

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-356
DA Number	DA 1739/2022/JP
LGA	The Hills Shire Council
Proposed Development	Construction of a Centre Based Child Care Facility for 130 Children on Approved Lot 11 in Subdivision 1573/2022/ZB creating two residential zoned development lots (relating to approved Lot 300 in a resubdivision of Lot 201 in DP 1256554 on Red Gables Road, Gables pursuant to DA 1099/2019/ZB)
Street Address	Development Lot, Lot 201 DP 1256554 Red Gables Road, Gables
Applicant	Stockland Development Pty Ltd
Consultant/s	Town Planner: GLN Planning Architect: Insite Architects Landscape Architect: Packages Landscape Acoustics: Acoustic Logic Accessibility: Local Bushfire: Peterson Bushfire Engineering: Enspire Solution Waste: Waste Audit Traffic: Ason Group
Date of DA lodgement	09 May 2022
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria	Private Infrastructure and Community Facilities with a CIV of more than \$5 million (\$5,159,032)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Section 4.15 (EP&A Act) • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • The Hills LEP 2019 • The Hills Development Control Plan 2012 • Environmental Planning and Assessment Regulation 2021
List all documents submitted with this report for the Panel's consideration	Nil
Clause 4.6 requests	NA
Summary of key submissions	Nil
Report prepared by	Eamon Murphy – Senior Town Planner
Report date	06 December 2022 (Electronic Determination)

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?	Not Applicable
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

EXECUTIVE SUMMARY

The Development Application is for the construction of a centre-based child care facility to accommodate 130 children and 24 staff. Vehicular access to the site is from Cataract Road and vehicles exit the site on Fontana Drive with 41 car parking spaces provided in part covered, part open air car park.

The proposed development is permissible in the R3 Medium Density Residential and R4 High Density Residential zone and has been assessed under the relevant provisions of State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guideline, LEP 2019, and The Hills Development Control Plan 2012.

The proposed development includes variations to the DCP relating to building setbacks, the number of parking spaces, stacked car parking, the location of the play area within the front setback, landscaping within the carpark and signage. The variations are considered to be satisfactory given the location and characteristics of the site at the gateway into The Gables town centre and future commercial and education development that will be occurring on the adjoining properties. The variations are also supportable given minimal impact to adjoining properties, compliance with the design quality principles in the Child Care Planning Guideline, and safety measures to be incorporated into landscaping and fencing to the front setback play area.

The application was notified for a period of 14 days and no submissions were received.

The proposal is defined as 'Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 as the proposal requires approval from the Rural Fire Service under Section 100B of the Rural Fires Act 1997. A Bushfire Safety Authority has been provided.

The application is recommended for approval subject to conditions of consent.

BACKGROUND

The subject site is known as Lot 11 in an approved Subdivision (1573/2022/ZB) creating two residential zoned development lots (relating to approved Lot 300 in a resubdivision of Lot 201 in DP 1256554 on Red Gables Road, Gables pursuant to DA 1099/2019/ZB. Proposed Lot 11 has an area of 2,730m² (Refer Attachment 9).

The site is zoned part R3 Medium Density Residential and part R4 High Density Residential under LEP 2019. The maximum height of any building is not to exceed 10m on R3 zone land and 16m on R4 zone land.

The development application was lodged on 09 May 2022. The Regional Planning Panel was briefed on 30 June 2022.

Additional information was requested on 30 May 2022 in relation to landscaping, acoustic, play area barrier, parking and play area calculations. A response was provided on 28 July 2022. Further correspondence was sent to the applicant on 22 August 2022 and 29 August 2022 in relation to acoustic, landscaping and waste matters. A response was provided on 26 September 2022.

DETAILS AND SUBMISSIONS

Owner:	AW Bidco 4 Pty Limited
Zoning:	R3 Medium Density Residential and R4 High Density Residential
Area:	Approved Lot 11 - 2,730m ²
Existing Development:	Vacant site
Section 7.12 Contribution	NA – Precinct is subject to a VPA
Exhibition:	Not Applicable
Notice Adj Owners:	Yes, 14 days
Number Advised:	17
Submissions Received:	Nil

PROPOSAL

The child care centre has been designed to accommodate a maximum of 130 children, up to 22 child minding staff, 1 centre manager and 1 cook. The centre is proposed to operate between 6:30am to 6:30pm Monday to Friday.

A total of 41 car parking spaces is provided on site, with 22 spaces dedicated for staff members and 19 spaces for visitors.

The building is proposed as a two storey flat roof development. The footprint of the centre is an 'L' shape with an unencumbered indoor floor area of 430.42m² and an unencumbered outdoor area of 915m². The outdoor play areas on the ground floor are located to the east of the site while the first floor outdoor play areas are located to the north and south of the site.

The proposal includes the installation of 5 business identifications (3 wall signs and 2 freestanding). Wall signs are proposed on the west, south and eastern elevations of the building which will read "Guardian Childcare & Education". All signs will be 3.6m wide x 1.2m height. Two fixed freestanding business identification signs are proposed at the vehicle entrance and exit of the site, which will read "Guardian Childcare & Education". Both signs will be 1.4m wide x 3m high.

The proposed development is Integrated Development pursuant to Part 4 Division 4.8 of the EP&A Act as it requires from Rural Fire Service under Section 100B of the Rural Fires Act 1997.

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (Planning Systems) 2021

Part 2.4 and Schedule 6 of SEPP provides the following referral requirements to the SCCPP:-

- Private infrastructure and community facilities over \$5 million.

The proposed development has a Capital Investment Value of \$5,159,032 thereby requiring determination by the SCCPP.

2. The Hills Local Environmental Plan 2019

(i) Permissibility

Centre-based child care facility means:

(a) a building or place used for the education and care of children that provides any one or more of the following:

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)), Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The proposal is for a centre-based child care facility that provides long day care which is permissible with development consent within the R3 Medium Density Residential and R4 High Density Residential zones.

(ii) Zone Objectives

The site is zoned R3 Medium Density Residential and R4 High Density Residential zone

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density residential development in locations that are close to population centres and public transport routes.*

The objectives of R4 zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

A child care centre is a facility that meets the day to day needs of residents, consistent with the third objective in each zone. Similarly, the use is considered supportive of the well-being of the community through the provision of an educational activity. The proposal is considered to be satisfactory in regard to both zone objectives.

(iii) Development Standards

The following addresses the principal development standards of the SEPP relevant to the subject proposal:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
Floor Space Ratio	N/A	N/A	N/A
Height of Buildings	10 metres (R3 Zone) 16 metres (R4 Zone)	9.3 metres	Yes
Minimum Lot Size Map	450m ² 1800m ²	Approved Lot 11 - 2,730m ²	Yes (approved no change)

(iv) Public Utility Infrastructure

Clause 6.3(1) states the following:

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Clause 6.3 of the LEP defines public utility infrastructure as any of the following:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage.

The applicant has obtained advice that the provision of these services is available to the development. The proposal is satisfactory with respect to Clause 6.3 of the LEP.

3. Compliance with State Environmental Planning Policy (Transport and Infrastructure) 2021

The Policy aims to facilitate the effective delivery of educational establishments and early education and child care facilities across the State. The SEPP determines that a consent authority must take into consideration the Child Care Planning Guidelines and National Quality Framework when assessing a development application for a centre-based child care facility.

The following addresses the principal development standards of SEPP (Transport and Infrastructure) 2021 relevant to the subject proposal:

SEPP (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3 – EARLY EDUCATION AND CARE FACILITIES – SPECIFIC DEVELOPMENT CONTROLS

Section 3.22 – Concurrence of the Regulatory Authority

Requirement	Proposal	Compliance
<p>Is concurrence of the Regulatory Authority (the Secretary of the Department of Education) required under Section 3.22 of the SEPP?</p> <p>Note: concurrence required where the indoor/outdoor space does not meet the requirements of the National Regulations (Clause 107 and 108).</p> <p><u>Clause 107</u></p> <p>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least <u>3.25 square metres</u> of unencumbered indoor space.</p> <p><u>Clause 108</u></p> <p>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least <u>7 square metres</u> of unencumbered outdoor space.</p>	<p>The proposal includes an unencumbered indoor play area of 430.42m² and an unencumbered outdoor space of 915m² which meet the requirements of the National Regulations for 130 children.</p> <p>Complies with indoor and outdoor space.</p> <p>Concurrence is not required.</p>	Yes
If yes, has the proposal been forwarded to the Department of Education within 7 days of receiving the Development Application with the area requiring concurrence stipulated?	Not required	NA
If concurrence of the Regulatory Authority was required, the notice of determination is to be forwarded to them within 7 days.	Not required	NA
Section 3.23 – Matters for consideration by consent authorities		
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Assessment undertaken below	Yes
Section 3.24 – Centre-based child care facility in Zone IN1 or IN2		

Is the proposed development compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses?	N/A	N/A
Does the proposal have the potential to restrict the operation of existing industrial land uses?	N/A	N/A
Does the location of the proposed development will pose a health or safety risk to children, visitors or staff?	N/A	N/A
Section 3.26 – Non-discretionary development standards		
The proposal cannot be refused on the following grounds (bold) if the standard is met:		
Location —the development may be located at any distance from an existing or proposed early education and care facility,	Noted	Yes
indoor or outdoor space for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies — the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, <u>or</u> for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	The required amount of unencumbered indoor and outdoor space is provided.	Yes
site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted	Yes
colour of building materials or shade structures - the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Satisfactory – Building materials are considered satisfactory. Not in the vicinity of a heritage item.	Yes
Section 3.27 – Development Control Plans		

<p>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"> • operational or management plans or arrangements (including hours of operation), • demonstrated need or demand for child care services, • proximity of facility to other early childhood education and care facilities; and <p>any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <ul style="list-style-type: none"> • the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or • the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 	Noted	Yes
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(i) Section 3.23 Compliance with Child Care Planning Guideline

The Child Care Planning Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child facilities in the State.

Consideration of the applicable provisions of the Guideline is addressed below:

a) Part 2 Design Quality Principles

The Guideline includes seven design quality principles that relate to context, built form, adaptive learning spaces, sustainability, landscape, amenity and safety.

The proposed centre-based child care facility is designed to fit in with the existing and future character of Gables. The contemporary design is consistent in character with the architectural design of emerging development in the locality. The development is to be provided with landscaping which is to the satisfaction of Council's Landscape Assessment Officer. The proposed car park will be well-screened from adjoining properties and the street.

The outdoor and internal play areas have been designed to provide adaptive and safe learning spaces that offer children a variety of settings and opportunities for interaction. The proposed internal and external play areas exceed the minimum requirements, resulting in a quality outcome for children and staff within the centre.

The proposal is considered to meet the design quality principles in the Guideline.

b) Part 3 Matters for consideration

The Guideline includes matters for consideration which support the design principles including site selection and location, local character, streetscape and the public domain interface, building orientation, envelope and design, landscaping, visual and acoustic privacy, noise and air pollution, hours of operation, traffic parking and pedestrian circulation. The proposal has been assessed against these matters for consideration and found to achieve compliance with the relevant requirements.

3.1 Site Selection and Location

The location of the child care centre is considered to be satisfactory and is easily accessible from given its location nearby to the Gables town centre. There are no obvious environmental hazards on the site which was created as part of a recent subdivision. It is considered that the development will be compatible with adjoining uses, and the centre will service a growing population which has increased the demand for child care facilities. Acoustic and privacy impacts are managed with acoustic fencing and building setbacks. Appropriate parking is provided for on the site.

3.2 Local Character, Streetscape and Public Domain Interface

The development respects and addresses the streetscape, provides clear delineation between the child care centre and the public domain with fencing and landscaping. The building is an appropriate scale in relation to the size of the site. The car parking area has been integrated into the site and will be screened from adjoining development with fencing and landscaping.

3.3 Building Orientation, Envelope and Design

The proposed building is of a form and scale that complements the existing and future character of the Gables urban transition area. The two storey building with a height of 9.3m is compatible with the medium and high density residential character of the area.

3.4 Landscaping

A detailed landscape plan demonstrates that the site will be well landscaped and will incorporate landscaping for play areas in addition to screen planting to fences and boundaries.

3.5 Visual and Acoustic Privacy

Visual and acoustic privacy have been adequately considered in the design of the building which incorporates appropriate finished levels, window treatment, acoustic walls and landscaping to the satisfaction of Council's Health and Environment Staff.

3.6 Noise and Air Pollution

The centre does not adjoin a major road. The centre is located on the corner of Fontana Drive and Cataract Road (collector road and local roads). The play areas face Cataract Road (and the riparian area) and on the first floor area adjacent to the northern boundary. Most internal play areas are located away from Fontana Road with windows facing away from this road.

3.7 Hours of Operation

The proposed hours of operation (6.30am to 6.30pm) are consistent with normal hours of child care facilities.

3.8 Traffic, Parking and Pedestrian Circulation

Off-street parking on the site accommodates all parking needs generated by the proposed use of the site. A Traffic and Parking Report submitted with the application has been reviewed by Council's Traffic Engineer and it is considered that the sight distance and traffic movements

associated with the development are acceptable. Pedestrian safety is adequately accommodated within the outdoor parking area.

c) Part 4 Applying the National Regulations to development proposals

The Guideline includes descriptions of specific regulations that apply to the internal and external physical environments, includes a best practice example and a National Quality Framework Assessment Checklist. The proposal has been assessed against Part 4 of the Guideline. Subject to recommended conditions, the proposal achieves compliance with the relevant requirements.

The proposal meets the provisions under the Child Care Planning Guideline with regard to Parts 2, 3 and 4 of the Guideline and therefore complies with Clause 23 of the SEPP.

4. Compliance with State Environmental Planning Policy (Industry and Employment) 2021

The Policy applies to all signage permitted with or without development consent under an EPI that is either visible from a public space or public reserve.

The table below provides an assessment of the proposed signage against the criteria listed in Schedule 5 of Industry and Employment SEPP and confirms the proposed signage is suitable for the site.

Criteria	Assessment
1. Character	<p>The land is zoned part R3 Medium Density Residential and part R4 High Density Residential and is currently vacant due to the recent land clearing.</p> <p>This DA seeks approval for the construction and operation of a centre based child care centre facility accommodating 130 children.</p> <p>Other non-residential uses are specifically permitted in the land use zones to serve the needs of the community and it is appropriate these uses have signage which will be part of the accepted character of the area.</p>
2. Special areas	The proposed signs are located on the west, south and eastern elevations of the building. The only open space areas from which the signs will be visible is the riparian corridor opposite the site on Cataract Road. The signs are incorporated into the design of the building, and it is not anticipated that any unacceptable impacts on the amenity or visual quality of the area.
3. Views and vistas	The proposed signs will not obscure or compromise any important views or vistas. The signs will be fixed to building or the ground and will not protrude into the skyline.
4. Streetscape, setting and landscape	The signs are incorporated into the building ensuring it does not impact on streetscape, setting or landscape. The signs are compatible with the existing residential character of the area.
5. Site and building	The signs are compatible with the scale of the proposed building and the site and has been positioned so it can easily be read externally from the site.
6. Associated devices and	The Guardian logo and branding is integrated the site and building design.

logos with advertisements and advertising structures	
7. Illumination	Illumination is not proposed.
8. Safety	The sign does not obscure any existing road signage or cause any other safety concern to pedestrian or cyclist.

5. Compliance with State Environmental Planning Policy (Resilience and Hazards) 2021

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 4.6 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.*

The site has already been assessed for contamination and remediated as part of previous bulk earthworks applications over the site (DA 1824/2017/ZB) and later subdivisions under DA 1099/2019/ZB and 1573/2022/ZB where appropriate conditions have been imposed to ensure the land is validated as being suitable for future use.

6. State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

7. Compliance with Development Control Plans

The proposal has been assessed against the provisions of the following Development Control Plans:

In addition to the child care specific controls in Part B Section 6 – Business (Section 2.34 Centre-base child care facility controls), the following Sections of The Hills DCP 2012 have also been considered:

- Part B Section 2 – Residential;
- Part C Section 1 – Parking;
- Part C Section 2 – Signage;

- Part C Section 3 – Landscaping; and
- Part D Section 17 Box Hill North

The proposal complies with the exception of the following controls;

Setbacks

Section 2.14.1(d) of Part B Section 2 – Residential requires a minimum 6m primary front setback and a minimum 4m secondary front setback. The proposed primary setback to Fontana Drive is 3m and the secondary setback to Cataract Road is 4m (Refer Attachment 5).

The relevant objectives of the controls are:

- (i) *To provide setbacks that complements the streetscape and protects the privacy and sunlight to adjacent dwellings in accordance with ESD Objective 7.*
- (ii) *To ensure that new development is sensitive to the landscape setting, site constraints and established character of the street and locality.*
- (iii) *To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

Comment:

Given the location of the development at the gateway into The Gables town centre and future commercial and education development will be occurring on the adjoining properties, the proposed setback is considered appropriate in this instance given the site characteristics and location are unique. The façade treatments provide interest and addresses the street with high quality landscaping provided forward of the building. Despite the variation, the objectives of the controls are still able to be achieved. The variation is considered acceptable.

Location of Play Area

Section 2.34(h) of Part B Section 6 – Business states that the play areas are not permitted in the front setback. One of the proposed play areas is located adjacent to Cataract Road.

The relevant objectives of the controls are:

- 1. *To ensure that adequate area is provided to permit high-quality landscape planting for the development.*
- 2. *To ensure that external play areas are located to provide a safe environment for children.*
- 3. *To ensure a high standard of environmental quality in child care centre developments and to maintain the overall visual amenity and character of the neighbourhood.*
- 4. *To provide a satisfactory relationship between buildings, landscaped areas and adjoining developments.*

Comment:

The play area adjacent to Cataract Road will be separated by landscaping and crash barrier in the form of a 1.8m masonry fence with glass/acrylic panels (Refer Attachment 7) and high quality landscaping with a minimum depth of 2 metres forward of the fence (Refer Attachment 8). The fence will be reinforced to a structural engineers design to a standard to provide vehicle impact protection. Conditions of consent are recommended in this regard (Refer Condition Nos. 4, 54 and 67). Despite the variation, the objectives of the controls are still able to be achieved. The variation is considered acceptable.

Parking Spaces

Part C Section 1 – Parking stipulates that for child care centres one parking space per employee is required, along with one space per six children enrolled. Stacked spaces are also to be excluded from calculation. The proposed development seeks to accommodate 130 children and

24 staff. This requires the provision of 46 car parking spaces on site. The development provides for 41 parking spaces including 3 stacked spaces.

The relevant objectives of the controls are:

- (i) *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development*

Comment:

The proposal seeks a variation to this control as the minimum required car parking spaces on site does not comply. The shortfall of 5 car parking spaces is considered acceptable given that both Fontana Drive and Cataract Road will have on-street parking to supplement pick up and drop off parking associated with the use. Although the DCP parking rate is the applicable parking rate for the proposal, it is noted that the RMS rate for child care centres is 1 space 4 children which would equate to 32.5 spaces.

The proposed use of stacked parking in these circumstances is appropriate and can be managed by the operator. The application does not comply with the stated DCP parking controls, however it is considered that the proposal satisfies the objectives of the development control. It will provide sufficient parking that is convenient for visitors and staff. The variation is considered reasonable.

Landscaping within the carpark

Section 2.8(a) of Part C Section 1 – Parking and Section 3.12(a) of Part C Section 3 – Landscaping, requires a 2m wide landscaping strip Between spaces at a rate of one in every ten car parking spaces. The proposal include a landscaping strip for every 11 car parking spaces.

The relevant objectives of the controls are:

- (i) *To provide appropriate landscaping for external and uncovered car parks so that they do not detract from the surrounding area.*
- (ii) *To provide shade and improve amenity of loading, service and parking areas and to provide a buffer to neighbouring properties.*
- (iii) *To utilise landscaping to provide amenity to neighbouring properties in accordance with Council's ESD objective 7.*

Comment:

Although the proposal does not fully comply with the control, the landscaping strip provided at every 11 spaces meets the intent of the control by providing a landscaped area within the carpark to 'break-up' the hardstand area. The remaining areas surrounding the carpark area also landscaped and comply with the required 2 metre or 5 metre requirements and it is noted along the Cataract Road frontage where a 5 metre landscaped setback is required, pockets of landscaping beyond 5 metres in depth are provided between the property boundary and the carpark. It is considered that the proposal meets the objectives of the controls and the variation is considered reasonable.

Signage

Section 2.3(a) and (b) of Part C Section 2 – Signage requires the maximum area of any sign shall be 2.25m² with maximum dimensions of 1.5 metres x 1.5 metres, and the maximum height to the top of a sign shall be 2.5 metres from the natural ground level. The site is zoned part R3 Medium Density Residential and part R4 High Density Residential. The proposed development includes two types of signs (Refer Attachment 7):

- Wall sign x2: 1.2m(h) x 3.6m(w) with a total area of 4.32m² on the southern and western Elevation; and
- Freestanding sign: 3.0m(h) x 1.4m(w) with a total area of 4.2m

The relevant objectives of the controls are:

- (i) *To permit an approved use to adequately identify their premises while maintaining the residential character of the area.*
- (ii) *To ensure that business and building identification signs are appropriate to the size and scale of the activity conducted on the property.*
- (iii) *To ensure that business and building identification signs do not detract from any residential area by requiring the size, shape, materials and location of the signage to complement the visual character of the surrounding area.*

Comment:

The proposed signage exceeds the maximum area and dimensions however the signs are considered appropriate and in scale with the proposed development. In this regard, the site is located at the gateway of The Gables Town Centre. Future developments such as a primary school, sport field and commercial developments will be occurring in the immediate vicinity and will likely have signage of a similar scale.

The proposed signs have been designed to be integrated with the architectural design of the building which will be not detract from the streetscape or surrounding residential character. It is therefore considered that the proposed signage meets the objectives of the controls and the variation is considered reasonable.

8. Rural Fires Act 1997

The proposed development is for a community facility on a site that contains bush fire prone land. Section 100B of the Rural Fires Act 1997, in conjunction with section 4.14 of the EP&A Act, requires a 'bushfire safety authority' to be issued for development of bush fire prone land for a special fire protection purpose. A "child care centre" is identified as special fire protection purpose.

A Bush Fire Hazard Assessment has been prepared by Peterson Bushfire that includes an assessment against the relevant provisions of Planning of Bush Fire Protection.

A Bushfire Authority was granted by the Rural Fire Service and is included at Attachment 10.

9. Internal Referrals

The application was referred to the following sections of Council:

- Engineering
- Environmental Health
- Landscaping
- Resource Recovery
- Development Contributions
- Fire Safety
- Heritage

No objections are raised to the proposal subject to conditions.

Contributions

On 28 April 2015, Council entered into a Voluntary Planning Agreement (VPA) with the Developer (EJ Cooper & Son Pty Ltd.), which applies to the subject site. Council reference for the VPA is 04/2018/VPA – Box Hill North Precinct.

Per Clause 29 of the VPA, the operation of S94 (now S7.11) and S94A (now S7.12) is excluded in relation to the Proposed Development.

‘Clause 29 - Application of s94, s94A and s94EF of the Act

29.1. For the purpose of section 93F(5) this Agreement:

29.1.1 . excludes the operation of section 94 and section 94A of the Act; and

*29.1 .2. does not exclude the operation of section 94EF of the Act,
in relation to the Proposed Development or any part thereof.’*

Proposed Development is defined in Clause 42.1 of the VPA.

‘Proposed Development means the proposed development as described in the Summary Sheet.’

The Summary Sheet describes the Proposed Development As follows:

‘Proposed Development	<ul style="list-style-type: none">• The development of the Land for the purpose of:• subdivision of the land into relevant parcels;• the erection of approximately 4, 100 dwellings;• the establishment and erection of a 5.5 hectare town• centre;• the construction of new roads and infrastructure;• the establishment and erection of a school site;• the establishment of sporting fields and parks;• provision of land for environmental conservation; and• provision of ancillary and associated development and• uses; <p><i>including all demolition works, site preparation and establishment works, subdivisions, and construction works required, as well as the relevant uses.’</i></p>
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For this reason, this development is not subject to any further development contributions.

Environmental Health

Council’s Environmental Health section also provided the following specific comments in relation to acoustic matters:

The application was accompanied by an acoustic report which was reviewed. Council’s requirement is that noise criteria is to be met at the property boundary of the site or in the instance where a road sits between the site and neighbouring residences then the project specific noise criteria can then be met at the neighbouring residential property boundary. An amended acoustic report was requested to confirm what noise levels will be achieved at the property boundary of each of the closest residences and to confirm that the acoustic treatment provided for the childcare centre will be sufficient to meet the project specific noise criteria requirements. Following the submission and review of an amended acoustic assessment which clarified background levels and expected levels, the acoustic impacts were found to be satisfactory subject to the inclusion of the noise attenuation recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as The Gables Childcare Development, dated 1st September 2022, which includes acoustic barriers on the boundary of the development. Relevant conditions of consent have been included accordingly.

CONCLUSION

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guideline, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

The variations to the DCP have been addressed in the report and do not warrant further amendments or 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.

The Hills Future Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

JOB NO.	DESCRIPTION	SHEET	REVISION	DATE
J0000561	Site Plan	DA02	10	15/09/2022
J0000561	Ground Floor Plan	DA03	10	15/09/2022
J0000561	First Floor Plan	DA04	10	15/09/2022
J0000561	Roof Plan	DA05	10	15/09/2022
J0000561	Elevations	DA06	10	15/09/2022
J0000561	Sections and Fence Elevation	DA07	10	15/09/2022
J0000561	Kitchen Fitout	DA08	10	15/09/2022
5860	Landscape Plan	L101	A.6	26/09/2022

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. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix A to this consent and dated 04 October 2022.

3. External Finishes

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

4. Planting Requirements

All trees planted as part of the approved landscape plan are to be planted in pot sizes as indicated on landscape plans by Package Landscapes Australia Rev A.6 dated 26/09/2022. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

Please substitute Bambusa spp. 'Old Hammii' with Acmena smithii 'Minor'.

5. Provision of Parking Spaces

The development is required to be provided with 41 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

6. Separate application for other signs

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.

7. 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 or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

8. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.

- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

9. 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.

10. Road Opening Permit

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

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

11. Recycled Water – Box Hill/ Private

The subject site must be connected to the privately operated reticulated recycled water scheme; to offset the lack of rainwater or stormwater reuse in the development.

12. 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 a Registered Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

13. 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.

14. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as The Gables Childcare Development, dated 1st September 2022 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Acoustic barriers/fences are to be installed as per the architectural drawings, around the perimeter of each external play area. All fencing / barriers surrounding the outdoor play areas are to be solid and non-perforated such as colorbond, lapped and capped timber, glass, polycarbonate, Perspex or similar.
- Install a contact phone number at the front of the centre so that any complaints regarding the operation of the centre can be made.

15. 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 2.8m long Small Rigid Vehicle (minimum 2.8m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 2.8m. Any nearby areas where the clear headroom is less than 2.8m 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 always in a forward direction 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”.

16. Business Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all business 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.

17. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

18. Construction of Waste Storage Area

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 1 x 660 litre garbage, 1 x 660 litre recycle and 2 x 240 litre food waste bins.

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

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

19. Property Numbering and Mail Boxes

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

The overall property address for this development is: 95 Fontana Drive Gables

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

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

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

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

Mail Boxes

Australia Post requires mail boxes to be close to the footpath or road and within easy reach for the postal delivery officer. For useability and convenience, they are to be located close to relevant entry points.

Strata Developments

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

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

21. 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 \$75,500.00 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (146m) multiplied by the width of the road (5.5m).

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

22. 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.

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is

available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept engineering plan prepared by Enspire Solutions Pty Ltd, Project No. 210158-CS, Drawing no. DA-C05.01, Revision 6, dated 11/04/2022 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

The proposed pedestrian path over the verge and connecting the footpath to the proposed building is not supported and shall be deleted from the construction plans

a) Site Stormwater Drainage

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

The proposed stormwater pipe connecting to the existing stormwater pit along Cataract Road shall be RCP or RFC.

b) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times.

c) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

d) Gutter Crossings

Gutter crossings to each of the proposed new lots are required.

Gutter crossings are not required where roll kerb has been provided/ permitted.

With respect to "minor street" and "street along riparian corridor/ park" roads, driveways that cross the swale to access the lots on the low side of these roads must be constructed with the subdivision works, along with all ancillary drainage work necessary to make the construction effective. Adjacent lots should have their driveways grouped together to limit the number of "breaks" in the swale. Refer to Council's Standard Drawing 48 for more detail.

e) Disused Layback/ Driveway Removal

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

f) Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

g) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Enspire Solutions Pty Ltd, Project No. 210158-CS, Drawing no. DA-C04.01, Revision 5, dated 11/04/2022. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

The proposed retaining wall shall be designed to such that it accepts and caters for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary

23. 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.

24. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An SWMP is required for this development.

25. Acoustic – Mechanical plant

Prior to the issue of any Construction Certificate a suitably qualified acoustic consultant is to provide advice on the final mechanical plant selection/s to ensure that it meets the noise target not exceeding 46dB(A) at any residential property boundary. Evidence of this is to be provided to Council's Manager – Environment and Health for review and if satisfactory, written support will be provided prior to any Construction Certificate being issued.

PRIOR TO WORK COMMENCING ON THE SITE

26. 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.

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

27. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

28. Management of Building Sites

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.

29. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

30. 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.

31. Details and Signage - Principal Contractor and Principal Certifier

Details

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

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

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

32. 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.

33. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

34. Erosion & Sediment Control Plan Kept on Site

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

35. Construction Waste Management Plan Required

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

DURING CONSTRUCTION

36. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

37. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be notified immediately.

38. 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.

39. 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.

40. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the Principal Certifier is not carried out. Inspections can only be carried out by the Principal Certifier unless agreed to by the Principal Certifier beforehand and subject to that person being a registered certifier.

41. 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.

42. Mechanical ventilation in Food Premises

Exhaust hoods are to be of a stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They are to have removable grease filters for cleaning.

Documentation shall be submitted to the certifying authority that the ventilation system has been installed and is operating in accordance with:

- i. *AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings; and*
- ii. *AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings.*

43. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

44. 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 serving areas are to be covered.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, autoclaved aerated concrete 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.

45. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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

46. Crash Barrier Installation

A crash barrier is to be installed along the boundary where the outdoor children's play area and the road and car park meet. The barrier must be appropriately designed and installed and be suitable to prevent a vehicle or debris from entering the outdoor children's play area.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

47. Section 73 Certificate must be submitted to the Principal Certifier before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.

48. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved Landscape Plans prepared by Package Landscapes Australia Rev A.6 dated 26/09/2022 by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All

landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

49. 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.

50. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent.

51. 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.

52. Registration of Subdivision

The registration of the preceding subdivision approved by Development Consent DA1099/2019/ZB (as amended) and DA 1573/2022/ZB (as amended) by the applicant must occur, prior to an Occupation Certificate being issued.

53. Noise Management Plan

Prior to the issue of an occupation certificate including an interim occupation certificate, a Noise Management Plan shall be submitted to the Manager – Environment & Health at the Hills Shire Council. The noise management plan is to incorporate the following items;

- A clear commitment by the operator to minimising noise from the childcare centre;
- Details of the noise management plan review process to be implemented every 2 years;
- How parents should behave when dropping off and picking up, including outlining noise minimisation strategies to be employed by parents;
- How staff members should behave, including outlining noise minimisation strategies to be employed by staff;
- Guidelines for managing distressed children;
- Limitations on total time spent outdoors;
- Limitations on total number of children in the play area at any one time;
- Provision of information for neighbours including the issuing of the noise management plan to any potentially impacted neighbour, a complaints register and contact details of the person responsible for investigating offensive noise complaints;
- Action to be taken in the event of excessive noise from people within the car park area or noise break out from within the childcare centre; and
- Any other item or action deemed relevant to minimising noise within the childcare centre.

54. Certification of Crash Barrier

Prior to the issue of the Occupation Certificate documentation is required to be submitted to Council's Manager Health and Environment certifying that the barrier required to protect the children within the outdoor play area, has been appropriately designed and installed and will prevent a vehicle and/or debris going into the child play area.

THE USE OF THE SITE

55. Hours of Operation

The hours of operation being restricted to the following: -

Monday – Friday: 6.30am to 6.30pm

Any alteration to the above hours of operation will require the further approval of Council.

56. Child and Staff Numbers

A maximum of 130 enrolled children are permitted to be at the child care facility. Any change to the number of children will require an application to Council to modify this condition.

The breakdown of children is to be as follows:

- Age 0 to 2 year olds – 40 children
- Age 2 to 3 year olds – 30 children
- Age 3 to 5+ year olds – 60 children

The maximum number of staff at the centre at any one time is to be limited to 24.

57. 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*.

58. Hours of operation for waste collection, delivery / dispatch of goods

Delivery of goods shall be restricted to the following times;

Monday to Friday – 7.00am to 6.00pm

59. Offensive Noise - Acoustic Report

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

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

60. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage area must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

61. 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. Waste collection must occur during off-peak time periods within the approved operational hours of the site.

62. Noise Management Measures

The following management measures should be implemented as part of the operation of the childcare centre:

- Signs should be erected at appropriate, prominent locations, to advise the following:
 - that staff and parents converse at a very low volume;
 - that parents not call out to their children when delivering or collecting their children; and
 - that gates not be slammed.
- Children who are loudly crying outdoors should be comforted by staff and if the child continues to cry loudly then they should be taken inside.
- No music should be played in any outdoor areas at any time.

63. Acoustic – Maintenance

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

- Play area sound barriers are to remain solid and gap free; and
- Mechanical plant acoustic barriers are to be maintained solid and gap free.

64. Operational Noise Level Limits

The Operational Noise Limits for the Development shall be in accordance with the noise limits as outlined in table 7 of the Noise Impact Assessment, prepared by Acoustic Logic Pty Ltd, report titled The Gables Childcare Centre Development and dated 1st September 2022. These noise limits are:

Location	Day (7am – 6pm)	Early morning -(6am – 7am)	Evening (6pm-7pm)
At any property boundary of the residences to the west of the site	46dB(A)Leq (15min)	42dB(A)Leq (15min)	38dB(A)Leq (15min)
At the property boundary of the residences to the south of the site	45dB(A)Leq (15min)	40dB(A)Leq (15min)	38dB(A)Leq (15min)

65. 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* and that the operational noise levels as detailed in the table below have been complied with.

Location	Day (7am – 6pm)	Early morning -(6am – 7am)	Evening (6pm-7pm)
At any property boundary of the residences to the west of the site	46dB(A)Leq (15min)	42dB(A)Leq (15min)	38dB(A)Leq (15min)
At the property boundary of the residences to the south of the site	45dB(A)Leq (15min)	40dB(A)Leq (15min)	38dB(A)Leq (15min)

66. Noise Management Plan to be kept on site

The approved noise management plan is to be complied with at all times when the centre is in operation. The Plan is to be kept on site at all times when the childcare centre is in operation and is to be made available to Council Officers upon request.

67. Crash Barrier Maintenance

The crash barrier located between the child care centres outdoor play area and the carpark is to be maintained in a manner that ensures it is fit for its intended purpose at all times. Annual inspections of the barrier are to be undertaken by a suitably qualified person to ensure that the barrier maintains its structural integrity for the life of the childcare centre development. If damage to the barrier is noted at any time then the barrier is to be checked by a suitably qualified person. If the checks reveal that the barrier is damaged and that the damage could compromise the performance of the crash barrier then the outdoor play area is to be closed and is not to be used until such time as a suitably qualified person can confirm that the barrier is fit for its intended purpose. If the crash barrier is removed then the outdoor play area is not to be used until it is reinstated.

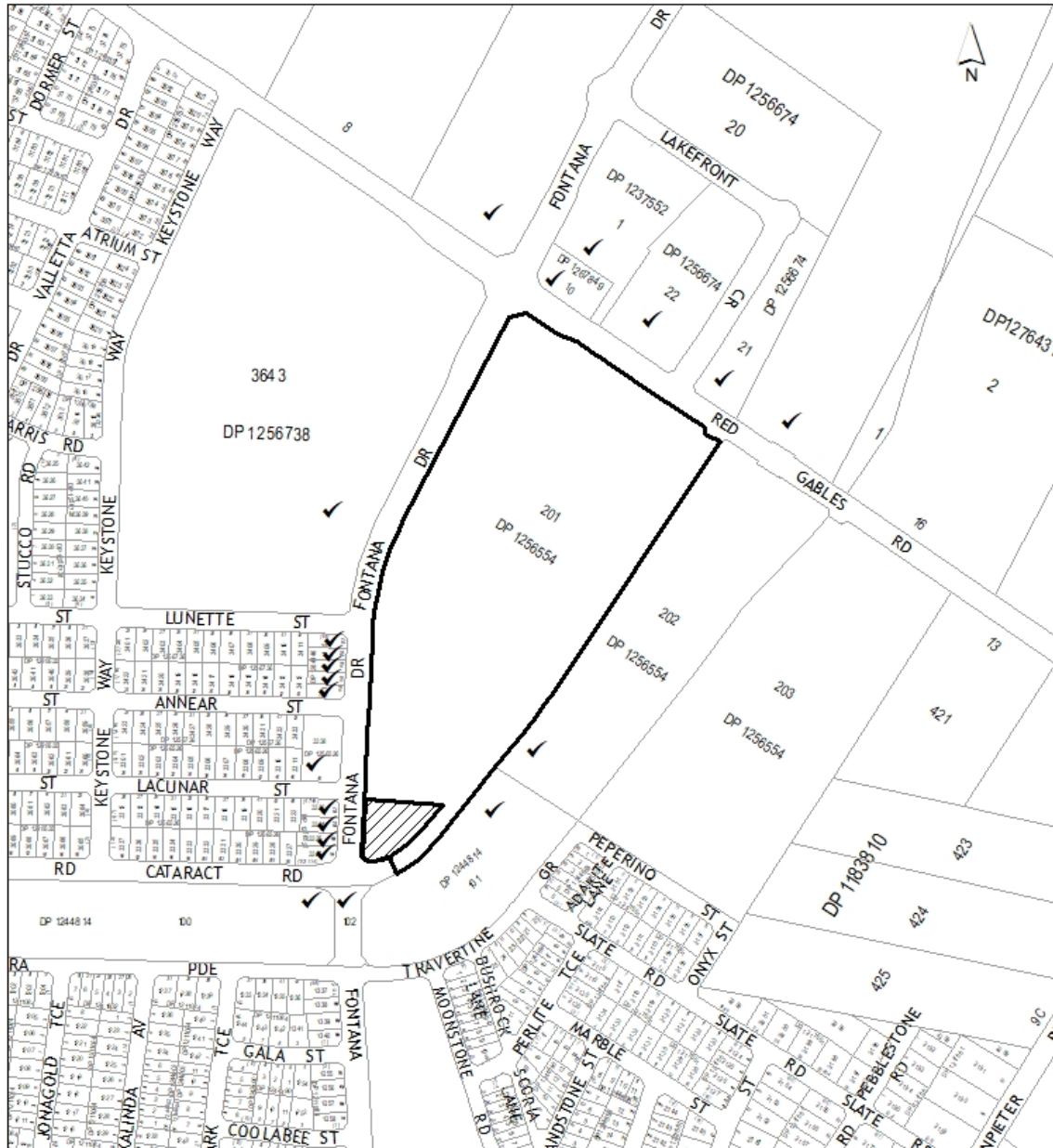
68. Noise Management Signage

Noise Management signage is to be installed in prominent locations within the childcare centre and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Site Plan
5. Ground Floor Plan
6. First Floor Plan
7. Elevations and Sections
8. Landscape Plan
9. Approved Subdivision Plan (1573/2022/ZB)
10. Rural Fire Service Approval

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ APPROVED LOT 11 UNDER
CONSENT 1573/2022/ZB
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL MAP



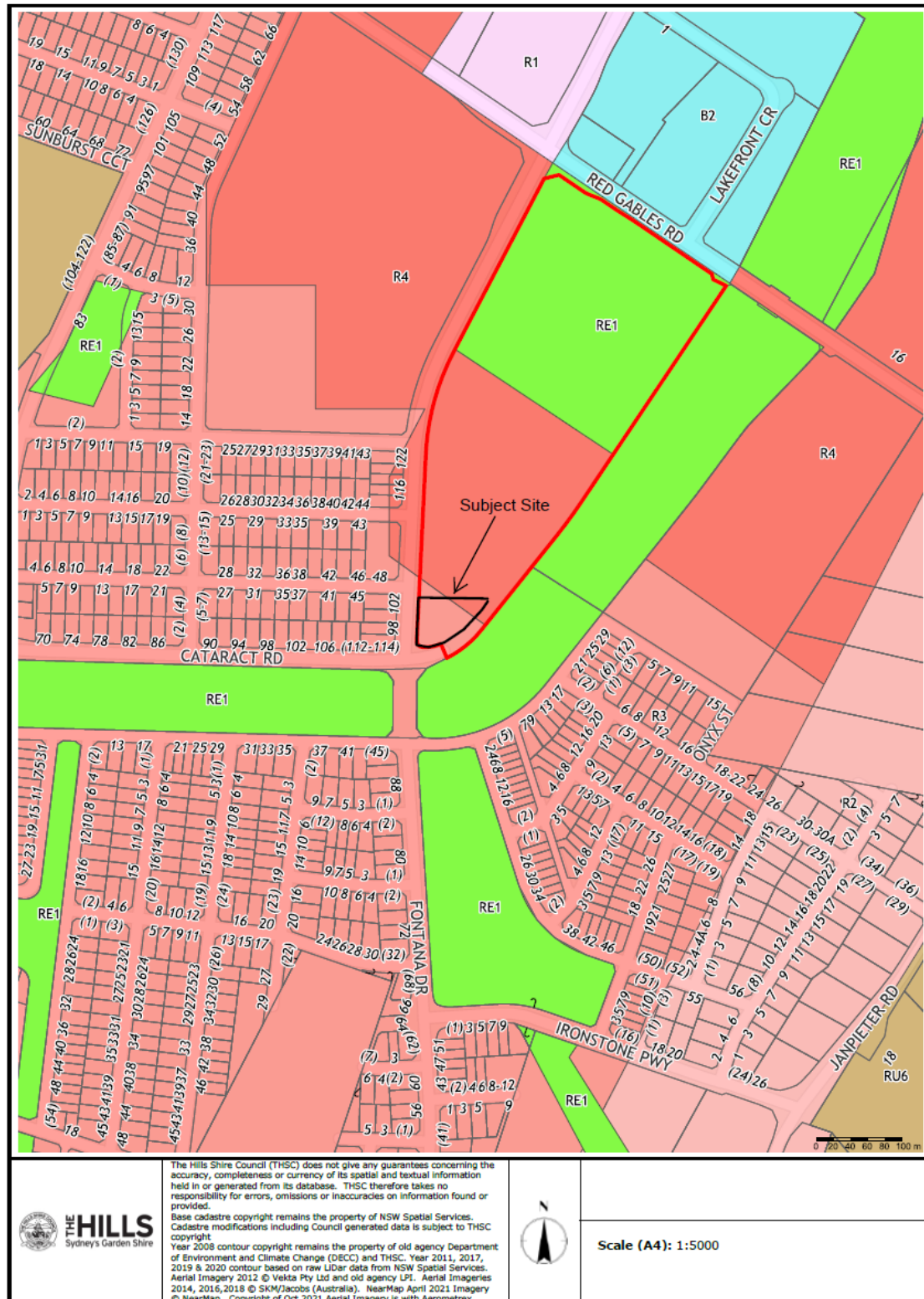
- ☐ SUBJECT SITE
- ☒ APPROVED LOT 11 UNDER
CONSENT 1573/2022/ZB

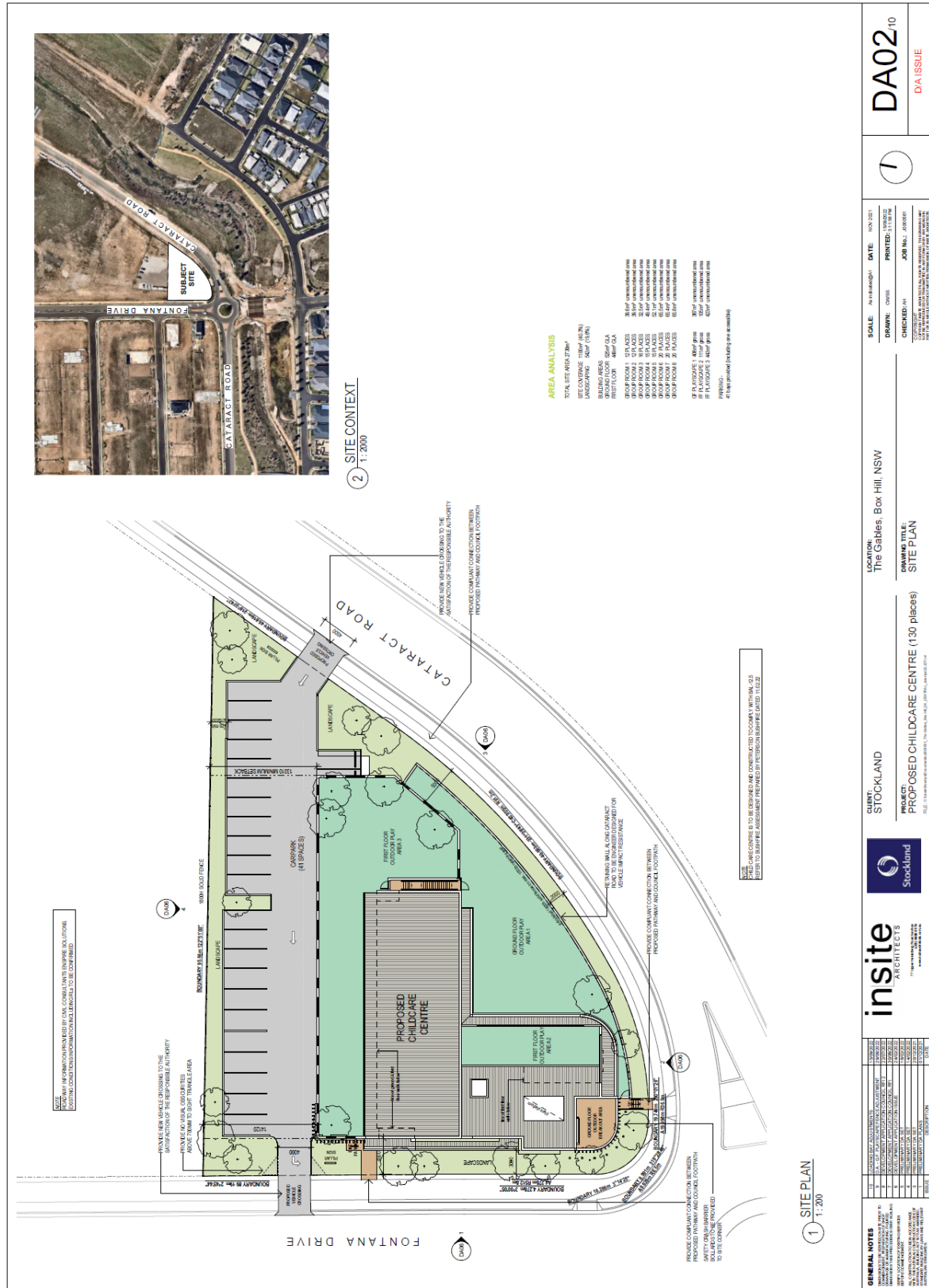
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

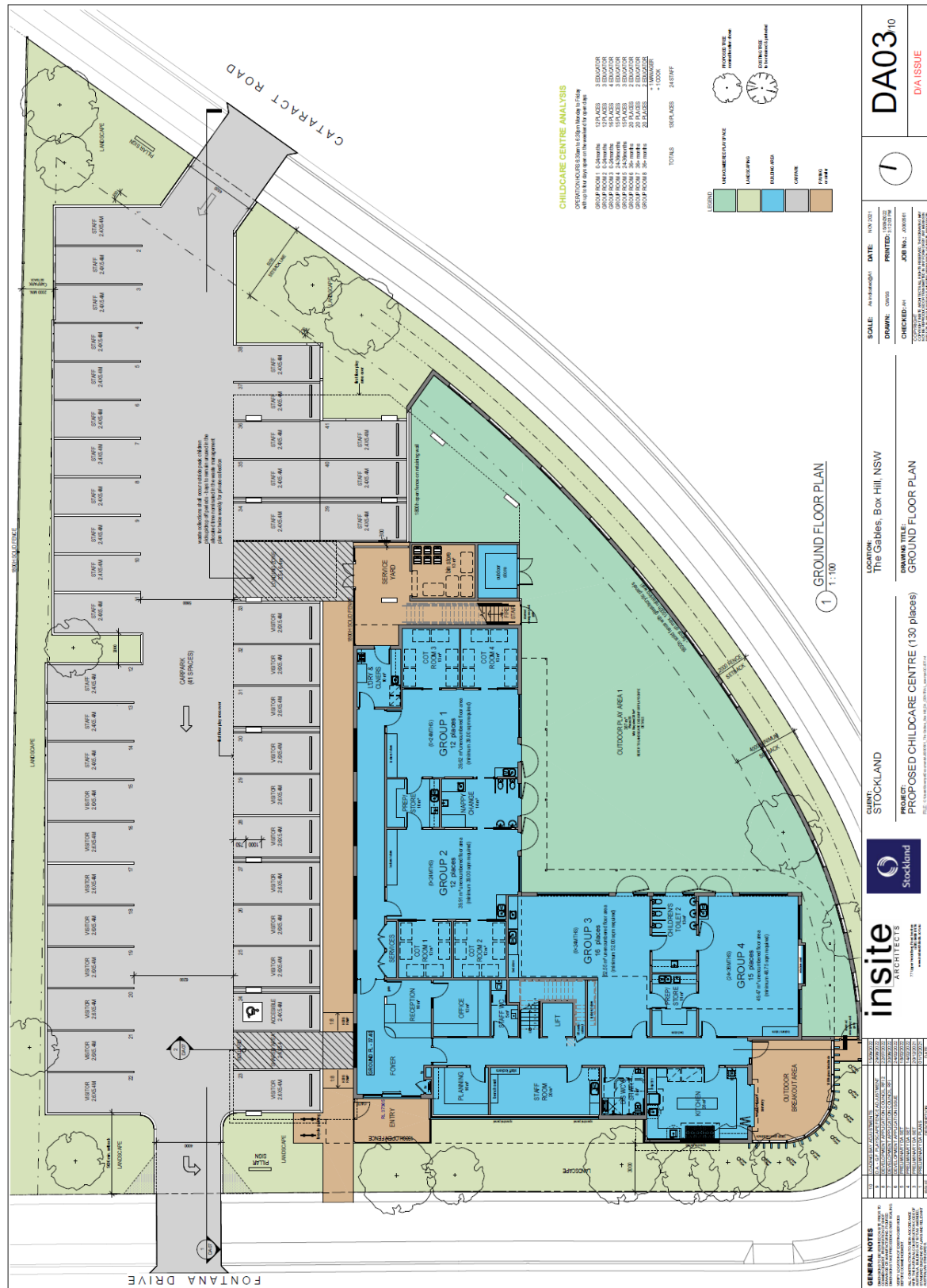
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ATTACHMENT 3 – ZONING PLAN



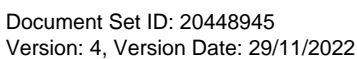


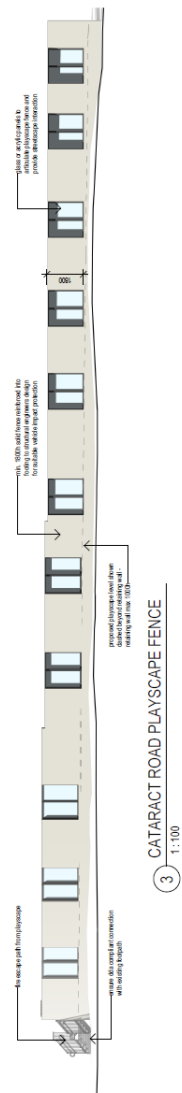
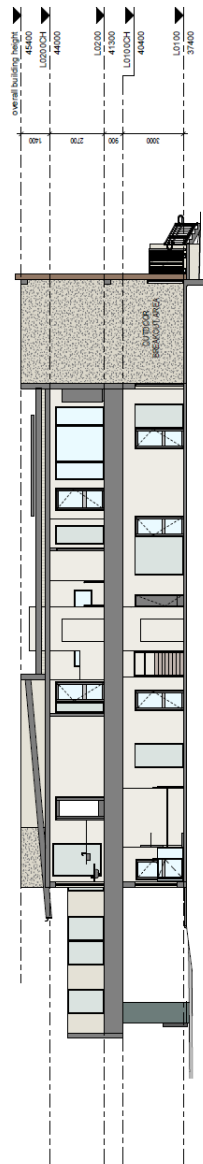
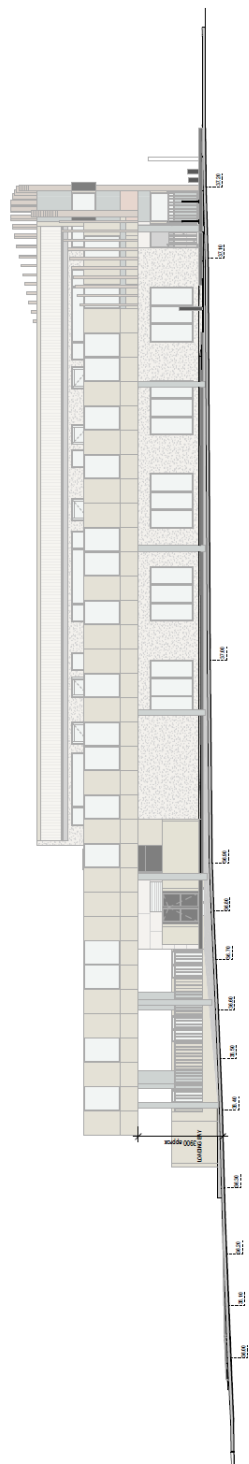
ATTACHMENT 5 – GROUND FLOOR PLAN



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Version: 4, Version Date: 29/11/2022



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5	10/26/2022	10/26/2022	
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3	10/26/2022	10/26/2022	
2	10/26/2022	10/26/2022	
1	10/26/2022	10/26/2022	

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ARCHITECTS
77 Upper Madison Avenue
New York, NY 10022
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 **Stockland**

CLIENT:
STOCKLAND

PROJECT:
PROPOSED OFFICE BUILDING

FILED FOR THE RECORD OF THE CITY OF NEW YORK

LOCATION:
The Gables, Box Hill, NSW

DC:ARE CENTRE (130 places)

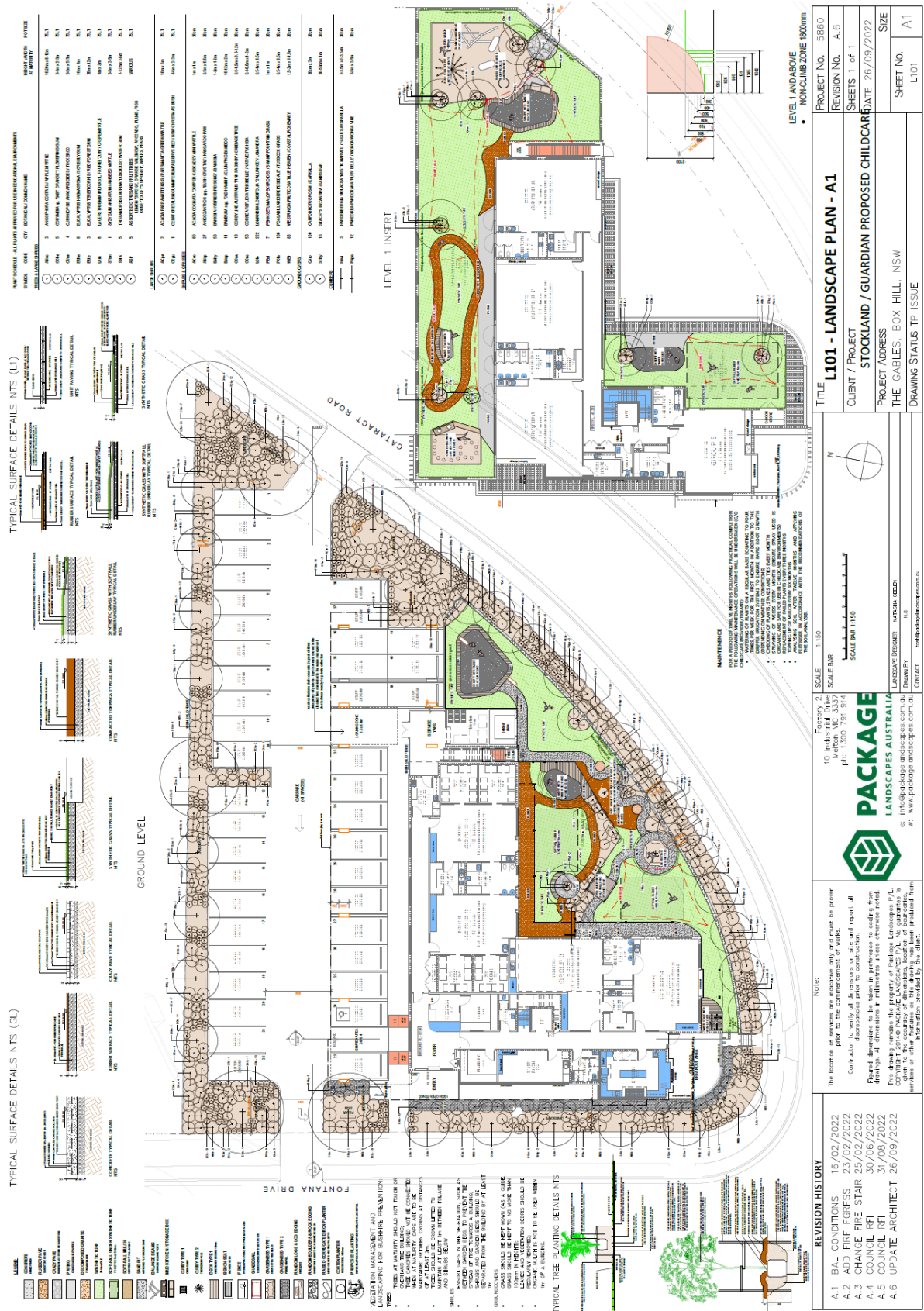
DRAWING TITLE:
SECTIONS & FENCE ELEVATION

SCALE: 1:100000 DATE: NOV 2021
DRAWN: CMV PRINTED: 13/06/2021
CHECKED: AM JOB No.: J0000601

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D/A ISSUE

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ATTACHMENT 8 – LANDSCAPE PLAN



ATTACHMENT 9 – APPROVED SUBDIVISION PLAN 1573/2022/ZB



ATTACHMENT 10 – RFS BUSHFIRE SAFETY AUTHORITY



NSW RURAL FIRE SERVICE

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

Your reference: (CNR-39255) 1739/2022/JP
Our reference: DA20220511007731-Original-1

ATTENTION: Eamon Murphy

Date: Tuesday 4 October 2022

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – Child Care Centre
RED GABLES RD GABLES NSW 2765, 201//DP1256554

I refer to your correspondence dated 10/05/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

1. From the commencement of building works and in perpetuity, the entire development site of the childcare centre must be managed as an inner protection area as outlined in Appendix 4 of *Planning for Bush Fire Protection 2019*:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2 m above the ground;
- Tree canopies should be separated by 2 to 5 m;
- Preference should be given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- Leaves and vegetation debris should be removed regularly.

2. Landscaping for the entire development site of the childcare centre must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

3. New construction must comply with Sections 3 and 5 (BAL 12.5) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. Any new Class 10b structures as defined per the *National Construction Code* must be non-combustible or hardwood.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

5. The provision of water, electricity and gas shall comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

6. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

General Advice – Consent Authority to Note

The proposed development relies on 'managed land' (as defined in *Planning for Bush Fire Protection 2019*) of the area identified as 'PrH Zone 5: Recreation' on the Vegetation Management Plan (Precinct H) prepared by Cumberland Ecology, dated 1 March 2017.

For any queries regarding this correspondence, please contact Simon Derevnin on 1300 NSW RFS.



Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

SFPP – Child Care Centre
RED GABLES RD GABLES NSW 2765, 201//DP1256554
RFS Reference: DA20220511007731-Original-1
Your Reference: (CNR-39255) 1739/2022/JP

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Tuesday 4 October 2022