be controlled by the administrative staff. Resident vehicle access into the basement will be via remote control device whilst visitors will have designated parking spaces in the basement.

### **5.4 Handling of Complaints**

The facility will be staffed 7 days per week. A procedure will be in place to ensure resident and visitor complaints are registered and dealt with appropriately and expeditiously.

### **5.5 Visitors and Guests**

This is home for the residents of the facility, so visitors and guests will always be welcome. The proposal includes a variety of opportunities for visitors and guests of residents to be entertained, not only within the confines of each individual suite but to utilize the facilities and participate in the various activities that will be on offer.

Visitor parking is available within the basement servicing the residential aged care facility.

## **5.6 Noise**

Having regard for the age of the future residents, it is not anticipated that noise from late night social activities will be an issue. Our experience in the senior living / aged care sector confirms this.

Activities / functions will generally be restricted to finish prior to 11.00pm.

## **5.7 Pets**

Given the therapeutic value attributed to pets, a small dog may reside in the residential aged care facility but will be subject to properly considered management and rules to ensure other residents are not disturbed.

## **5.8 Gardening and Landscaping**

The gardens within the entire project have been architecturally designed to ensure the incorporation of appropriate and aesthetically pleasing hard and soft landscaping. The landscaping will be maintained by an appropriately qualified team and managed by the administrative staff. However, as shown by our experience in the sector the gardens will be an area of huge pride for the residents and as such the intention is to form a gardening sub-committee of residents to aid the administrative staff with overseeing the landscape maintenance.

A vegetable garden has been incorporated adjacent to the wellness centre for resident participation and management.

## **5.9 Common Area Restrictions**

The management of the village will foster social interaction between the residents, providing opportunity and encouragement to utilize the many common points of interest and facilities within the residential aged care precinct of the project. Restrictions placed on the use of the common areas will take a common-sense approach and in the main be directed to residents' visitors / guests, hours of use, safety and security and to ensure that all residents have quiet enjoyment of their home.

Generally, residents will be restricted from plant rooms, maintenance areas and the like.

## **5.10 External appearance of residential premises**

The appearance of each dwelling, visible externally, will be subject to rules of the facility. In particular, the rules will deal with the drying / hanging of towels, washing, bedding to not be visible from outside the dwelling. Internal blinds / curtains and any external sun protection fixture will suit the architectural intent of the project and as such will be installed in the development phase.

## ATTACHMENT 12 - SITE COMPATIBILITY CERTIFICATE (2 PAGES)



### State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Site Compatibility Certificate

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The Sydney Central City Planning Panel has determined the application made by Willow Tree Planning Pty Ltd on behalf of Castle Hill RSL on 12 July 2019 by issuing this certificate under clause 25(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The panel certifies that in its opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

A handwritten signature in blue ink, appearing to read 'Paul Mitchell'.

**Paul Mitchell**  
Acting Chair  
Sydney Central City Planning Panel

Date certificate issued: 30 October 2019

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

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### SCHEDULE 1

**Site description:** 77 Castle Street, Castle Hill – Lot 1 DP 1080161

**Project description:** A new seniors living development comprising 249 independent living units (within 5 buildings of 5-6 storeys), 17 serviced care apartments and a 19 bed residential aged care facility (within a 4 storey building) on the site with the existing Castle Hill RSL Club and Sport Centre.

Planning Panels Secretariat

320 Pitt Street Sydney | GPO Box 39 Sydney NSW 2001 | T 02 8217 2060 | [www.planningpanels.nsw.gov.au](http://www.planningpanels.nsw.gov.au)

Application made by: Willow Tree Planning on behalf of Castle Hill RSL Pty Ltd

## **SCHEDULE 2**

### **Requirements imposed on determination:**

1. The final development layout, design and number of dwellings will be subject to the consent authority being satisfied with the resolution of issues relating to:
  - height, bulk, scale, form, setbacks and visual amenity;
  - overshadowing;
  - privacy of private property;
  - traffic, provision of appropriate pedestrian access given the site's sloping character and future use; and
  - flooding and stormwater management.
2. careful assessment of proposed landscaping to ensure that the maximum possible tree retention and suitable compensatory replacement planting occurs;
3. provide within the site all facilities and open space necessary to meet the day to day needs of future residents.



**DETAIL PLAN 01- REFER L-4**

**DETAIL PLAN 02- REFER L-5**

**DETAIL PLAN 03- REFER L-10**

**LEGEND**

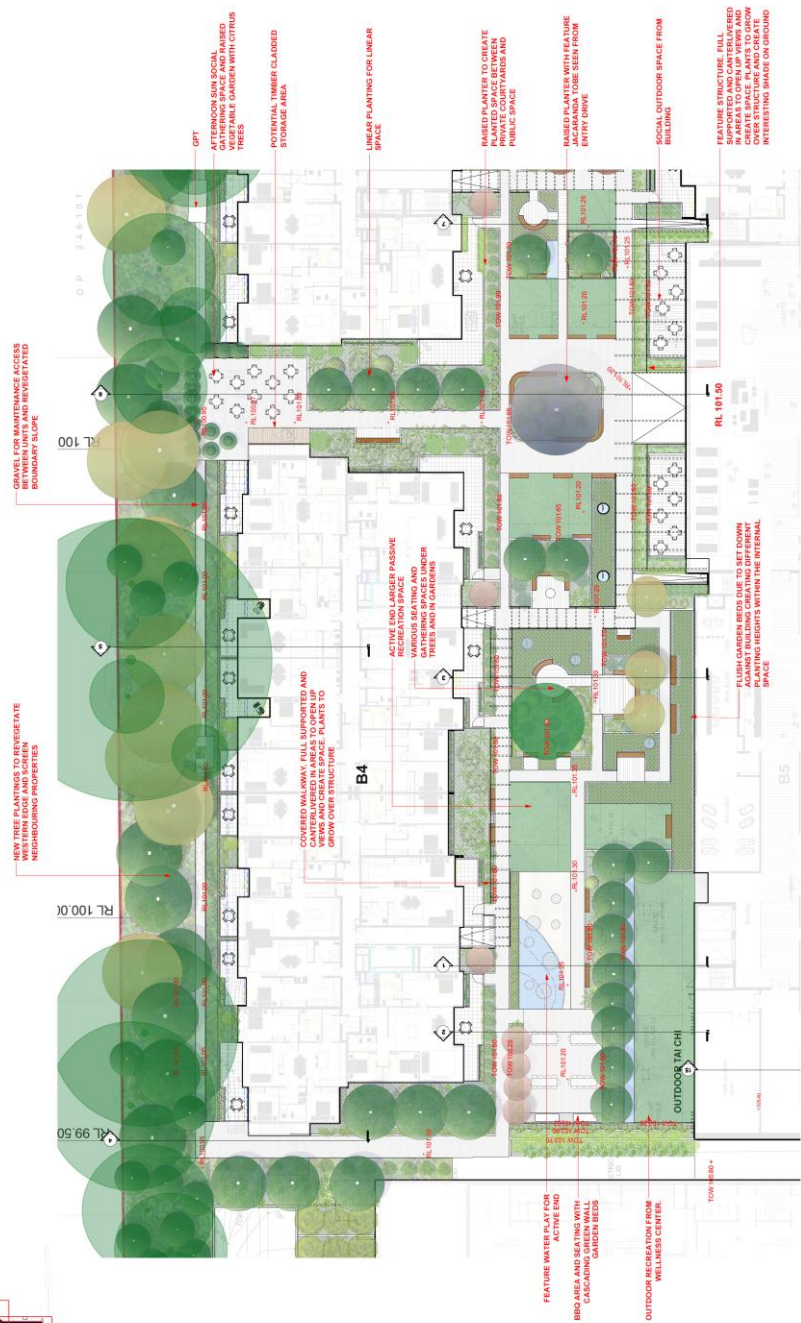
**EXISTING TREE LEGEND**

○ EXISTING TREE TO BE MAINTAINED  
 ○ TREE TO BE REMOVED  
 ○ TREE TO BE PLANTED

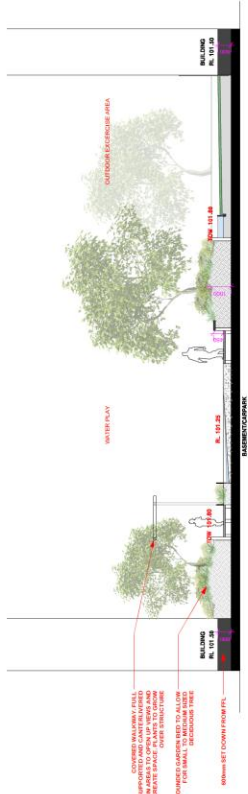
○ PFC  
 ○ SMC

Granite  
 Concrete  
 Asphalt  
 Paved  
 Unpaved  
 Existing Building  
 New Building  
 Existing Tree  
 New Tree  
 Existing Tree to be Removed  
 New Tree to be Planted

**L 15/8/19 Issued for Response to Council RFI**



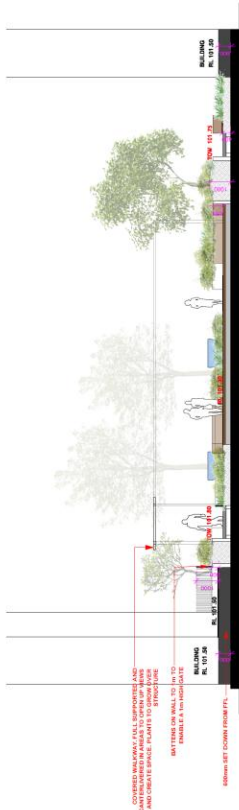
ISSUE	DATE	COMMENT
L	15/8/19	Issued for Response to Council RFI



1 VILLAGE GREEN SECTION 01  
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2 VILLAGE GREEN SECTION 02  
Scale: 1:100

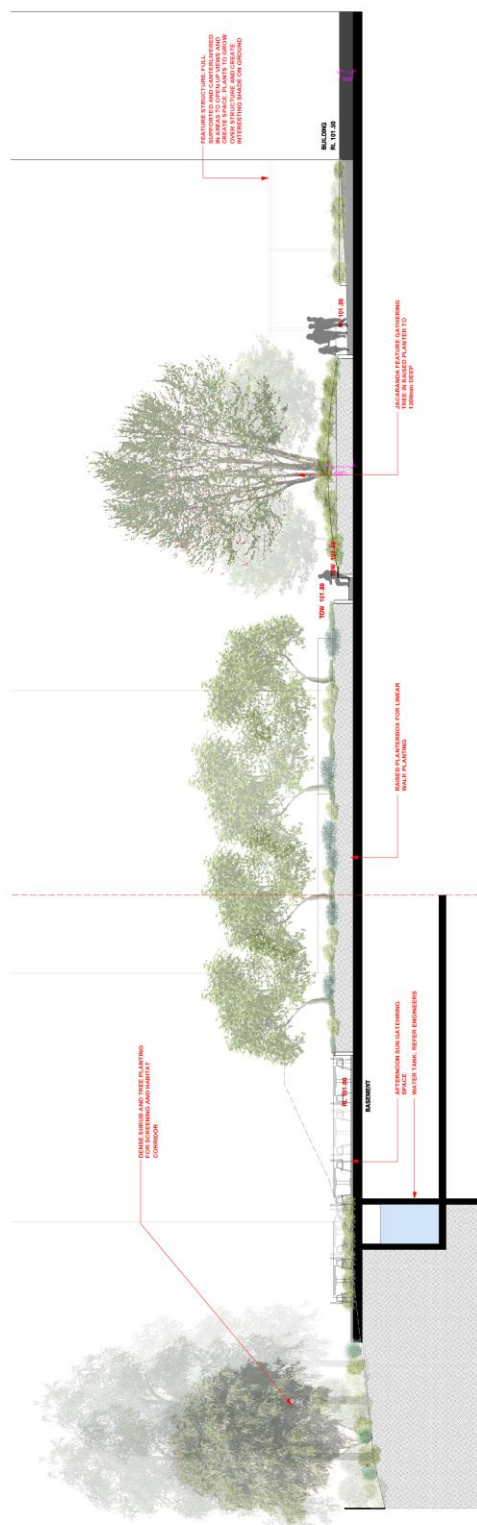
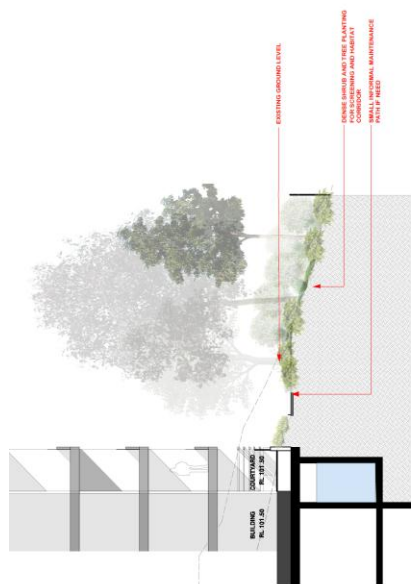


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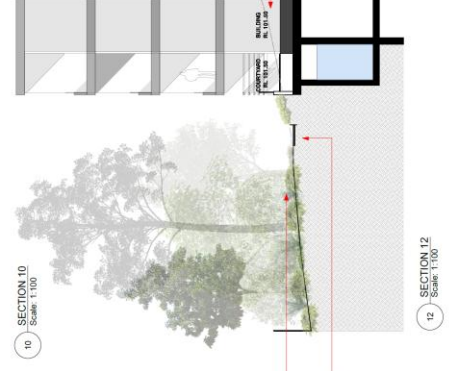
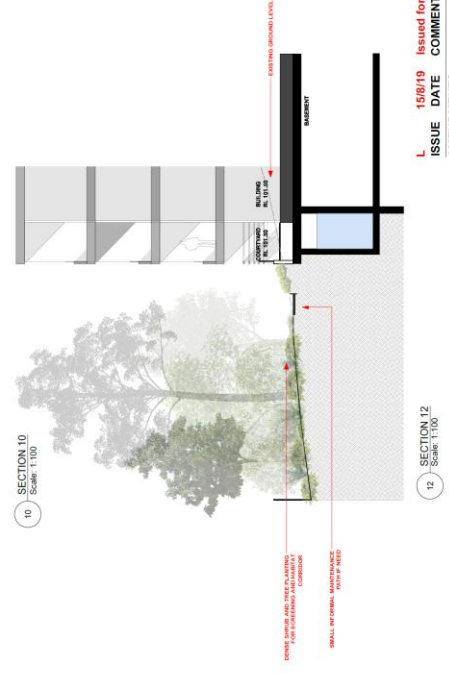
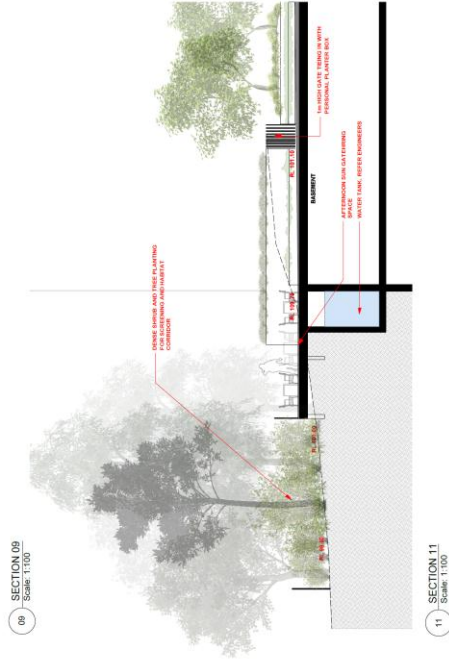
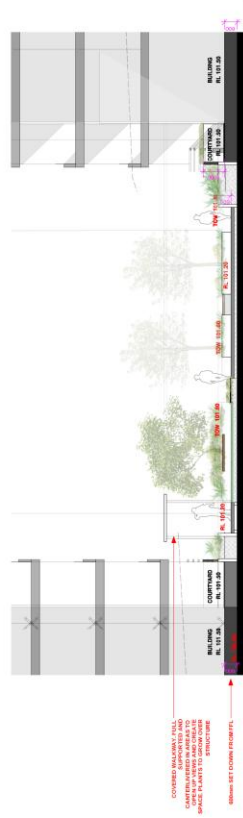
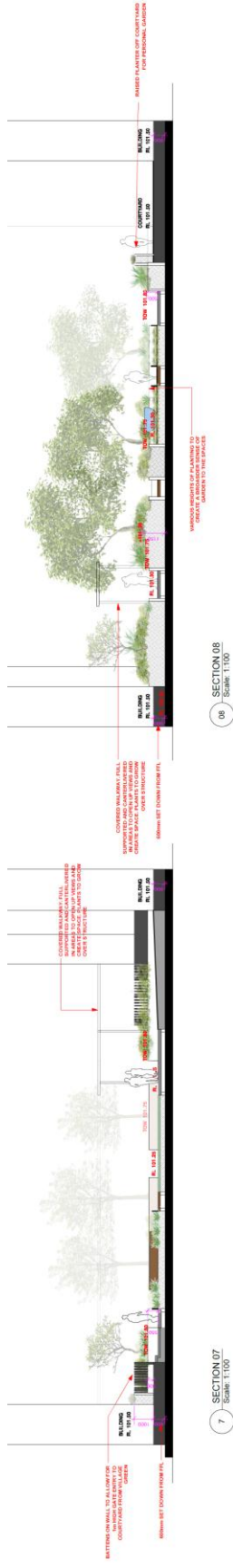


4 WESTERN BOUNDARY SECTION 04  
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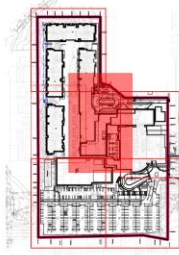




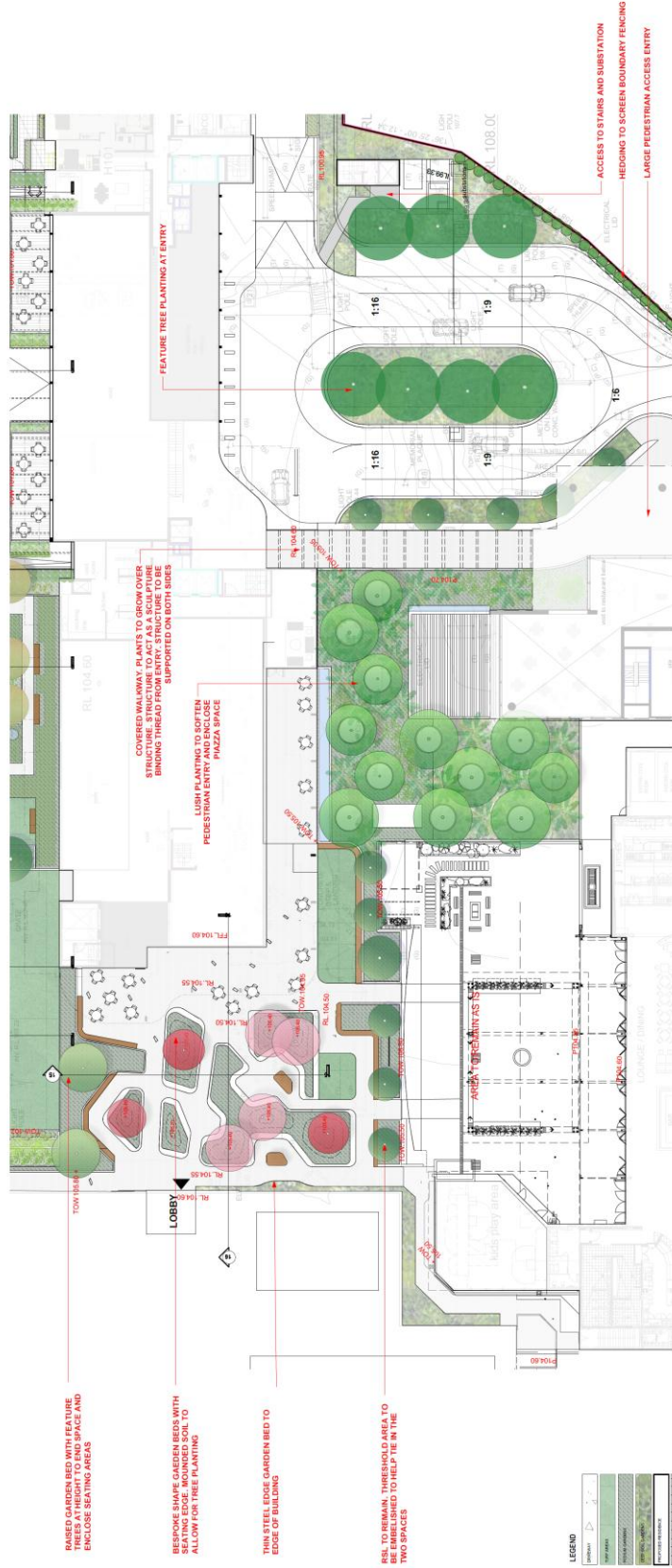




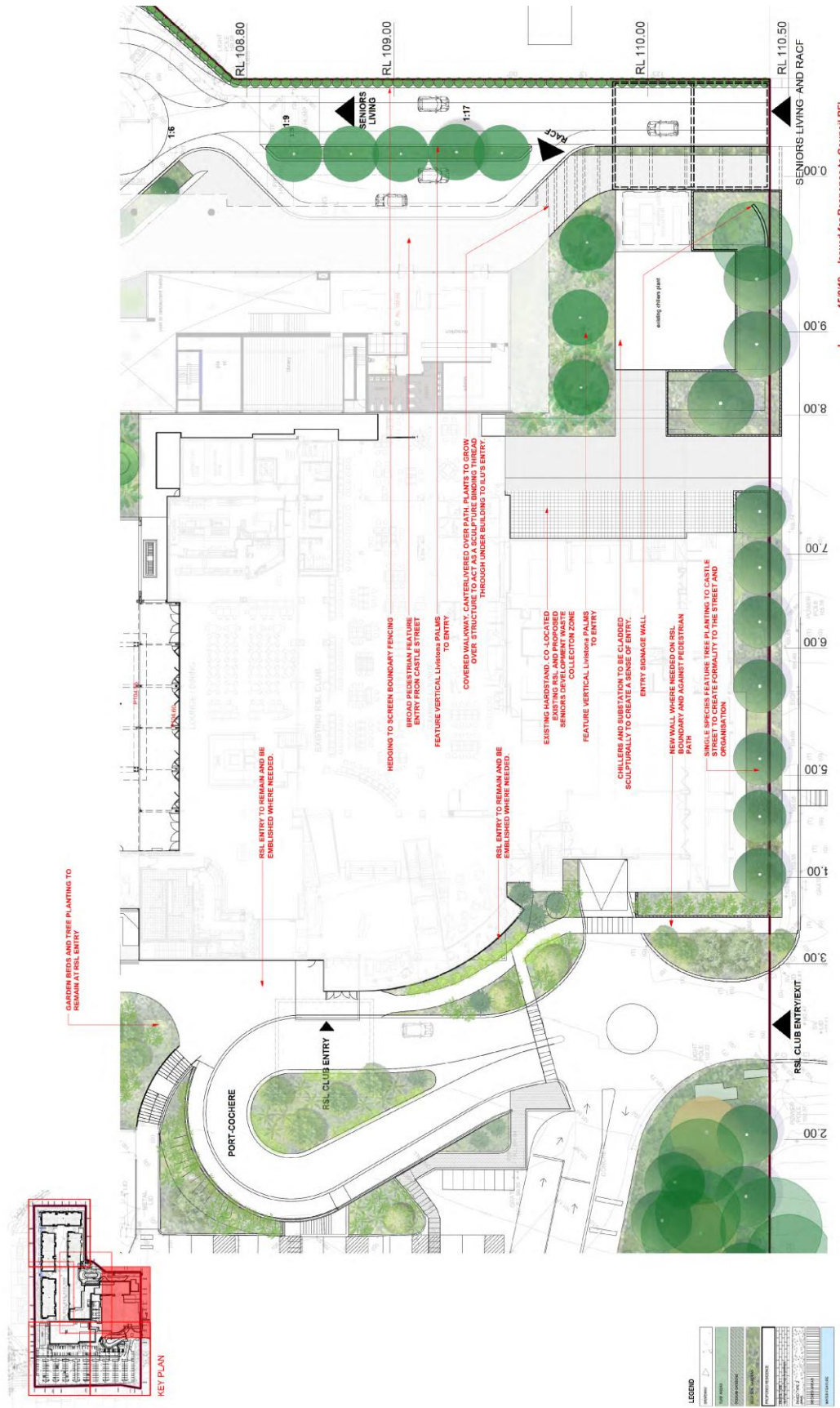




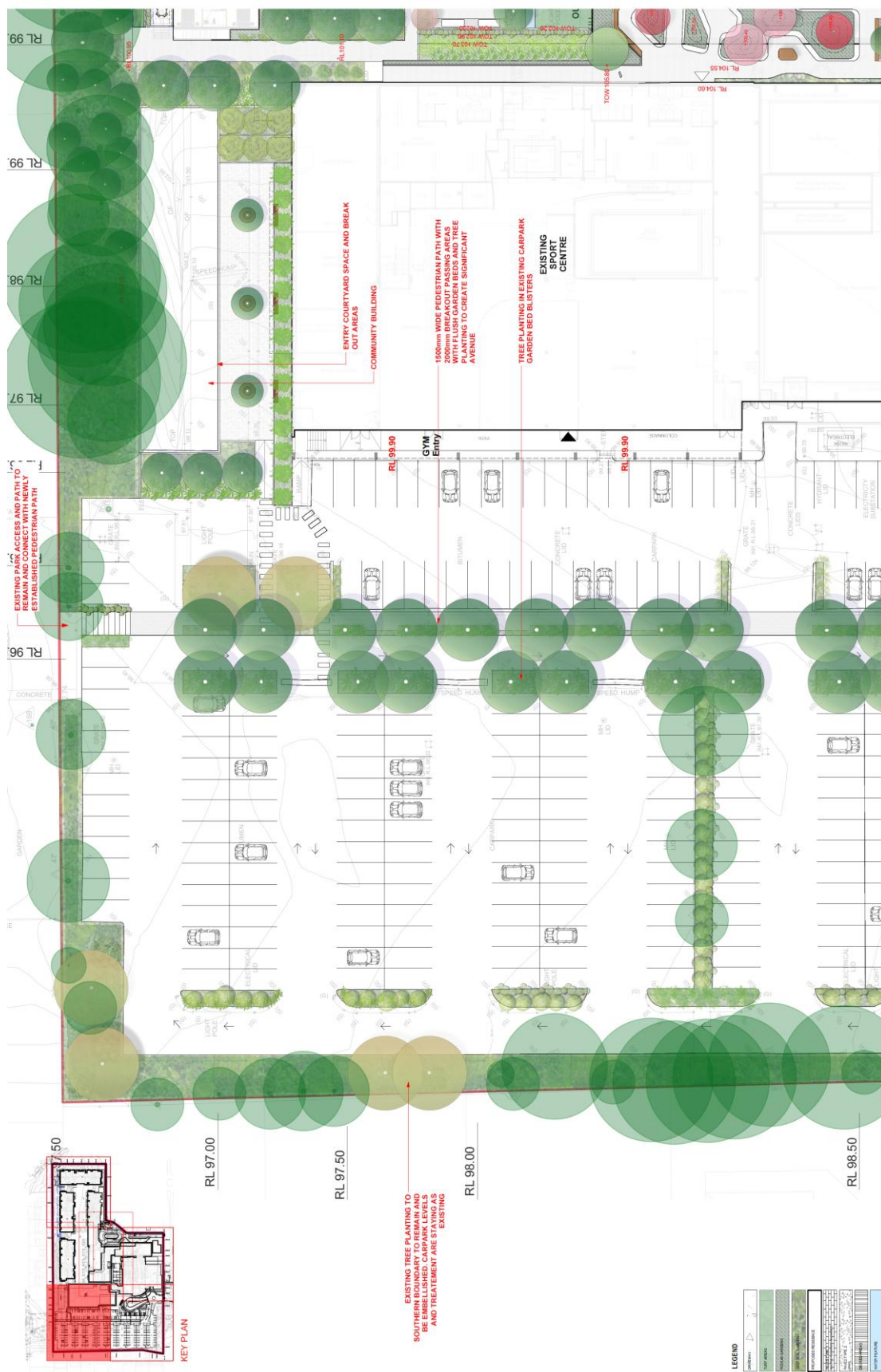
KEY PLAN





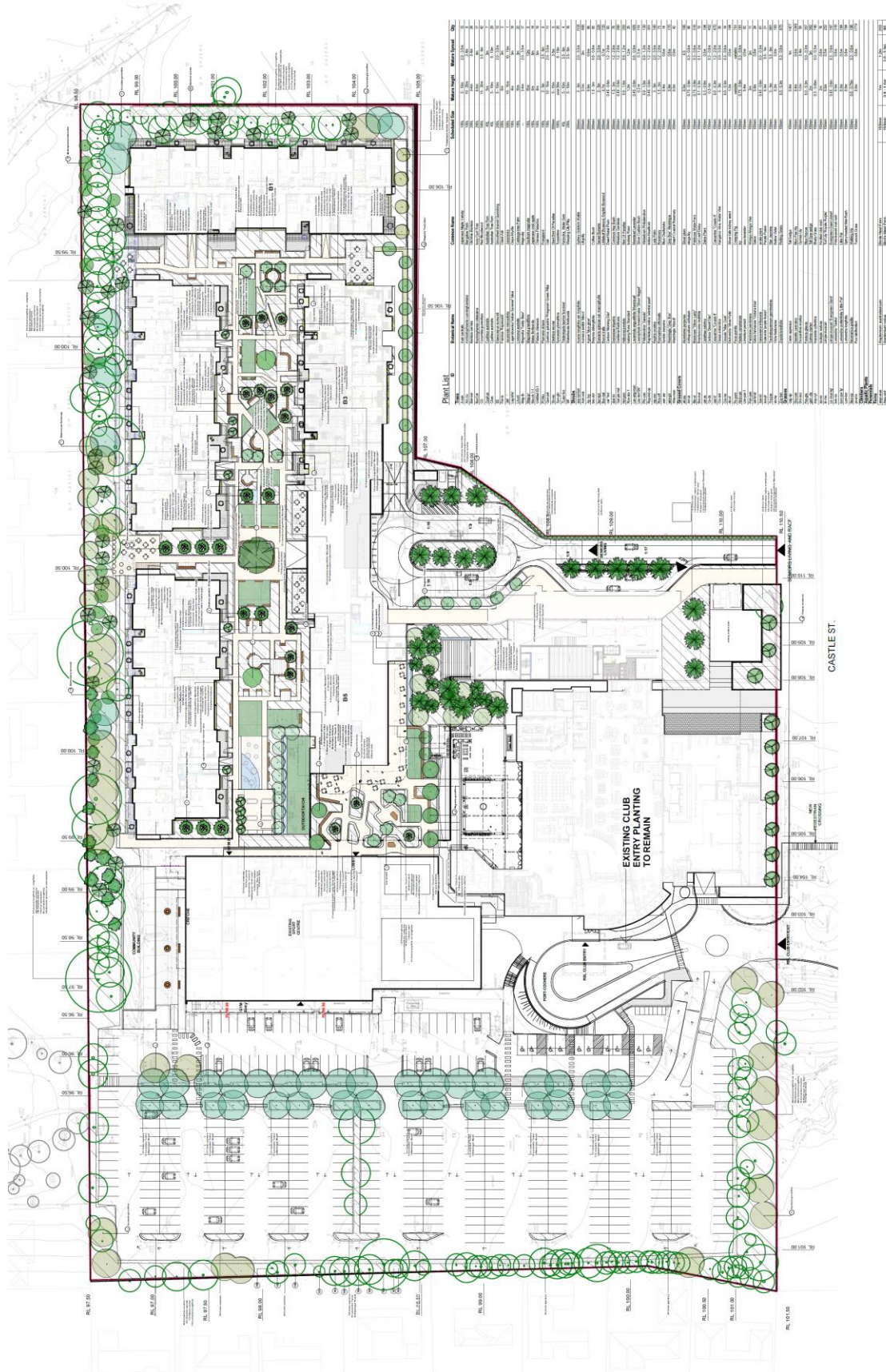




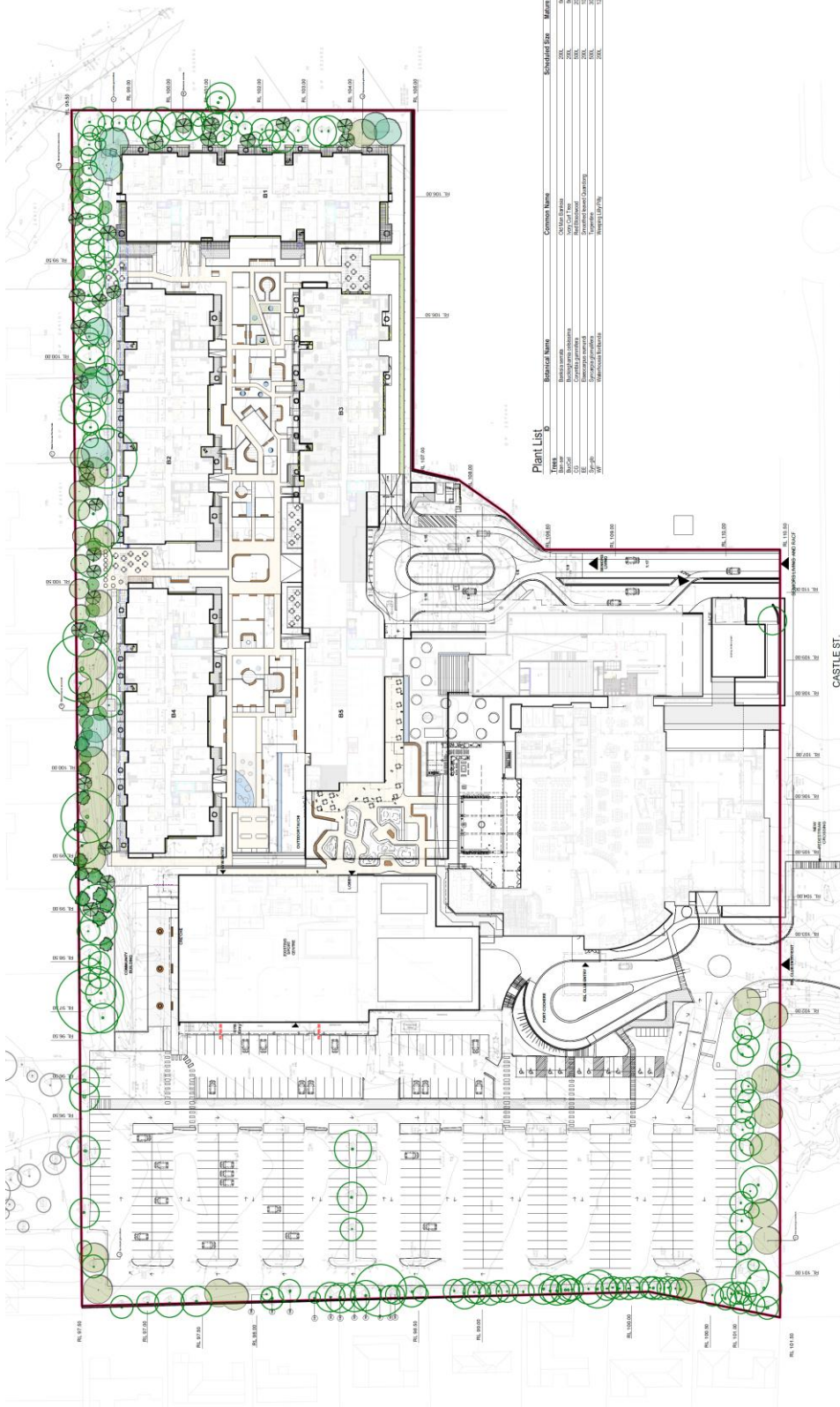












Plant List

Plant ID	Common Name	Specified Size	Minimum Height	Notes/Remarks
01-001	Oak Tree	100' H	80'	Plant in courtyard
01-002	Maple Tree	80' H	60'	Plant in courtyard
01-003	Redwood Tree	120' H	100'	Plant in courtyard
01-004	Juniper Tree	60' H	40'	Plant in courtyard
01-005	Yucca Tree	40' H	30'	Plant in courtyard
01-006	Shrub	20' H	15'	Plant in courtyard
01-007	Shrub	15' H	10'	Plant in courtyard
01-008	Shrub	10' H	8'	Plant in courtyard
01-009	Shrub	8' H	6'	Plant in courtyard
01-010	Shrub	6' H	4'	Plant in courtyard
01-011	Shrub	4' H	3'	Plant in courtyard
01-012	Shrub	3' H	2'	Plant in courtyard
01-013	Shrub	2' H	1.5'	Plant in courtyard
01-014	Shrub	1.5' H	1.2'	Plant in courtyard
01-015	Shrub	1.2' H	1.0'	Plant in courtyard
01-016	Shrub	1.0' H	0.8'	Plant in courtyard
01-017	Shrub	0.8' H	0.6'	Plant in courtyard
01-018	Shrub	0.6' H	0.4'	Plant in courtyard
01-019	Shrub	0.4' H	0.3'	Plant in courtyard
01-020	Shrub	0.3' H	0.2'	Plant in courtyard