

COUNCIL ASSESSMENT REPORT

Panel Reference	2019CCI019 DA
DA Number	1529/2019/JP
LGA	The Hills Shire Council
Proposed Development	Residential Aged Care Facility Pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Street Address	Lot 118 DP 1239618 Mackillop Drive Norwest
Applicant/Owner	Catholic Healthcare Limited
Consultant/s	Don Fox Planning – Town Planning Consultant Calderflower Architecture – Architect GTA Consultants – Traffic Consultant Accessible Building Solutions - Access Consultant Steve Watson & Partners – BCA Consultant Kennedy Associates Architects – Urban Designer John Oultram Heritage & Design - Heritage Consultant Northrop – Electrical & Hydraulic Services Infrastructure Consultant Acoustic Logic - Acoustic Consultant Geotechnique Pty Ltd – Geotech Engineering Consultant Bonacci Group (NSW) Pty Ltd – Consulting Engineers JMD Design – Landscape Consultant Ecological Australia - Arborist Rider Levett Bucknall – Quantity Surveyor LTS Lockley – Geodetic Surveyors
Date of DA lodgement	17 April 2019
Number of Submissions	One (1)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development with a Capital Investment Value (CIV) of more than \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012 – Part C Section 1 – Parking • The Hills Development Control Plan 2012 Part C Section 2 – Signage • The Hills Development Control Plan 2012 – Part C Section 3 – Landscaping
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Plans • Submission
Report prepared by	Claro Patag Development Assessment Coordinator
Report date	19 September 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions 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>	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential aged care facility containing 104-beds (which includes 36 dementia beds) with ancillary uses for the enjoyment of future residents of the facility and associated car parking for 32 vehicles comprising 25 basement car parking spaces, 6 at-grade car parking spaces and 1 ambulance parking space. The proposal also includes business identification and directional signs.

Vehicular access to basement car parking and loading/unloading facilities will be via Mackillop Drive and short-term, drop-off and emergency vehicle access and parking via Firewheel Place.

The proposal complies with the 9m building height standard prescribed in The Hills Local Environmental Plan 2012 (THLEP 2012) and with the 8m ceiling height standard prescribed in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposed maximum building height (measured from the natural ground level to the uppermost part of the building) is 8.91m and the proposed maximum ceiling height is 7.64m.

The total gross floor area of the development is 5,564.9m², which equates to a floor space ratio (FSR) of 0.72:1; and is below the SEPP maximum allowed FSR of 1:1. The proposal will be provided with a landscaped area (deep soil) of 2,819m² or 36.7% of the site area.

The subject site is zoned R2 Low Density Residential under the provisions of THLEP 2012. The SEPP (Housing for Seniors or People with a Disability) allows this type of development on land zoned primarily for urban purposes subject to Development Consent. The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residential accommodation that meet the needs of seniors or people with a disability.

The applicant, Catholic Healthcare Limited (CHL) is a not-for-profit organisation which provides a diverse range of accommodation and service options to over 4,200 people including over 40 residential care facilities and 10 self-care villages across New South Wales and Queensland.

The proposal meets the criteria for regionally significant development pursuant to State Environmental Planning Policy (State and Regional Development) 2011 as it has a Capital Investment Value (CIV) in excess of \$30 million and pursuant to Section 4.5(b) of the EP&A Act, the consent authority is the Sydney Central City Planning Panel.

The site is located approximately 800m south-east of the Norwest Metro Station and is zoned R2 Low Density Residential under The Hills Local Environment Plan 2012. The proposal is permissible with development consent in the R2 Zone by virtue of clause 4 of the SEPP Seniors.

The proposal is consistent with the relevant objectives of the R2 Zone under LEP 2012 and complies with the standards prescribed under Clause 48 of the SEPP in terms of building height, floor space ratio, landscaped area and car parking provisions, which are parameters that cannot be used by a consent authority to refuse development consent for this type of facility.

The subject site is not within 400 metres of the facilities and services required under Clause 26(2)(a) of the SEPP. However, it is within 400 metres of four bus stops located in Mackillop Drive serviced by numerous bus routes which provide services every 30-60 minutes between 6am and 10pm Monday to Friday between Parramatta Railway Station and Castle Hill, via Winston Hills and services and facilities as required by the SEPP.

The proposed built form will not result in significant adverse impacts on surrounding properties and the public domain in terms of views, solar access, visual privacy or acoustic privacy and the minimal traffic generated by the development will not adversely affect the operation of the surrounding road network.

The Development Application was notified in accordance with Council's notification policy and one submission was received. The concerns raised in the submission primarily relate to traffic impact, parking provision and access to the basement car park and are addressed in the report and do not warrant refusal of the application.

The proposal has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, SEPP Seniors, SEPP 64, SEPP 55, LEP 2012 and DCP 2012 and is considered satisfactory.

The Development Application is recommended for approval.

BACKGROUND

The subject site is irregular in shape with an area of 7,688m² legally described as Lot 118 in Deposited Plan (DP) 1239618 and zoned R2 Low Density Residential under the provisions of The Hills Local Environmental Plan 2012. The site was part of the land previously occupied by the Novitiate of the Sisters of Saint Joseph of the Sacred Heart. The main Novitiate building is located approximately 400m to the west of the site.

The site forms part of a Concept Masterplan and Staged Subdivision Approval granted by the Joint Regional Planning Panel on 25 September 2013 (refer Attachment 5). The site was part of Stage 1A subdivision which contained 15 residential lots and 2 roads which have been recently constructed as part of the approved subdivision (now known as Banyan Avenue and Firewheel Place. Ten (10) of those lots were located within the subject site which is bounded by Banyan Avenue to the south, Firewheel Place to the north and a public reserve and pathway to the west. The 5 remaining lots were located to the south of Banyan Avenue. To the north-west of the site is a former farmhouse building, which is identified as an item of local heritage significance under Schedule 5 of THLEP 2012.

The Concept Masterplan and Staged Residential Subdivision approval has been modified on several occasions which included the recent modification to the Stage 1A subdivision which converted the approved 10 residential lots back to 1 residue lot (subject site). Refer Attachment 6.

On 3 August 2018, a pre-lodgement meeting was held with the applicant.

The subject Development Application was lodged on 17 April 2019. It was notified to adjoining and surrounding properties between 23 April 2019 and 14 May 2019.

Additional information was requested from the applicant by letter dated 10 May 2019 in relation to stormwater drainage, driveway, parking, and headroom access and loading design for waste collection. The applicant submitted the requested additional information on 20 May 2019.

A briefing was conducted with the Sydney central City Planning Panel on 20 June 2019.

An email was sent to the applicant on July 2019 requesting further additional information to address the outstanding landscaping and acoustic issues raised by relevant officers. The requested additional information was received on 7 August 2019.

A further email was sent to the applicant on 20 August 2019 forwarding the landscaping comments as a result of review of the submitted additional information requesting a detailed planting plan. On 3 September 2019, the applicant submitted a revised set of landscaping plans.

DETAILS AND SUBMISSIONS

Owner:	Catholic Healthcare Limited
Zoning:	R2 Low Density Residential
Area:	7,688m ²
Existing Development:	Vacant lot
Section 7.12 Contribution:	N/A
Exhibition:	N/A
Notice Adj Owners:	Yes, 14 days
Number Advised:	94
Submissions Received:	1

PROPOSAL

The proposed development is for the construction of a residential aged care facility containing 104-beds with ancillary uses for enjoyment of future residents of the facility and associated car parking for 32 vehicles comprising 25 basement car parking spaces, 6 at-grade car parking spaces and 1 ambulance parking space. The application is lodged pursuant to the provisions the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal also includes business identification and directional signs (refer Attachment 17).

Vehicular access to the basement car parking and loading/unloading facilities will be via Mackillop Drive and short-term, drop-off and emergency vehicle access and parking will be via Firewheel Place.

The proposal has been designed in compliance with the 9m building height standard prescribed in LEP 2012 and with the 8m ceiling height standard prescribed in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposed maximum building height (to the uppermost part of the building) is 8.91m and the proposed maximum ceiling height is 7.64m.

The total gross floor area of the development is 5,564.9m². This equates to a floor space ratio of 0.72:1 which is below the SEPP maximum allowed floor space ratio of 1:1. The proposal will be provided with a landscaped area (deep soil) of 2,819m² or 36.7% of the site area.

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”*.

Clause 15(a) provides that the SEPP allows development on land zoned primarily for urban purposes for the purpose of any form of seniors housing.

The applicant seeks approval for a residential care facility, which is a form of seniors housing, under the provisions of the SEPP given the subject land being zoned for urban purposes, i.e. R2 Low Density Residential zone which allows dwelling houses. The proposal satisfies the provision under clause 15 in this regard.

A Residential Care Facility is defined within Clause 11 as a *“residential accommodation for seniors or people with a disability that includes:*

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

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

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

As such it is considered that the proposal complies with the requirements of the SEPP in respect to the definition of a residential care facility.

The Development Application has been assessed against the relevant clauses under Part 2 (Site-related requirements) in the SEPP as follows:

a) Clause 26 - Location and Access to Facilities

The table below provides an assessment of the location and access requirements to facilities for the proposed development, and as indicated the proposal complies.

SEPP Requirements	Proposed Development	Compliance
<p>(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:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreational facilities, and</p> <p>(c) the practice of a general medical practitioner</p> <p>(2) Access complies with this clause if—</p> <p>(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—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed</p>	<p>The subject site is not within 400 metres of the facilities and services required under clause 26 of the SEPP although it is within 400 metres of four bus stops located on Mackillop Drive serviced by numerous bus routes including the regular service of the T60 bus. The T60 bus provides services every 30-60 minutes between 6am and 10pm Monday to Friday between Parramatta Railway Station and Castle Hill, via Winston Hills and services and facilities required by SEPP Seniors are provided in these centres.</p> <p>To attain a suitable pathway, a short length of additional footpath will be constructed on the northern side of Firewheel Place and on the western side of Mackillop Drive to the nearest bus stop and this will satisfy the SEPP requirements.</p> <p>The proposal is for a residential care facility and future residents will not be physically or mentally capable of utilising external services and facilities without the aid of carers/family/friends and all services likely to be required by residents will be provided on-site.</p> <p>In addition, a minibus is proposed to service the site on an as needs basis to cater for short trips to external services and facilities for future residents, under the strict supervision of the facility staff.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

SEPP Requirements	Proposed Development	Compliance
<p>development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development—</p> <p>(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</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(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), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a</p>		N/A

SEPP Requirements	Proposed Development	Compliance
<p>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</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once 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 transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p>		

b) Clause 28 - Water and Sewer Services

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

The 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. 53).

c) Clause 32 – Design of residential development

Clause 32 of the Seniors 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 position at the junction of these characters and overall fit within the streetscape.

It is considered that the bulk and scale of the development is appropriate within the overall context of the locality. The site is adjacent to future medium density development (subject of a separate Development Application) as envisaged in the concept masterplan for the former convent site, and which is of a similar, or even greater scale. The siting of the building takes into consideration the topography of the site, reducing its apparent building height by stepping it to be compatible with the existing streetscape.

The proposed development is located in proximity to a local heritage item, situated north of the site across Firewheel Place. Its significance is largely aesthetic, with its prominent location on the ridge line contributing to its value in heritage and urban design terms. The proposed development does not result in any negative impacts on the character, values or setting of the heritage item and can be seen to complement and enhance the heritage values through materiality, building siting and landscape treatment. Council's heritage officer has assessed the application and no objection is raised on heritage grounds.

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

- provides building setbacks that are compliant with the applicable planning controls and in line with the predominant street setbacks of existing development, where relevant as anticipated for future development in the locality.
- is of a bulk and scale that is compliant with the applicable planning controls, allows for the preservation of a high level of (more than 3 hours, at the winter solstice) solar amenity to neighbouring properties and respects the topography of the site.
- is of a height (2 storeys), at the street frontages that is compatible with, and reflective of, the existing 1-2 storey residential context (to the south east) and is compatible with the future medium and high density residential context (to the north west)

There is minimal existing planting in the streetscape. Notwithstanding, 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, a feature landscape to the entry area, 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, and

(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 future residents 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
- arranging communal spaces (such as lounges and sitting rooms) around internal courtyards
- limiting the number of rooms which overlook the main vehicular entry to the development

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 specific conditions of the site (boundaries to public areas) as well as the siting and scale (2 storeys) of the proposed building.

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;
- locates internal communal spaces towards these courtyards and / or in locations capable of receiving direct solar access;
- 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 (including DRAINS and MUSIC modelling) 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 a stormwater pit via an existing 375mm diameter pipe in Mackillop Drive. Council's subdivision engineer has assessed the application and no objection is raised subject to conditions.

Clause 37 - Crime Prevention

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:

The proposed development achieves a good level of safety and security for residents and contributes positively to crime prevention through its siting and design as it:

- provides a high level of casual surveillance to the public domain;
- clearly defines building entries through landscaping, massing and satisfactory good colours and materials selection;
- clearly defines the edge of the development, through open fencing and landscape; and
- locates communal and service areas (such as offices and reception) at the entry to the development, providing as an access buffer.

Clause 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:

The proposed development provides safe and attractive access points as it:

- provides vehicular access via a one way loop road;
- incorporates a porte cochere' area for the pick up and set down of passengers;
- locates visitor parking at grade, close to the main entry to the development;
- provides safe pedestrian accessways; and
- incorporates substantial and attractive landscaped areas within the front setback area.

Clause 39 - Waste Management

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

Comment:

The basement of the proposed development incorporates areas for both waste storage and on site collection, including vehicular movements. It is considered that the waste requirements of the proposed development are unlikely to have any negative impact on the streetscape presentation of the development. Council's Resource Recovery Projects Officer has assessed the waste management plan submitted with the application and no objection is raised subject to conditions.

d) Clause 40 - Development standards—minimum sizes and building height

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

The table below shows the proposal's compliance with the standards specified in clause 40.

Development Standard	SEPP Requirements	Proposed Development	Compliance
Clause 40(2) - Site size	The size of the site must be at least 1,000m ² .	Notwithstanding that the applicant is a Social Housing Provider, the site	Yes

Development Standard	SEPP Requirements	Proposed Development	Compliance
	N.B: Dose not apply to a Social Housing Provider	has an area of 7,688m ² , which complies.	
Clause 40(3) - Site frontage	The site frontage must be at least 20 metres wide at the building line.	Notwithstanding that the applicant is a Social Housing Provider, the site has frontages to Mackillop Drive of approximately 92 metres, Banyan Avenue of approximately 79m and Firewheel Place of approximately 80m, which all exceed 20m.	Yes
Clause 40(4) - Height in zones where residential flat builds are not permitted.	(a) 8 metre maximum	7.64m measured vertically from ground level to the ceiling of the topmost floor above (this occurs at the sitting room at the end of the Ground Floor south eastern wing)	Yes
	(b) 2 storeys where adjacent to a boundary	The proposed building will not exceed 2 storeys adjacent to a boundary.	Yes
	(c) building within the rear 25% not be greater than 1 storey	N/A. The applicant is a Social Housing Provider	N/A
	NB: Subclause 4(c) does not apply to a Social Housing Provider		

e) Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities

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

(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

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

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

(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) 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 proposal complies with the above standards as follows:

- (a) **Building height:** Maximum height allowed (ceiling height) is 8m and the proposed maximum ceiling height is 7.64m.
- (b) **Density and scale:** The maximum FSR allowed is 1:1 and the proposed FSR is 0.72:1.
- (c) **Landscaped area:** The minimum landscaped area required is 25m² per bed or 2,600m² and the proposal provides a landscaped area of 27.1m² per bed or 2,819m².
- (d) **Parking for residents and visitors:** The development is required to provide a total of 27 parking spaces, i.e. 11 parking spaces for residents and visitors based on 104 beds and 16 staff parking spaces based on 32 staff. The proposal provides 32 parking spaces including 1 ambulance parking space.

3. Compliance with State Environmental Planning Policy No. 55 – Remediation of Land

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

Clause 7 of the SEPP states:

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

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

A detailed contamination assessment of the site was undertaken by Coffey Environments Australia Pty Ltd (Coffey) as part of the approved Concept Masterplan and Subdivision (DA 6/2012/JP) which concluded that:

- Concentrations of all contaminants of potential concern were reported to be substantially below the adopted investigation levels for the protection of human health within Block 1A and Block 1B;
(N.B.: The subject site is located outside Block 1A and Block 1B – refer Attachment 14).
- Although concentrations of cadmium, copper and zinc were reported to exceed the adopted ecological investigation levels, these are considered to be isolated occurrences and are unlikely to impair vegetation growth; and
- Based on the results of the contamination assessment, the site is considered suitable for subdivision and development for residential land use with gardens.

In addition, an assessment of soils for waste classification has been undertaken by Geotechnique Pty Ltd and submitted with the application to ascertain the contamination status (if any) of soils to be excavated and classify those soils for licensed offsite disposal facility. The assessment concludes that:

- Topsoil/fill material to be removed is classified as 'General Solid Waste – Non-Putrescible' and is suitable for disposal at a licensed offsite facility;
- If required, the topsoil/fill material could be reused on-site as it does not pose a risk to human health and environment under the proposed residential use of the site; and
- Natural soil at depths below 0.5m is Pre-Classified as Virgin Excavated Natural Material (VENM) and is suitable for reuse in other development projects or disposal, subject to the prevailing EPA Guidelines.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55. It is noted above that the site is not located within Block 1A and Block 1B where concentrations of all contaminants of potential concern were identified in the Coffey report.

4. Compliance with State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal includes business identification signs to identify the proposed residential care facility and the operator by words and logo. Whilst these signs are incidental and ancillary to the use for Seniors Housing which is permissible by virtue of SEPP Seniors, business identification signs are also permitted with development consent in the R2 Zone under LEP 2012.

The signs do not include any general advertising of products, goods or services and therefore, are not defined as “advertisements”.

SEPP 64 applies to the signs as they will be visible from a public place (i.e. the road frontages). Pursuant to clause 8 of SEPP 64, the consent authority is to be satisfied that the signs are consistent with the aims of clause 3(1) of SEPP 64 and that the signage satisfies the assessment criteria in Schedule 1 to the SEPP. An assessment of the proposal against these criteria is provided in the following table.

Assessment Criteria	Proposal	Compliance
<p>Character of the Area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The existing character of the locality in the vicinity of the site consists of primarily low density residential development although the current Planning Proposal provides for a mix of medium and high density residential development on land to the west and north.</p> <p>The proposed signage is of a scale which is considered suitable for the length of the frontages and the height of the proposed building and landscaping features and will not dominate the streetscape.</p> <p>The proposed signs are simple signs providing the name of the business and the business logo and directions for delivery vehicles, emergency access and visitor parking.</p> <p>The proposed signs will have minimal illumination and will complement the proposed landscaping.</p> <p>Accordingly, the proposed signage is considered to be consistent with the visual character of the area.</p>	<p>Yes</p>
<p>Special areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential</p>	<p>It is considered that the proposed signage will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p>	<p>Yes</p>

areas?	The subject site is not identified as an environmentally sensitive area. The heritage item to the northwest of the site is unlikely to be impacted by the proposed business identification signs given the location of the building and proposed landscaping which serves as a buffer and that no signage faces south of the site.	
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure or compromise any important views or vistas from or to the site given their location. The location and scale of the proposed signage will not be visually dominant.	Yes
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is of a scale which is considered suitable for the length of the frontages and the height of the proposed buildings and landscaping treatments and will not dominate the streetscape. The proposed signage will contribute to the visual interest of the streetscape, as the signage will be of a high-quality design and appearance. The proposed signage will not protrude above buildings, structures or tree canopies in the area and will not require ongoing vegetation management.	Yes
Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be	The extent of the signage is reasonable having regard to the scale, number and distribution on the site, being almost 1 hectare in area and with expansive street frontages.	Yes

located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
Associated devices and logos with advertisements and advertising structures	No associated devices are proposed.	Yes
Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Is the illumination subject to a curfew?	There will be minimal illumination of the panels of the signage that display the name and logo of the operator and given the location of the signs it is unlikely to result in any adverse impact on road users or surrounding properties.	Yes
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will be wholly contained within the site and will not interfere with the movement or safety of vehicles, cyclists or pedestrians. In addition, the proposed signs will not obscure or interfere with road traffic signs and signals.	Yes

5. Compliance with The Hills Local Environmental Plan 2012

The subject land is zoned R2 Low Density Residential under the provisions of The Hills Local Environmental Plan 2012 which prohibits this type of residential accommodation. However, the proposed development is permissible by virtue of clause 4 of the SEPP (Housing for Seniors or People with a Disability) 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.

In addition, business identification signs are permissible with development consent in the R2 Zone under the LEP.

The proposal is considered to be consistent with zone objectives as it will:

- Provide for the housing needs of the community within a low density residential environment;
- Provide other facilities and services that are ancillary to and subservient to the Residential Care Facility use to meet the day to day needs of residents of the facility; and
- Maintain a low density residential character being a part one and part two storeys building in a landscaped setting.

LEP 2012 allows a maximum building height of 9m (i.e. vertical distance between existing ground level and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like).

The SEPP overrides the LEP and the proposal complies with the SEPP building height requirement which is measured in terms of ceiling height (discussed in Section 2(e) above). The proposed ceiling height complies with the SEPP requirement of 8m and therefore cannot be used as a ground for refusal. Notwithstanding, the proposed building has a maximum height of 8.91m measured vertically from ground level to the highest point of the building which complies with the LEP 2012.

The site adjoins a heritage item and is adjacent to the curtilage of that item as identified in the approved Concept Masterplan and in Council's DCP. The proposed building has been designed with due regard to the heritage significance of the nearby heritage item and the heritage impact statement concludes that there will be no unreasonable impact on that item or its curtilage.

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 – C.5 – 64 Mackillop Drive, Baulkham Hills

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 visual amenity of adjoining properties.

The site is located within the Mackillop Drive Precinct which contains setback controls for single detached dwellings, i.e. lots fronting Mackillop Drive shall have a primary setback of not less than 7.5 metres with corner allotments having a minimum secondary setback of 4 metres. All other lots shall have a primary setback of 6 metres and secondary setback of 2 metres for corner allotments.

Although the proposal is not for dwelling houses, the setbacks of 7.5m to Mackillop Drive and 6m to Banyan Avenue and Firewheel Place have been adhered to. In addition, the adopted 4m setback to the western boundary adjoining the public reserve is considered to be an

appropriate design response to the site context and exceeds the 900mm side setback that would be applicable to 2-storey dwellings under Section 2.14.1 of the DCP.

ii) Part C, Section 2 – Signage

It is proposed to provide several business identification signs near each street corner and each proposed driveway to the site to identify the business/operator and to direct visitors and emergency and service vehicles.

The following table shows the proposal's compliance with the relevant signage controls in residential zones:

Controls	Proposal	Compliance
(a) The maximum area of any sign shall be 2.25m ² with maximum dimensions of 1.5 metres x 1.5 metres.	2.25m ² (pillar sign) 0.66m ² (lettering on entry walls) 0.24m ² (directional sign)	Yes, except that the pillar and lettering on the entry walls will have a minimum dimension greater than 1.5m. The areas meet the DCP requirements and the proposed dimensions are considered acceptable in this instance.
(b) Maximum height to the top of a sign = 2.5 metres from the natural ground level.	The maximum height of any proposed signage structure is 2.5m (the pillar sign).	Yes
(c) Building identification and business identification signage within residential zones shall not be illuminated other than an illuminated cube light to identify health care premises.	The proposed signs will include internal illumination in the pillar sign and subdued external illumination of the other signs as the proposed use is similar to a health care premises as 24-hour ambulance access is required on an as-needs basis.	Yes

7. Issues Raised in Submissions

The Development Application was notified to surrounding properties for 14 days. One submission was received during the notification period. The issues raised in the submission are summarised in the table below:

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>No objection is raised in terms of the use and scale of the development; the only concern is the impact of this development on parking in the area.</p> <p>The Sydney Metro is about to commence operation (N.B.: this submission was lodged prior to its operation) and the local streets are likely to be used by commuters for</p>	<p>Car parking for 32 vehicles including 25 basement car parking spaces, 6 at-grade car parking spaces and 1 ambulance parking space is proposed to be provided and is compliant with the SEPP parking requirements. The 6 at-grade parking spaces and ambulance parking space will be accessed via Firewheel Place and the 25 basement parking spaces via Mackillop Drive.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>parking their vehicles in order to use the rail system.</p> <p>The plans do not appear to include any external parking areas, only a note regarding access to what is presumed to be an underground carpark.</p> <p>It was noted that the facility will cater for over 100 occupants as well as staff, so if an underground carpark is proposed, it is expected that the parking allocation is sufficient to take at least 50 cars for visitors and at least 40 staff, meaning the development is not reliant on street parking.</p>	<p>The proposed development complies with the required car parking provision and this cannot be used as grounds for refusal.</p>	
<p>Concern is also raised with underground carparks with respect to access. Most carparks are secured with a roller shutter or the like and only the staff generally have access to open the carpark when arriving at work hence visitors would have no other option but to park on the street. It is suggested that 24 hour access to the carpark is afforded to visitors to the site in order to keep street parking to a minimum.</p>	<p>The applicant has advised that staff will have 24 hour access to the basement parking area. Outside of daytime and normal visiting hours, the basement will be secured and persons wanting to visit the site, such as ill residents, will be advised to access the site via Firewheel Place and use the at-grade parking and access the facility via the main entrance. Notwithstanding, the night manager will have the ability to provide access to the basement carpark if required.</p>	<p>Issue addressed.</p>

8. Internal Referrals

The application was referred to the following sections of Council:

- Subdivision & Development Certification
- Environment and Health
- Resource Recovery
- Traffic
- Tree Management/Landscaping
- 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 Central City District Plan sets out more details with respect to the anticipated growth in housing and employment in the Central City District including an increase in housing of over 200,000 dwellings across the District by 2036 and over 10,000 additional jobs in the wider Norwest area by 2036.

The proposed development is consistent with the Plan as it will:

- Provide an increase in residential care beds to meet the growing demand from our ageing population;
- Respect the heritage of the nearby former farmhouse;
- Provide for an improved quality of life as the site is located within an accessible area serviced by existing public transport;
- Provide an appropriate built form outcome within the locality;
- Create short term construction jobs as well as long term employment opportunities in health care.

The proposal is considered satisfactory in regard to the Central City District Plan.

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
A002	Site Plan	A	25/03/2019
A100	Basement Floor Plan	B	17/05/2019
A101	Lower Ground Floor Plan	C	01/08/2019
A102	Ground Floor Plan	C	01/08/2019
A103	First Floor Plan	B	01/08/2019
A104	Roof Plan	B	01/08/2019
A200	Elevations – Sheet 01	A	25/03/2019
A201	Elevations – Sheet 02	A	25/03/2019
A210	Sections – Sheet 01	B	01/08/2019
A211	Sections – Sheet 02	A	25/03/2019
A800	External Material Palette	A	25/03/2019
L07	Landscape Plan	B	01/08/2019
LP01	Planting Plan 01	A	03/09/2019
LP02	Planting Plan 02	A	03/09/2019
LP03	Planting Plan 03	A	03/09/2019
LP04	Planting Plan 04	A	03/09/2019
LP05	Courtyard Planting Plan 01	A	03/09/2019
LP06	Courtyard Planting Plan 02	A	03/09/2019
LP07	Courtyard Planting Plan 03	A	03/09/2019
LP08	Planters & Pots Detailed Planting Plan	A	03/09/2019
LP09	Planting Master Schedule	A	03/09/2019
L014	Indicative CHL Signage	B	01/08/2019

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 32 off-street parking spaces comprising 15 visitor parking spaces, 16 staff parking spaces and 1 ambulance parking space. 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. 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.

8. 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.

9. 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.

10. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- The car parking layout must comply with the recommendations/ details included with the traffic assessment by GTA dated 16/05/2019 except for the headroom in the basement for the loading bay. This must be minimum 3.5m as per the submitted plans as referred to in the traffic assessment.
- Access to the basement carpark is restricted to vehicles no larger than an 8.8m long Medium Rigid Vehicle as per the Standard and the traffic assessment.
- Access to the driveway to/ from Firewheel Place is restricted to vehicles no larger than the non-standard design service vehicle (ambulance) nominated in the traffic assessment.

11. 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.

12. 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 two proposed driveways on Firewheel Place must be built to Council's medium duty standard.

The two proposed driveways on Firewheel Place must be 3.5m wide at the boundary splayed to 5.5m wide at the kerb.

The proposed driveway on Mackillop Drive must be built to Council's heavy duty standard.

The proposed driveway on Mackillop Drive must be 7m wide at the boundary splayed to 9m wide at the kerb.

On high level sites a grated drain must be provided on the driveway at the property boundary.

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.

d) Concrete Footpath Paving

The existing concrete footpath paving along Mackillop Drive between Leone Avenue and Banyan Avenue south of the subject site must be extended across the Mackillop Drive site frontage between Banyan Avenue and Firewheel Place, along with access ramps at both intersections.

13. Air Conditioners

The air conditioning must be designed so as not to operate:

- (i) between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at the boundary of the nearest residential property, or
- (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of any other residence.

14. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20180565.2/0108C/R3/JM, dated 1 August 2019 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

5.3.1 Mechanical Plan:

- A detailed acoustic review is to be undertaken prior to the issue of a Construction Certificate for the erection of the building above ground level to determine noise emission levels and acoustic treatments to control noise emissions to satisfactory levels.
- All AC condensers are to operate in "low noise mode" if operated between the hours of 10pm and 7am.
- Install all AC condensers on waffle pad vibration isolators.
- External AC condensers located along the south-east side (Banyan Avenue) of the development are to have a 1-meter high solid barrier constructed around all sides of each condenser cluster.
- The KEF is to be fitted with a 1-D un-podded attenuator between the fan and the outlet. The attenuator should be fitted with internal Melinex lining for the grease, and shall achieve the insertion loss as stated in the Table of Section 5.3.1 Mechanical Plant of the Acoustic Assessment Report

5.3.2 Car Park

Recommended acoustic treatments / controls of the car parks are listed below:

- Visiting hours should be restricted to 7:00am – 10:00pm to reduce traffic within the northern carpark during the night time period, with the exception of emergency or compassionate visitations.
- The internal surface (ie facing the inside of the dock) of the available walls or ceiling of the loading dock should be lined with 50mm thick hydrophobic Rockwool faced with minimum 11% open perforated corrugated metal, or plasterboard or similar acoustically absorptive material.
- No loading dock operation between 10pm and 7am Monday to Saturday or 10pm to 8am Sunday or public holidays, with the following exception.
1 to 2 small van deliveries which occur between 6:00am (variation from the report) and 7:00am must implement the following management controls:
The roller door is to be kept closed during loading/unloading.
The vehicle engine is to be turned off during loading/unloading.
- To control noise emission to resident rooms above, the slab structure between the first floor and loading areas shall be minimum 250mm thick concrete slab.

5.3.3 Outdoor Areas

- Lower ground Courtyard Spaces
The dining service is not to expand into external areas at any time
- Function Room Patio
Amplified music is not permitted at any time
Patrons are not to occupy the outdoor space between 10:00pm and 7:00am.
Doors to the ground floor function are to remain closed (with the exception of egress and ingress) between the hours of 10:00pm and 7:00am.
Minimum 6.38mm Laminate glazing is to be installed in all glazed windows/doors in the ground floor multi-function room
Minimum 1.4-meter high solid balustrade is to be installed around the patio.
- Ground Floor Café
Patrons are not to occupy the outdoor space between 10:00pm and 7:00am Level 1 Roof
Doors to the cafe are to remain closed (with the exception of egress and ingress) between the hours of 10:00pm and 7:00am.
- Roof Top Terrace
Amplified music is not permitted at any time
Minimum 1.4-meter high solid balustrade is to be installed around the terrace

15. 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.

16. Management of Construction 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.

17. 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.

18. 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.

19. Construction of Garbage Room

The garbage room must be designed and constructed in accordance with the following minimum requirements. The garbage room must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins.

1. The layout of the garbage room 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.
2. The walls of the garbage room must be constructed of brickwork.
3. The floor of the garbage room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The garbage room 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.
5. The garbage room should have a separate staff access door.

6. All doors of the garbage room, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
7. The garbage room must be adequately ventilated (mechanically). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
8. The garbage room must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the garbage room, it is not to conflict with the space designated for the placement of bins.
9. The garbage room must be provided with internal lighting such as automatic sensor lights.
10. The garbage room must have appropriate signage obtained from the NSW EPA website, mounted in a visible location on all internal walls and are to be permanently maintained.
11. Finishes and colours of the garbage room are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

20. Clinical Waste

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

21. 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 8.8m long Medium Rigid Vehicle (minimum 3.5m floor to ceiling height exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum floor to ceiling height of 3.5m. Any nearby areas where the floor to ceiling height is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- 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".
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) should be via scanning from the cab of medium vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.

22. Tree Removal

Approval is granted for the removal of Tree 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 as numbered in Arboricultural Impact Assessments prepared by Ecological Australia dated 10 April 2018 and 18 March 2019.

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.

23. Planting Requirements

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

24. Retention of Trees

Trees 6, 15 and 16 are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Ecological dated 10 April 2018 and 18 March 2019 and the following requirements:

- The proposed driveway should be installed on or above grade, minimising/eliminating excavation within the tree protection zone.
- The materials used in the driveway should be porous materials to allow water and oxygen to reach the root zone

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

25. Irrigation

An Automatic watering system is to be installed as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council's Manager Environment and Health or Private Certifier prior to issue of the construction certificate

26. 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).

27. Stormwater Management Requirements

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.

The stormwater concept plan prepared by Bonacci Revision P7 and the associated civil and stormwater report by Bonacci Revision 4 dated 17/05/2019 are for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) No pit filter inserts (termed enviropods on the plans) are to be installed in the street drainage pits.
- b) The tank detail must be amended to show the 14 stormfilter cartridges (or an approved equivalent) within the tank. These are not to detract from the minimum required OSD storage volume otherwise required.

Water sensitive urban design elements, consisting of 14 stormfilter cartridges (or an approved equivalent) within the 350 cubic metre OSD tank and pit filter inserts (termed enviropods on the plans) in internal pits, are to be located generally in accordance with the plans and information submitted with the application.

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.

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.

28. 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.

29. 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 and then reduced in response to the scale/ nature of development and in consideration of the frontage to three public roads (and one pathway).

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.

PRIOR TO WORKS COMMENCING ON THE SITE

30. 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.

31. 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.

32. 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.

33. 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.

34. 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).

35. 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.

36. 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.

37. 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.

38. 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.

39. Soil and Water Management Plan

A Soil and 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.

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

40. Construction Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction phase of the development must be submitted to and approved by 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 phase of the development.

41. 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.

42. 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.

43. 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.

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

DURING CONSTRUCTION

45. 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.

46. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

47. 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.

48. 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.

49. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

50. Liquid Storage

All liquids on site are to be stored within bunded areas so as to prevent water pollution. Storage methods are to comply with Environmental Compliance Report – Liquid Chemical Storage, Handling and Spill Management Part B. Review of best Practice and Regulation dated 2005 by the Department of Environment and Conservation.

51. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and servery areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:

- Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
- Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

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

52. 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 A OCCUPATION CERTIFICATE

53. 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 and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. Food shop registration requirements

Prior to the issue of any Occupation Certificate, the food business shall be registered with the appropriate regulatory authority.

63. Regulated Systems

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

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;

- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

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

64. 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.

THE USE OF THE SITE

65. Number of Beds

The residential care facility as approved in this consent shall have a maximum capacity of 104 beds. Any increase in the total number of beds shall be subject to a separate approval by the relevant consent authority.

66. 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*.

67. 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*.

68. 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 10.00pm

Sunday and public holidays – 8.00am – 10.00pm

Small van essential deliveries from 6:00am in compliance with the requirements of the Acoustic Assessment submitted with the Development Application

69. 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*.

70. 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 garbage room in the basement, 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. A caretaker must be appointed to manage waste operations on site including but not limited to ensuring the garbage room is kept clean and tidy, that bins are washed regularly, and that contaminants are removed from bins prior to collection.

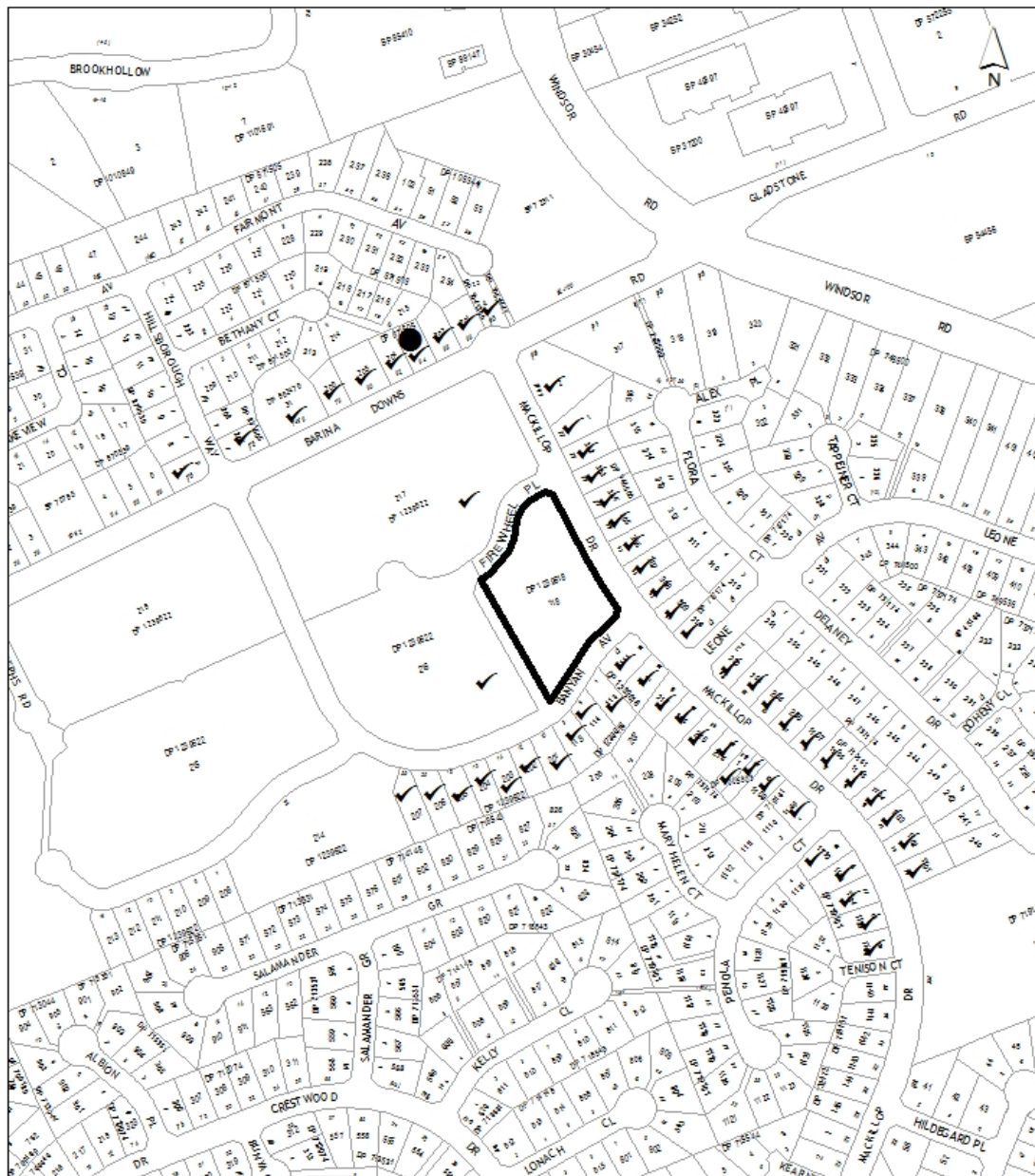
71. Waste and Recycling Collection

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.

ATTACHMENTS

1. Locality Plan
2. Site Plan
3. Zoning Map
4. Aerial Photograph
5. Concept Masterplan & Stage 1A Subdivision Approved under DA 6/2012/JP (2 pages)
6. Modified Stage 1A Subdivision (DA 6/2012/JP/D)
7. Basement Floor Plan
8. Lower Ground Floor Plan
9. Ground Floor Plan
10. First Floor Plan
11. Elevations
12. Sections
13. Shadow Diagrams
14. Height Plane Diagram
15. Photomontages (2 Pages)
16. Landscaping Plan
17. Signage Elevations

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

NOTE: HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

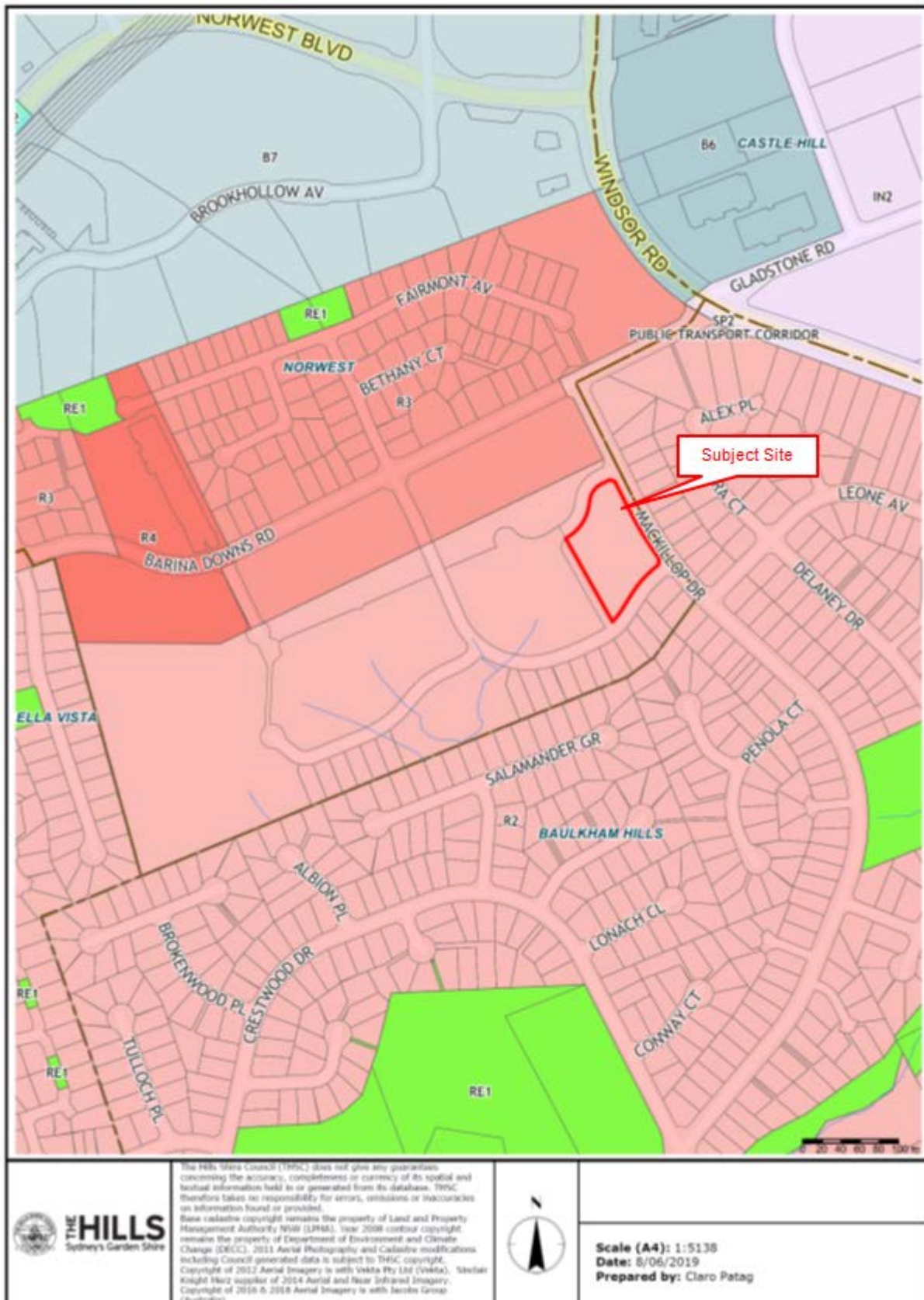
THE HILLS SHIRE COUNCIL

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

ATTACHMENT 2 – SITE PLAN



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – AERIAL PHOTOGRAPH



**ATTACHMENT 5 – CONCEPT MASTERPLAN & STAGE 1A SUBDIVISION APPROVED
UNDER DA 6/2012/JP (2 PAGES)**



APPROVED CONCEPT MASTERPLAN



APPROVED STAGE 1A SUBDIVISION

ATTACHMENT 6 – MODIFIED STAGE 1A SUBDIVISION (DA 6/2012/JP/D)

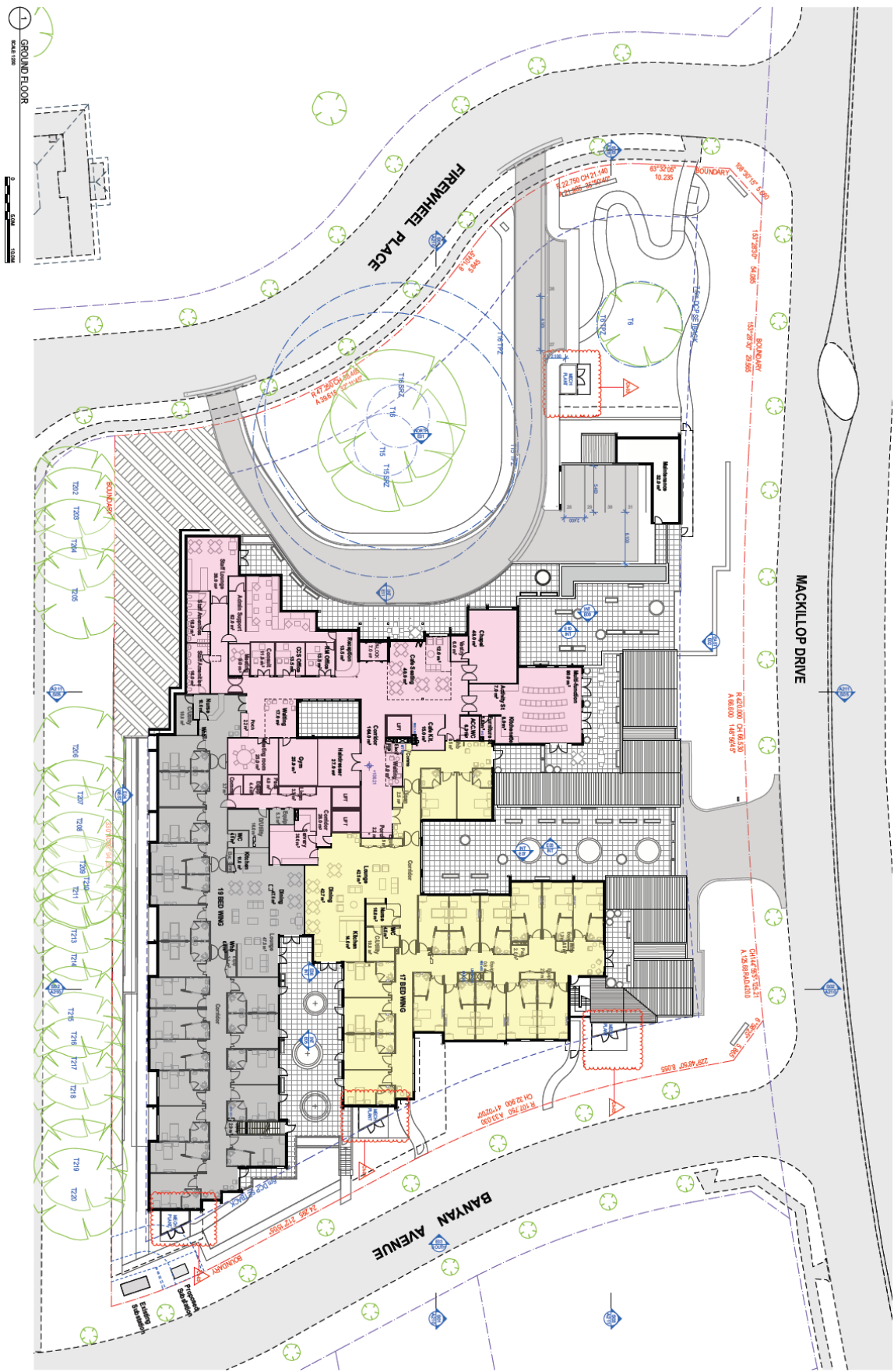


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1
LOWER GROUND FLOOR
SCALE 1/200

ATTACHMENT 9 – GROUND FLOOR



FIRST FLOOR

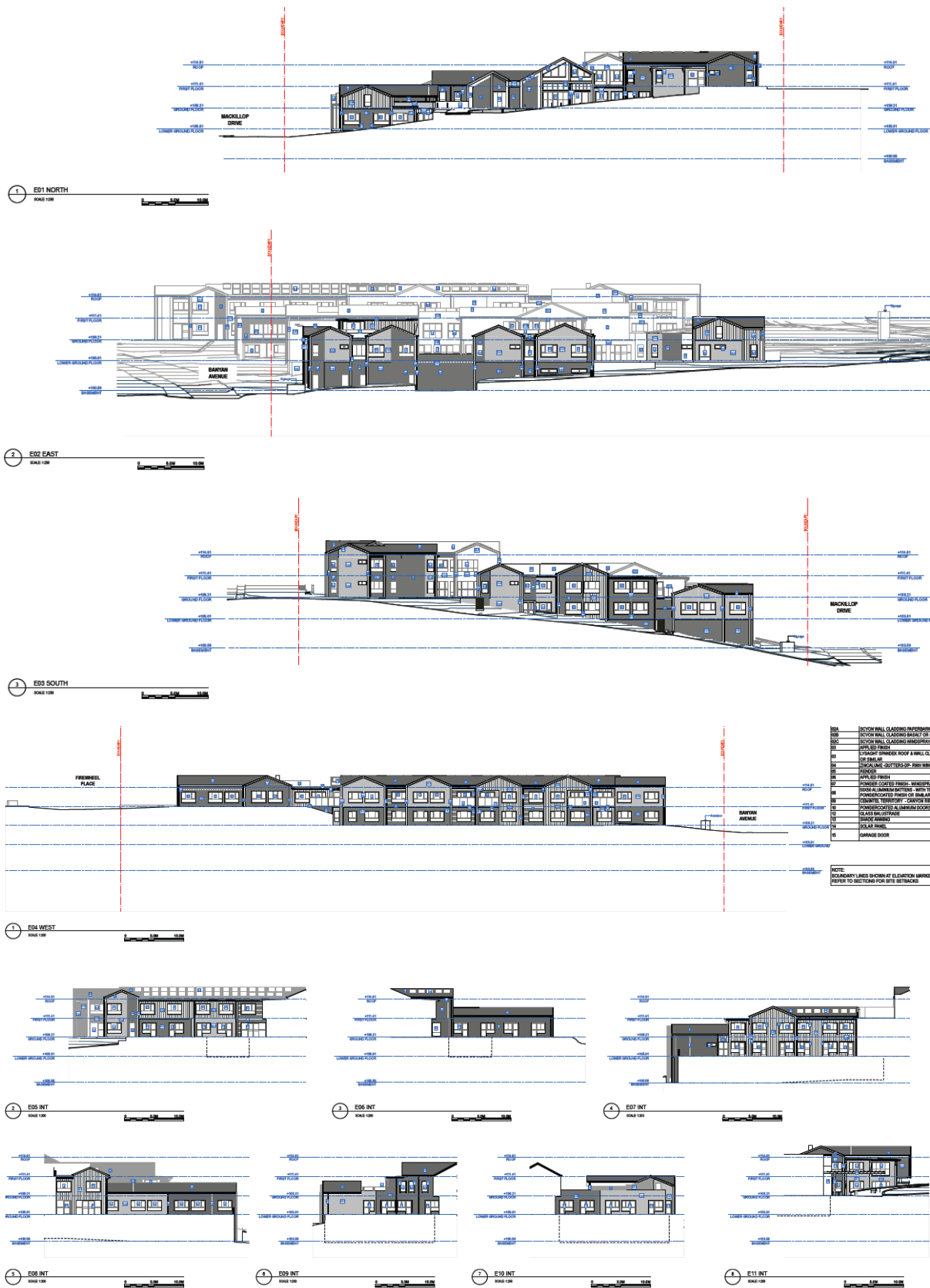
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North Arrow

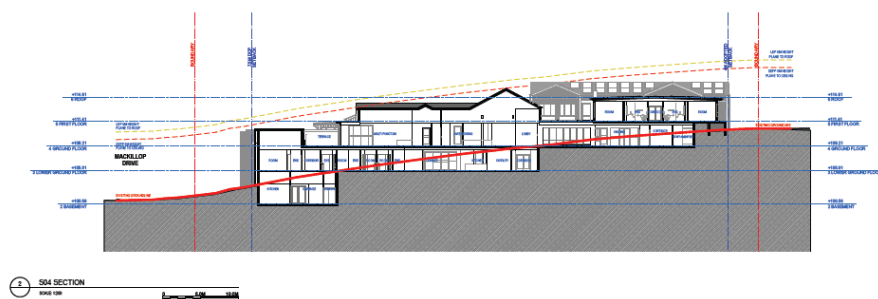
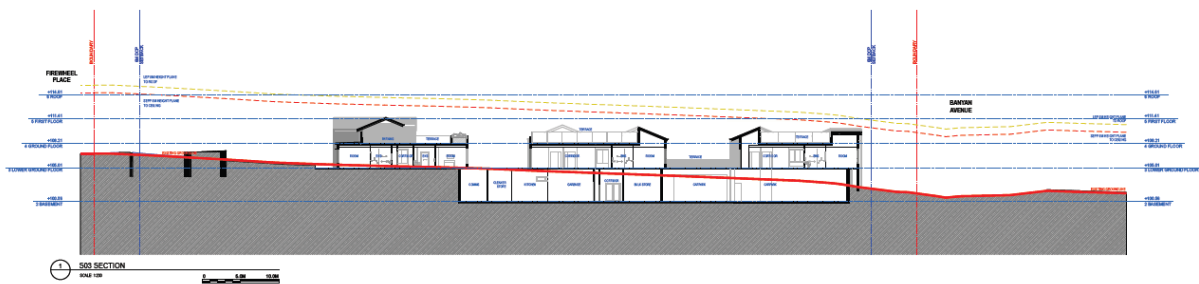
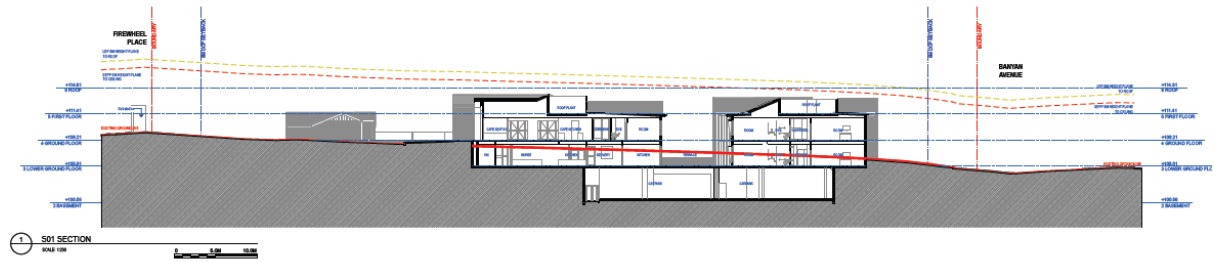
Key features and labels on the plan:

- Rooms and Areas:** Kitchen, Dining, Lounge, Reception, Office, Meeting Room, Conference Room, Seminar Room, Training Room, Library, Computer Lab, Music Room, Art Room, Gym, Swimming Pool, Tennis Court, Basketball Court, Football Pitch, Car Park, Staff Accommodation, Student Accommodation, Visitor Accommodation, Staff Accommodation, Student Accommodation, Visitor Accommodation.
- Structural Elements:** Columns, Beams, Stairs, Lifts, Entrances, Exits, Windows, Doors, Roofs, Walls, Fences, Gates, Paved Areas, Gravel Areas, Grass Areas, Trees, Shrubs, Fences, Gates, Paved Areas, Gravel Areas, Grass Areas, Trees, Shrubs.
- Dimensions and Measurements:** Various dimensions are provided for rooms and areas, such as 10.0m x 10.0m, 15.0m x 15.0m, 20.0m x 20.0m, etc.
- Boundary and Surroundings:** The building is bounded by a red dashed line. Surrounding areas include a road (Mackillop Drive), a river (Firewheel Place), and a park (Banyan Avenue).

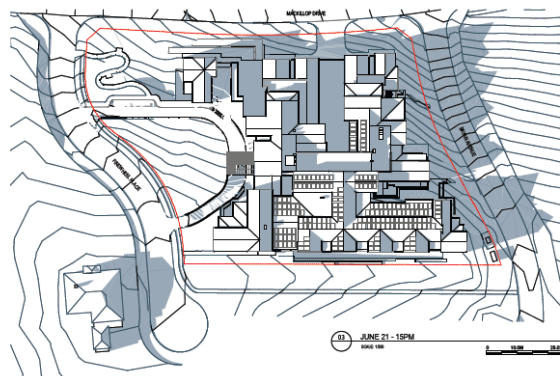
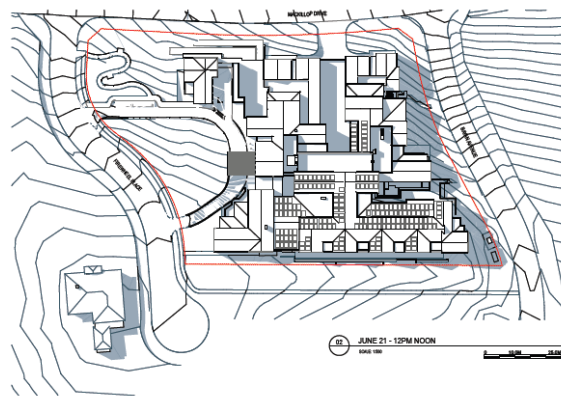
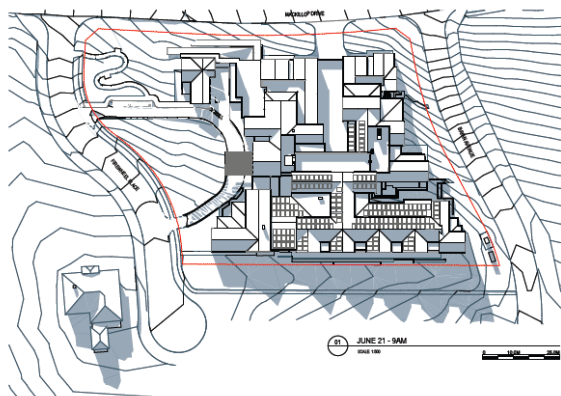
ATTACHMENT 11 – ELEVATIONS



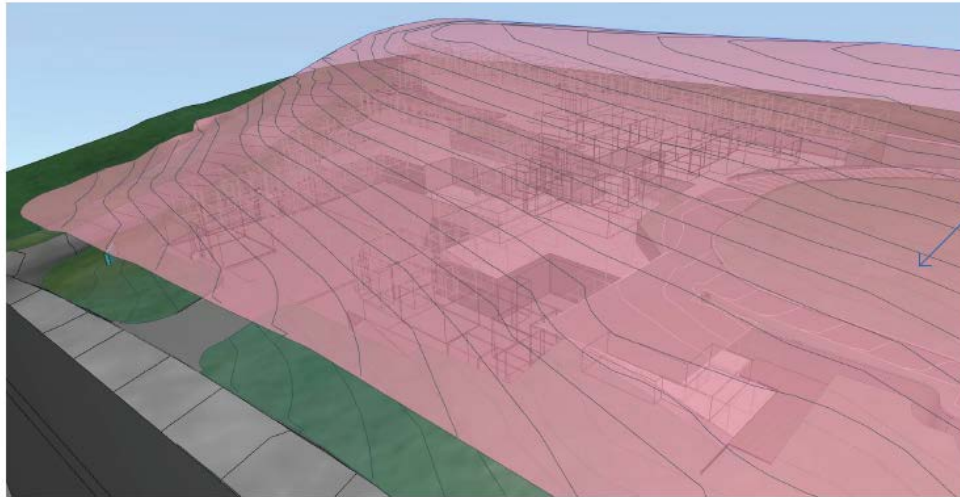
ATTACHMENT 12 – SECTIONS



ATTACHMENT 13 – SHADOW DIAGRAMS

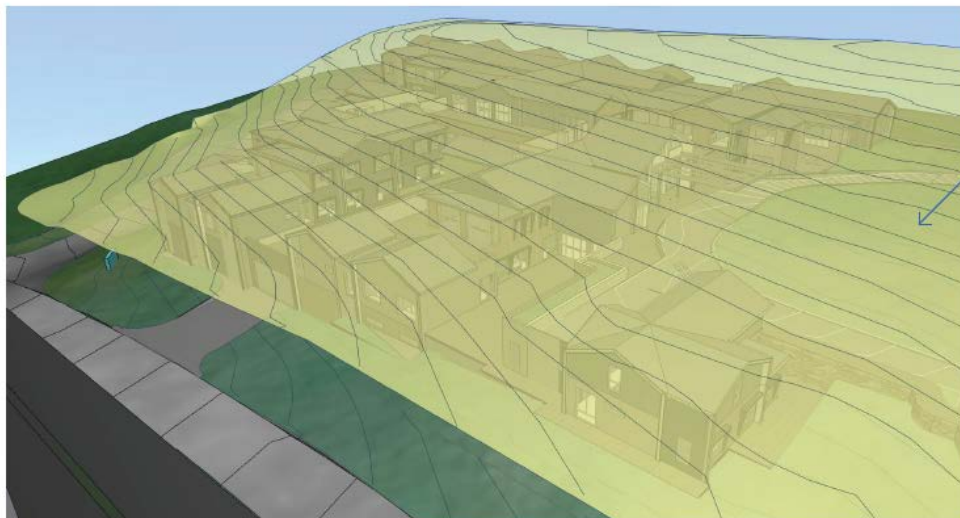


ATTACHMENT 14 – HEIGHT PLANE DIAGRAM



1 SEPP - 8m HEIGHT PLANE TO CEILING
NOT TO SCALE

SEPP 8m HEIGHT PLANE
TO CEILING SHOWN IN PINK



2 LEP - 9m HEIGHT PLANE TO ROOF
NOT TO SCALE

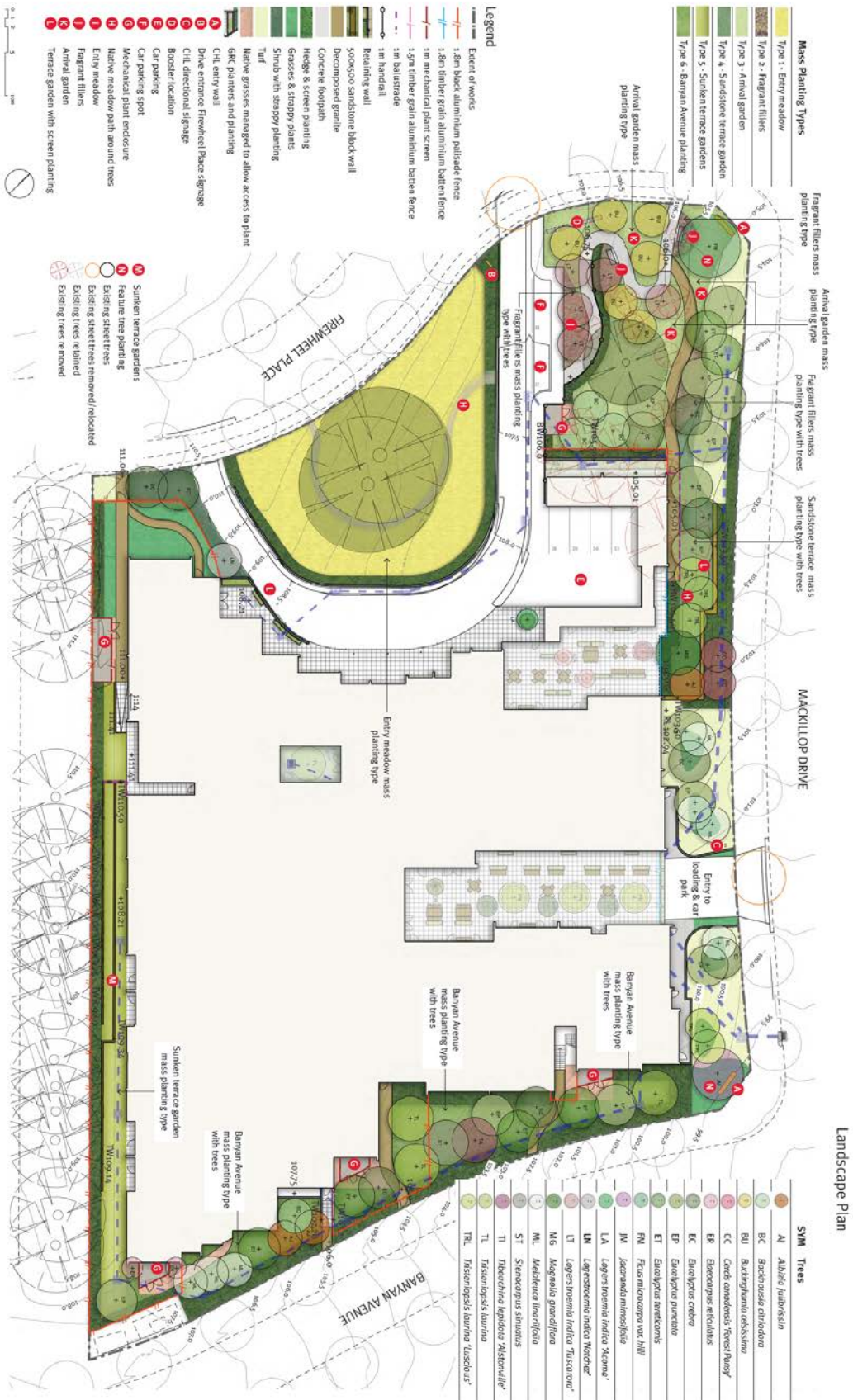
LEP 9m HEIGHT PLANE
TO ROOF SHOWN IN YELLOW

ATTACHMENT 15 – PHOTOMONTAGES (2 PAGES)

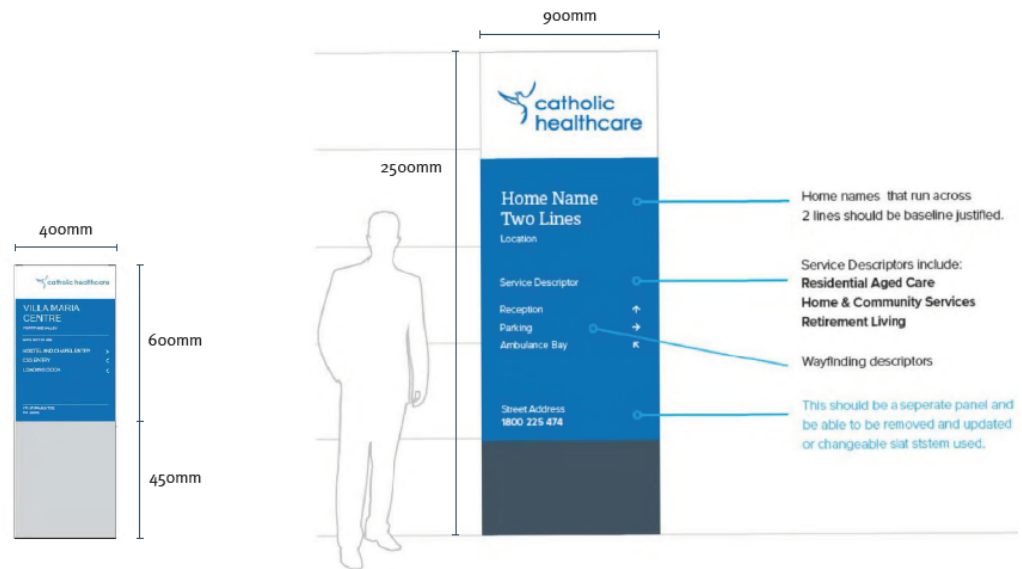




ATTACHMENT 16 – LANDSCAPING PLAN



ATTACHMENT 17 – SIGNAGE ELEVATIONS



Directional signage - Drive Entry, Mackillop Drive

- 600mm (h) x 400mm (w) x 150mm(d)
- Signage sits on a 450mm high plinth
- Steel structure clad with an aluminium composite material (ACM) with vinyl cut letters
- Illumination: Internally

Drive Entrance Firewheel Place

- 2500mm (h) x 900mm (w) x 200mm(d)
- Aluminium composite material (ACM) wrapped around a supporting frame and identified with vinyl cut letters
- Illumination: Internally

Marked “C” on the Landscaping Plan

Marked “B” on the Landscaping Plan



Entry wall - Cnr. Mackillop Drive & Banyan Avenue
- Cnr. Mackillop Drive & Firewheel Place

- Wall feature: 1300mm (h) x 3000mm (w) x 250mm (d)
- Signage lettering: 2200mm (w) x 300mm (h)
- Masonry with stencilled or aluminium lettering
- Illumination: From the ground

Marked “A” on the Landscaping Plan (refer Attachment 16)