

## COUNCIL ASSESSMENT REPORT

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSCC-375 – DA 2058/2022/JP
<b>PROPOSAL</b>	Seniors Living Development Comprising 231 Independent Living Units, a Sales and Community Management Office and Temporary Use of 8 Homes as Exhibition Homes.
<b>ADDRESS</b>	18 Red Gables Road and 5 Janpieter Road, Gables
<b>APPLICANT</b>	AW Bidco 4 Pty Limited
<b>OWNER</b>	AW Bidco 4 Pty Limited
<b>DA LODGEMENT DATE</b>	16 June 2022
<b>APPLICATION TYPE</b>	Development Application – Integrated
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 5, Schedule 6 of the Planning Systems SEPP: Private Infrastructure and Community Facilities with a CIV of more than \$5 million
<b>CIV</b>	\$101,744,809.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Nil
<b>KEY SEPP/LEP</b>	Housing SEPP, The Hills LEP 2019
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES IN SUBMISSIONS</b>	Nil
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Architect: DC8 Studio Town Planner: GLN Planning Landscape Architect: Site Image Bushfire: Blackash Consulting Engineering: Enspire Quantity Surveyor: Traffic: JMT Consulting Trees: Ecological Accessibility: Lindsay Perry Access

<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	Not Applicable
<b>RECOMMENDATION</b>	Approval subject to conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	Electronic
<b>PLAN VERSION</b>	NA
<b>PREPARED BY</b>	Robert Buckham – Principal Coordinator
<b>DATE OF REPORT</b>	29 June 2023

## EXECUTIVE SUMMARY

The subject Development Application seeks approval for the construction of a seniors housing development comprising;

- 231 independent living units;
- community management and sales office;
- temporary use of 8 dwellings. As exhibition homes; and
- associated landscaping and civil works including site grading, road construction, drainage and services.

The proposed dwellings are proposed to be installed as manufactured homes and will therefore require separate approval under section 68 of the Local Government Act 1993.

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

The DA remains consistent with Box Hill Masterplan 1397/2015/JP (as modified), as it provides for the development of the land for residential purposes and road network by virtue of a recent modification 1397/2015/JP/B to facilitate this application.

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 Development Application is recommended for approval.

## 1. THE SITE AND LOCALITY

The subject site is located within Precinct F of the Stockland's 'Gables' estate, and is currently situated over Lots 29 to 30 in DP 255616 and is known as 18 Red Gables Road and 5 Janpieter Road. The site is now approved as residue lot under DA736/2023/ZB.

The site of the development will be contained in an approved residue Lot (Lot 5134). The Site has an irregular in shape and has an area of 12.10 hectares, and is located at the corner of Red Gables Road and Janpieter Road. The site is currently occupied by limited stands of vegetation, two dams and a rural residential residence, although the majority of vegetation

(excluding 2 trees) and existing structures are proposed to be removed from the site and the dams dewatered under the associated bulk earthworks DA 487/2022/ZB.

The Box Hill North Concept DA (DA 1397/2015/JP) was approved by the Regional Planning Panel on 9 February 2016. The DA approved the staged delivery of the masterplan for Celestino's 'The Gables' estate including the layout of nine precincts, location of a new town centre and central parkland, vehicular access to and within the site, street layout and street hierarchy, surrounding land uses, housing typologies and development controls and an overall landscaping strategy.

To implement the road alignment proposed under the subdivision DA, relevant to this application, a modification has been granted by Council staff (1397/2015/JP/B) to relocate the collector road located adjacent to proposed residue Lot 5134 and the associated bus and cycleway route to Janpieter Road.

Land to the south-west is owned and controlled by Stockland with works currently underway to deliver feature open space. The Santa Sophia Catholic College has been recently constructed and will be supported by a future town centre.

The development site is zoned R2 Low Density Residential and is subject to Height of Building (HOB) maximum heights of 10m (K) under Local Environmental Plan 2019

## **2. THE PROPOSAL**

### **2.1 Proposal**

The proposed development includes the construction of a seniors housing development comprising;

- 231 independent living units proposed to be installed as manufactured homes and will therefore require separate approval under section 68 of the Local Government Act 1993;
- a sales and community management office;
- temporary use of 8 dwellings. As exhibition homes; and
- associated landscaping and civil works including site grading, road construction, drainage and services.

A further detailed breakdown of the works and uses proposed is outlined below;

#### Staging and Civil works

The works on the Site proposed in this DA will follow after a preceding bulk earthworks proposed in DA 487/2022/ZB and following the completion of the surrounding road network proposed in DA 1057/2022/ZB. The civil works and associated construction of the dwellings are proposed to be divided into two stages.

The proposed development will include minor site grading to establish appropriate levels for building pads, services and roads. These works are designed to supplement the bulk earthworks proposed under DA 487/2022/ZA within Precinct F in addition to interfacing with works proposed under the widening of Janpieter Road and the remaining development of Precinct F.

#### Retaining Walls

Various retaining walls are proposed on the site between the internal and external boundary of lots. The four main retaining wall types proposed are primarily 1.0 metre or less in height,

noting that tiered walls are required up to a maximum height of 1.8m at the interface with certain roads, noting that each tier will be a maximum of 1m. The purpose of the walls is twofold, to provide substantial opportunities for landscaping planting between retaining wall tiers to break up the interface with public roads, and also to achieve the requisite site grading requirements under the Housing SEPP.

#### Internal Roads

Private access roads are proposed to be implemented to enable vehicular access to the development. All roads are to be private roads and managed by the operator of the seniors housing development. All roads are to be treated as private shareways. A combined entry/exit road is provided at the entry to the site and adopts a 3.5m median to control traffic movements as well as provide opportunities for additional tree planting. To further control access to the private road network a gate system is to be installed at the entrance and is inset into the development to prevent queuing on the local road.

#### Dwellings

This DA includes the delivery of self care seniors housing comprising of 231 single storey independent living units. The independent living units are to be delivered as manufactured homes with on-site assembly and construction (subject of a separate S68 and S82 Objection under the LG Act). The manufactured homes have been designed to comply with both the specific seniors housing design requirements of the Housing SEPP as well as the dwelling design requirements of the Divisions 1,2 and 4 of Part 2 of the LG Regulations.

Separate Section 68 Applications and a Section 82 Objection under the Local Government Act 1993 (LG Act) are required for the installation of the dwellings subject to this application. A Section 82 Objection is required to be approved by the Office of Local Government. These are not matters for the Development but are required to be addressed under future section 68 applications for installation of the structures.

A Section 82 Objection has been prepared in support of various departures to the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG Regs) to address the requirements of clause 41 relating to the offsite construction of dwellings and clause 47 relating to the placement of dwellings within 1m of the boundary.

Part 2, Division 2, Subdivision 1 of the LG Regs establishes a requirement for Manufactured Home Estates to obtain an approval from Council under the LG Act with requirement for consistency with the requirements of Division 3 of the LG Regs. The Section 68 application demonstrates consistency with the requirements of Division 3 other than clause 34 that relates to the requirements for fire hydrants. The Section 82 Objection addresses the alternative approach to be delivered.

Part 2, Division 2, Subdivision 2 relates to the installation of manufactured homes in a manufactured home estate. Similar to exempt development, Clause 9 creates a 'deemed to comply' exemption. Provided the requirements of Division 4 of the LG Regs are complied with, a Section 68 approval is not required for the installation of the dwellings. Only an approval to operate is required. The Applicant is not proposing to rely on the conditional exemption and instead is seeking to pursue a Section 68 approval for the dwellings to ensure they are able to be delivered in a form consistent with the designs provided in the DA. This has also been done to provide Council with ongoing involvement in the compliance of the dwellings and landscaping to be delivered.



In line with the Land Lease Act, the applicant will retain ownership of the site and operate the development with 231 dwelling sites being registered through the Land Lease Act to allow residents to enter into leases with the applicant for the occupation of individual dwelling sites.

A range of housing types have been provided across four main frontage types ranging between 10.5m and 14.6m in width. A dwelling type has been specified for each dwelling site and has been sited to adopt consistent setbacks to articulation and the building line based on the front dwelling site boundary. As lot depths vary across the development, the rear setback, and ultimately rear courtyards, vary in depth to provide greater diversity of housing options. Each home is provided with 2 to 3 bedrooms, 2 bathrooms and a double garage, with the principal private open space located to the side and/or the rear of the dwelling.

#### Exhibition Dwellings

This DA seeks approval for the use of up to 8 of the dwellings as exhibition homes, representing each product type to be delivered within the overall seniors housing development. The use of each dwelling as an exhibition home is temporary and will be linked to the sales office for sales of house and land lease packages and associated finance options. The exhibition homes are proposed to operate for up to 5 years to market house and land lease packages provided within the development. When the exhibition village use ceases, the exhibition homes are intended to revert to be used as private dwellings and will be sold to associated homeowners.

#### Management and Sales Office

This development includes the construction and operation of a sales, community and administration building that will be operated seven days per week. The main entrance to the building is provided adjacent to the hardstand car park, which is accessed from the main entry road.

## **2.2 Background**

The development application was lodged on 16 June 2022. The Regional Planning Panel was briefed on 04 August 2022.

Additional information was requested on 26 October 2022 in relation to servicing, earthworks, finished ground levels, contributions, landscaping and engineering matters. A response was provided on 09 December 2022 and 25 January 2023. A Social Impact Assessment was also submitted. Further correspondence was sent to the applicant on 08 February in relation to landscaping, engineering and waste matters. A response was provided on 02 March 2023.

A separate DA (556/2023/HC) has been lodged for the community facilities. This application will be determined by Council staff under Delegated Authority. The facilities intended to be delivered in stages that responds to the progressive delivery of dwellings in each of the construction stages in this DA. The facilities include:

- Wellness Centre with gym, exercise studio and steam room
- Recreation pool with 3 x 25m lap lanes and spa
- Function room
- Private Dining Room
- Kitchen and bar
- Lounge
- Library
- Games Room with pool table and tennis table
- Art and Craft Room

- Hobby workshop
- Community Garden
- Bowling Green, and
- Pickleball Courts

### 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report) Integrated Development (s4.46).

#### 3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *The Hills Local Environmental Plan 2019;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 1** and considered in more detail below.

**Table 1: Summary of Applicable Environmental Planning Policies**

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	<ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 and Clause 5(b) of Schedule 6.</li> </ul>	Y

Housing SEPP	<ul style="list-style-type: none"> <li>Part 5 – Housing for Seniors and People with a Disability</li> </ul>	Y
Resilience and Hazards SEPP	<ul style="list-style-type: none"> <li>Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
Biodiversity and Conservation SEPP	<ul style="list-style-type: none"> <li>Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.</li> </ul>	Y
LEP	<ul style="list-style-type: none"> <li>Clause 4.1 – Lot size.</li> <li>Clause 4.3 – Height of Buildings</li> <li>Clause 6.3 - Servicing</li> <li>Clause 7.2 – Earthworks</li> </ul>	Y

### State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 and Clause 5(b) of Schedule 6 of the SEPP as the proposal is development for *general development* with a CIV of more than \$30 million. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

### SEPP Housing

The proposal has been assessed to indicate how the development complies with the relevant provisions of the SEPP as follows:

Development Standard	SEPP Requires	Proposed Development	Compliance
<b>Division 1 – Land to which this Part Applies</b>			
81 Seniors housing permitted with consent	Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	Seniors housing within the R2 Low Density Residential Zone is permitted with consent through a site specific clause at Clause 86(1)(d)(i) of the Housing SEPP.	Yes
<b>Division 3 – Development Standards</b>			

84 Development standards - general	(1) This section applies to development for the purposes of seniors housing involving the erection of a building.	The proposal is for the construction of 231 independent living units being self-care dwellings.	Yes
	(2) Development consent must not be granted for development to which this section applies unless—		
	(a) the site area of the development is at least 1,000m <sup>2</sup> , and	The Site has a total area of 12.1 hectares.	Yes
	(b) the frontage of the site area of the development is at least 20m measured at the building line, and	The Site frontage to Red Gables Road and Janpieter Road exceed 20m (approx. 170m minimum).	Yes
	(c) for development on land in a residential zone where residential flat buildings are not permitted—	The proposed dwellings and community facility will be no more than a single storey with heights ranging from 4.5m to 5.89m and comply with this requirement.	Yes
	(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and		
	(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and		
	(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.		
	(3) The servicing equipment must—	There is no applicable servicing equipment relevant to the development.	Yes
	(a) be fully integrated into the design of the roof or contained and suitably		

	screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m.		
85 Development standards for hostels and independent living units	(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	Compliance has been demonstrated that the proposal has been designed to comply or is able to comply with the provisions outlined Schedule 4 that primarily relate to compliance with AS 4299.	Yes
88 Restrictions on occupation of seniors housing	(1) Development permitted under this Part may be carried out for the accommodation of only the following— (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part.	The proposed development will provide housing limited to seniors being people who are at least 60 years of age and associated staff. A condition is recommended in this regard.	Yes
<b>Division 4 – Site related requirements</b>			
93 Location and access to facilities and services - independent living units	(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site.	Some facilities and services will be provided on site at the community facility subject to a separate DA, including community services and recreation facilities. The remaining services including shops, retail and other commercial services that residents may reasonably require including a medical centre will likely be provided at the town centre, noting that existing provisions are available at Rouse Hill and other local centres. The Applicant is providing a	Yes

		community bus service to provide access to facilities that are not provided on site. A condition is recommended in this regard. Refer Condition No. 10.	
	<p>(2) The transport service must—</p> <p>(a) take the residents to a place that has adequate access to facilities and services, and</p> <p>(b) for development on land within the Greater Sydney region—</p> <p>(i) not be an on-demand booking service for the transport of passengers for a fare, and</p> <p>(ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and</p> <p>(c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.</p>	<p>Specific transport services have yet to be confirmed by Transport for New South Wales, although the Concept Plan Approval provides for a bus stop at the corner of Janpieter and Red Gables Road that would be located within 400 metres from the Site that would take residents to the future town centre or to existing town centres in neighbouring suburbs. Until such time as a regular bus service is established, the Applicant is committed to providing a specific community bus service for residents consistent with this clause. A condition is recommended in this regard.</p>	Yes
	<p>(3) For the purposes of subsections (1) and (2), access is adequate if—</p> <p>(a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and</p> <p>(b) the distance is accessible by means of a suitable access pathway, and</p> <p>(c) the gradient along the pathway complies with subsection (4)(c).</p>	<p>The future town centre would be located less than 400 metres from the western periphery of the site, a bus stop would be located within 400 metres of the site and the Applicant has confirmed a private community bus would be provided on the site.</p>	Yes
	<p>(4) In subsection (3)—</p>	<p>An Access Report has been prepared by the</p>	Yes

	<p>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) the distance is to be measured by reference to the length of the pathway, and</p> <p>(c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—</p> <p>(i) 1:12 for a maximum length of 15m at a time, or</p> <p>(ii) 1:10 for a maximum length of 5m at a time, or</p> <p>(iii) 1:8 for a maximum length of 1.5m at a time.</p> <p>(5) In this section— facilities and services means—</p> <p>(a) shops and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>applicant that verifies that a private access bus and future public transport services are available within 400 metres of the site. As demonstrated in the Road Hierarchy Plan within the Civil Engineering Plan, the shared access roads and laneways have been graded so that the maximum grade is no more than 2.9% or approximately 1:34, and complies.</p>	
95 Water and sewer	<p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</p> <p>(a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability</p>	<p>Appropriate connections to reticulated sewer systems and the removal or disposal have been planned for and will be made available to connect the site to the local water centre operated by Altogether Group that services the entire Box Hill North urban release area.</p>	Yes

	of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.		
96 Bush fire prone land	<p>(1) A consent authority must not consent to development under this Part on bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.</p> <p>(2) In determining a development application for development under this Part on land near bush fire prone land, the consent authority must—</p> <p>(a) consult with the NSW Rural Fire Service and consider its comments, and</p> <p>(b) consider the following including—</p> <p>(i) the location of the development,</p> <p>(ii) the means of access to and egress from the location,</p> <p>(iii) the size of the existing population within the area,</p> <p>(iv) age groups within the population and the number of persons within the age groups,</p> <p>(v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,</p> <p>(vi) the number of schools within the area and the</p>	<p>A Bushfire Safety Authority has been issued by the RFS. Refer Attachment M.</p> <p>In association with bushland and the future public reserves within land zoned RE1 Public Recreation, the assessment recommends a number of APZs including road reserve, are proposed on the eastern interface with Janpieter Road and southern interface with Red Gables Road. DA 1057/2022/ZB provides for the embellishment of the RE1 zoned land on the eastern side of the Site and provides for managed land that will form part of the necessary 46m APZ for the remainder of the eastern portion of the Site. The remainder of the land to the north and west of the Site is to continue to be managed by the Applicant as 'Managed Land' and will ultimately be developed for residential housing under DA 1057/2022/ZB.</p>	Yes



	<p>number of students at the schools,</p> <p>(vii) existing seniors housing within the area,</p> <p>(viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,</p> <p>(ix) the adequacy of access to and from the site of the development for emergency response vehicles,</p> <p>(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,</p> <p>(xi) the requirements of Fire and Rescue NSW.</p>		
<b>Division 5 – Design Requirements</b>			
97 Design of in-fill self-care housing	<p>In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department's website.</p>	<p>An assessment has been undertaken against Seniors Living Policy: Urban Design Guideline for Infill Development.</p> <p>The proposed development will generally be significantly setback from future neighbouring dwellings by the road network to be delivered under DA 1057/2022/ZB. The proposed dwellings are 2 to 3 bedrooms and provided with double lock up garages in a range of different dwelling site sizes. The proposal forms part of a masterplanned community with the Site being bound by local roads without a direct interface with traditional detached home lots.</p> <p>The dwellings and verges have also been designed to</p>	Yes

		facilitate landscaping opportunities.	
98 Design of seniors housing	A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.	Division 6 addressed below.	Yes
<b>Division 6 – Design Principles</b>			
99 Neighbourhood amenity and streetscape	(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and	The development is for seniors housing comprising 231 independent living units in self-contained dwellings. The dwelling designs are comparable in size and design to single dwelling homes being delivered throughout the Gables masterplanned community. A Residential care facility is not proposed.	Yes
	(b) recognise the desirable elements of— (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and	The Site is situated in a greenfield masterplanned community that is transitioning from a rural residential character to an urban land that respects the rural history of the site and surrounds.	Yes
	(c) complement heritage conservation areas and heritage items in the area, and	The Site is not situated within a heritage conservation area nor are there any heritage items located on or near the site.	Yes
	(d) maintain reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii)	The proposed dwellings are provided with suitable setbacks to ensure that solar access can be provided to living and private open spaces, noting that the dwellings are all single storey.	Yes

	<p>adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(e) set back the front building on the site generally in line with the existing building line, and</p> <p>(f) include plants reasonably similar to other plants in the street, and</p> <p>(g) retain, wherever reasonable, significant trees, and</p> <p>(h) prevent the construction of a building in a riparian zone.</p>	<p>The proposed development will be separated from all future residential development by proposed perimeter roads within the surrounding road network. Noting that there are no existing building lines in proximity to the site.</p> <p>The proposed internal access road planting and street tree planting has been informed by the Street Tree Masterplan approved under the concept development application for Box Hill North.</p> <p>Tree removal is not being sought under this application. During the development of the masterplan, the opportunity to retain trees within the Leisure Precinct were identified and DA 487/2022/ZB has been amended to provide for the retention of these trees.</p> <p>There are no buildings proposed within a riparian zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
100 Visual and acoustic privacy	<p>(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and</p>	<p>The proposed development will be separated from all future residential development by proposed perimeter roads within the surrounding road network.</p>	<p>Yes</p>

		(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Each dwelling type proposed provides bedrooms to the middle and rear sections of each dwelling.	Yes
101	Solar access and design for climate	<p>(a) for development involving the erection of a new building provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>A total of 163 dwellings are provided with over 3 hours of solar access. Overshadowing of future neighbouring buildings not located on the Site is not anticipated given that the dwellings are all detached single storey structures.</p> <p>Dwellings have generally been sited so that the Principal POS and main living areas benefit from solar access to the north and west. All dwellings have been certified as capable of BASIX compliance</p>	Yes
102	Stormwater	<p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	The stormwater management strategy conveys stormwater from the Site via the private road network and connects into the local road drainage system through to the regional stormwater management infrastructure being delivered by the Applicant under the Box Hill North Planning Agreement that applies to the site. The specific stormwater measures for this site have been reviewed by Council's engineers and deemed satisfactory subject to conditions.	Yes
103	Crime prevention	(a) be designed in accordance with environmental design principles relating to crime prevention, and	The proposal incorporates the CPTED principles of territorial reinforcement, surveillance, access control and space/activity management.	Yes

	<p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by— (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The development will be gated, with access occurring from the east via a local road accessed via Janpieter Road that will control access via vehicles.</p> <p>Dwelling design allows for clear entry and enables observation of the approaches and include windows adjacent to front doorways as well as casual surveillance of the private road network.</p>	<p>Yes</p> <p>Yes</p>
104 Accessibility	<p>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The proposed public bus route would also be accessible from the main entrance to the community. Parking bays are proposed throughout the development in addition to a small car park located adjacent the community facilities.</p>	Yes
105 Waste management	<p>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Each dwelling house has provision for an external waste storage area at the side of the dwelling that is screened from the internal road network. The storage area will accommodate a typical three-bin service to be collected by Council, including recycling bins.</p>	Yes
<b>Division 7 – Non-discretionary development standards</b>			

108 Non-discretionary standards for independent living units – the Act, s. 4.15	(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	The proposed dwellings and community facility will be no more than a single storey with heights ranging from 4.5m to 5.89m and therefore the proposal complies with this standard.	Yes
	(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m,	There is no servicing equipment proposed that would exceed this height control.	Yes
	(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The development will have a total GFA of 36,631.52m <sup>2</sup> that represents a Floor Space Ratio of 0.3:1.	Yes
	(d) for a development application made by a social housing provider—at least 35m <sup>2</sup> of landscaped area per dwelling,	Not Applicable	NA
	(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped	A total of proportion of 30.1% of the site is to be landscaped as per the masterplan	Yes
	(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	A total proportion of 15.9% of the site is provided with deep soil landscaping.	Yes
	(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at	165 dwellings (71%) have been provided with at least three hours of direct solar access to living areas and the principal private open	Yes

	mid-winter in living rooms and private open spaces,	spaces, thereby far exceeding the minimum requirements.	
	(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15m <sup>2</sup> of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,	Each dwelling has been designed to comply, providing this space to the side or rear.	Yes
	(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m <sup>2</sup> , or (ii) for each dwelling containing 1 bedroom—an area of at least 6m <sup>2</sup> ,	Not Applicable.	NA
	(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	Not Applicable.	NA
	(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	Each dwelling has been provided with either 2 or 3 bedrooms and a double garage.	Yes

### State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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..

A Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) was prepared and approved for the majority of the Box Hill North release area, including the subject site by JBS&G in 2014 and 2015 respectively. Areas requiring remediation have therefore been identified, with the RAP making appropriate recommendations to ensure that land is suitable for the intended residential and recreational uses. According to the DSI, a limited number of

test samples were found to be above the adopted criteria for total recoverable hydrocarbons, zinc and lead at 5 Janpieter Road and 18 Red Gables Road. Remediation of the site will be carried out as per the RAP under the bulk earthworks application (DA 487/2022/ZA), with a validation report expected to be made a condition of consent.

Council's Environmental Health Team have raised no objections to the recommendations of the report, subject to conditions. Following satisfactory remediation of the site the site can be made suitable for its intended use and is consistent with the SEPP.

### SEPP Biodiversity and Conservation

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.

### The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The site is located within the R2 Low Density Residential Zone LEP. The proposal is a permissible form of development in the R2 zone under the Housing SEPP.

The R2 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.*

The proposal is considered to be consistent with these zone objectives.

The LEP also contains the following relevant controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 2** below.

**Table 2: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Clause 4.1 Minimum Lot Size	450m <sup>2</sup> to 2,000m <sup>2</sup>	12.1 Ha (no subdivision of individual lots)	Yes
Clause 4.3 Height of Buildings	10m	Max 5.89m	Yes

The proposal is considered to be generally inconsistent with the LEP.



### **i) Compliance with Clause 6.3 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 6.1 of the LEP defines public utility infrastructure as any of the following:

- a) the supply of water,
- b) the supply of electricity,
- c) the disposal and management of sewage.

The applicant has provided advice from Sydney Water in relation to the supply of water, endeavour energy in relation to the supply of electricity and Altogether, a private sewage infrastructure provider for the Gables that adequate arrangements have been made.

The proposal is satisfactory with respect to Clause 6.3 of the LEP.

### **3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

### **3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The proposal has been assessed against the following Sections of The Hills DCP 2012:

- Part B Section 2 – Residential;
- Part C Section 1 – Parking;
- Part C Section 3 – Landscaping; and
- Part D Section 17 - Box Hill North

It is noted that no section of the DCP specifically applies to general dwelling design associated with seniors housing developments however the proposal has been considered against the provisions where relevant and considered to be consistent.

### **3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

The Box Hill North Planning Agreement (VPA) applies to the site. The Planning Agreement was executed by Council and EJ Cooper and Son Pty Ltd and has since been transferred to Stockland.

The VPA makes satisfactory arrangements with Council for development contributions over the site and the wider development at the Gables and turns off the application of S7.11 and S7.12 of the EP&A Act where development does not exceed precinct dwelling caps.

The site falls within Precinct F as per the VPA. Specific to Precinct F, an anticipated yield of 331 dwellings is provided for. Any exceedance of this number of dwellings would be captured by the relevant contributions plan as outlined in the VPA.

Appropriate conditions of consent have been recommended.

### **3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations**

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

### **3.6 Section 4.15(1)(b) - Likely Impacts of Development**

The proposed development is not considered likely to result in any adverse impacts. The development will provide for housing options for seniors that is not otherwise provided for in the Gables.

### **3.7 Section 4.15(1)(c) - Suitability of the site**

The Site has been zoned for the urban purpose and forms part of the Box Hill North Urban Release Area. The proposed development is consistent with the Box Hill North Masterplan approval and Council's previous approvals and is suitable development of the site consistent with the zone objectives.

The proposal will provide for essential seniors housing consistent with the intended low density outcome for the area, responds to the site characteristics and is considered to be a suitable development for the proposed residue lot.

### **3.8 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.9 Section 4.15(1)(e) - Public interest**

The development provides a suitable density of housing products within an area that will, when fully developed, have access to public recreation facilities, a town centre and public transport. A Social Impact Assessment was provided (Refer Attachment L) in accordance with the NSW Department of Planning and Environment's (DPE) Social Impact Assessment Guidelines. The negative social impacts associated with constructing and operating a seniors housing development in the community do not outweigh its inherent social and economic benefits, noting the existing lack of appropriate housing for seniors being delivered in the local area. On balance the proposal is consistent to the public interest.

### **3.10 Section 4.24 Concept Approval**

The DA remains consistent with Box Hill Masterplan 1397/2015/JP (as modified), as it provides for the development of the land for residential purposes and road network by virtue of a recent modification 1397/2015/JP/B to facilitate this application.

## **4. REFERRALS AND SUBMISSIONS**

#### **4.1 Agency Referrals and Concurrence**

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 Bush Fire Hazard Assessment has been prepared by Blackash Bushfire Consultants 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 M.

#### **4.2 Community Consultation**

The proposal was notified in accordance with the DCP for 14 days. No submissions were received to the application.

### **5. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

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 (Housing) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

Approval is recommended subject to conditions, refer Attachment A.

### **6. RECOMMENDATION**

That the Development Application DA No 2058/2022/JP for a Seniors Living Development containing 231 Units – 18 Red Gables Road and 5 Janpieter Road, Gables be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: Zoning Map
- Attachment E: Height Map
- Attachment F: Site Plan
- Attachment G: Detailed Part Site Plans

- Attachment I – Landscaping Plans
- Attachment J – Typical Unit Plans
- Attachment K – Approved Subdivision 736/2023/ZB
- Attachment L – Social Impact Assessment
- Attachment M – RFS Bushfire Safety Authority

## ATTACHMENT A – DRAFT CONDITIONS OF CONSENT

### GENERAL MATTERS

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

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

#### **REFERENCED PLANS AND DOCUMENTS**

PROJECT NO.	DESCRIPTION	SHEET	REVISION	DATE
STO036	Masterplan	003	H	30 November 2022
STO036	Building Envelope Plan	004	D	-
STO036	Ground Plan Part 1	006	F	30 November 2022
STO036	Ground Plan Part 2	007	F	30 November 2022
STO036	Ground Plan Part 3	008	F	30 November 2022
STO036	Ground Plan Part 4 and 5	009	F	30 November 2022
STO036	Ground Plan Part 6	010	F	30 November 2022
STO036	Ground Plan Part 7	011	F	30 November 2022
STO036	Ground Plan Part 8	012	F	30 November 2022
STO036	Ground Plan Part 9	013	F	30 November 2022
STO036	Ground Plan Part 10 and 11	014	F	30 November 2022
STO036	Staging Plan	015	D	07 December 2022
STO036	House Type Matrix	-	-	23 May 2022
STO036	Avoca H-8	GA-DA-01-F01	D	12 May 2022
STO036	Avoca H-5	GA-DA-01-F02	D	12 May 2022
STO036	General Arrangement - Avoca	GA01_2-00	G	12 May 2022
STO036	Gondwana H-9	GA-DA-02-F01	D	12 May 2022
STO036	Gondwana G-4	GA-DA-02-F02	D	12 May 2022
STO036	General Arrangement - Gondwana	GA02_2-00	F	12 May 2022
STO036	Cottesloe H-10	GA-DA-03-F01	D	12 May 2022
STO036	Cottesloe S-1	GA-DA-03-F02	D	12 May 2022

STO036	General Arrangement - Cottlesloe	GA03_2-00	G	12 May 2022
STO036	Kuranda H-2	GA-DA-04-F01	D	12 May 2022
STO036	Kuranda G-4	GA-DA-04-F02	D	12 May 2022
STO036	General Arrangement - Kuranda	GA04_2-00	G	12 May 2022
STO036	Sequoia H-3	GA-DA-05-F01	E	12 May 2022
STO036	Sequoia S-4	GA-DA-05-F02	E	12 May 2022
STO036	General Arrangement - Sequoia	GA05_2-00	H	12 May 2022
STO036	Sumatra H-4	GA-DA-06-F01	D	12 May 2022
STO036	Sumatra G-3	GA-DA-06-F02	E	12 May 2022
STO036	General Arrangement - Sumatra	GA06_2-00	G	12 May 2022
STO036	Kakadu H-7	GA-DA-07-F01	D	12 May 2022
STO036	Kakadu G-3	GA-DA-07-F02	D	12 May 2022
STO036	Kakadu S-6	GA-DA-07-F03	D	12 May 2022
STO036	General Arrangement - Kakadu	GA07_2-00	F	12 May 2022
STO036	Kimberly H-7	GA-DA-08-F01	D	12 May 2022
STO036	Kimberly G-3	GA-DA-08-F02	D	12 May 2022
STO036	Kimberly S-6	GA-DA-08-F03	D	12 May 2022
STO036	General Arrangement - Kimberly	GA08_2-00	E	12 May 2022
STO036	Housing Colour Scheme 1-4	GA DAH 002-003	B	23 May 2022
SS21-4832	Landscape Package	-	D	16 February 2023

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. External Finishes**

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

## **3. SEPP (Housing) 2021**

The seniors housing shall be restricted to the housing of older people and / or people with a disability in accordance with the provisions of State Environmental Planning Policy (Housing) 2021.

## **4. 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 10 August 2022.

## **5. Bus Provision and Service**

A minimum 10 seater mini-bus is to be provided by the operator/manager of the site for use by residents.

The bus service must provide a service both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive).

This bus service is to be provided until such time as a public bus services that meet the requirements of clause 93 of the State Environmental Planning Policy (Housing) 2021 is made available or appropriate services are available within the Gables Town Centre.

## **6. Approval required for installation of dwellings**

Separate approval is required under Section 68 of the Local Government Act 1993 prior to the installation of any of the dwellings.

## **7. Prior to Installation of Dwellings**

Prior to the commencement of any installation of dwellings (that are subject to separate approval under Section 68 of the Local Government Act), the following requirements must be satisfied:

- An application to Council is to be made by the applicant under Section 68 of the Local Government Act and be approved by Council;
- Confirmation that development contributions are made in accordance with the requirements of the Box Hill North Planning Agreement that applies to the land.
- Applications for exemptions to the requirements of Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are to be made under section 82 of the Local Government Act 1993 to The Office of Local Government.

## **8. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

## **9. Protection of Public Infrastructure**

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

### **10. Vehicular Crossing Request**

Each driveway that ties into a public road (emergency egress road) 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.

### **11. Minor Engineering Works**

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

Works 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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

#### **a) Driveway Requirements**

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

#### **b) Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

#### **c) Site Stormwater Drainage**

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

Only RCP or RFC pipe are permitted within the road's verge.

The downstream drainage within the road reserve shall be upsized to cater for the 100 year ARI until the lawful point of discharge. This is applicable where the subject site is discharging 100 year ARI to the road's drainage.

### **12. 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.

### **13. 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.

Note: This condition does not apply to the installation of dwellings that require separate approval under Section 68 of the Local Government Act 1997.



#### **14. 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 as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

#### **15. Contamination**

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

#### **16. Acoustic Requirements**

The recommendations of the Environmental Noise Impact Assessment, dated 2 August 2022, referenced 7545-1.1R and submitted as part of the Development Application are to be implemented as part of this approval.

#### **17. Contamination Assessment & Site Remediation**

The recommendations of the Remediation Action Plan, prepared by JBS&G Pty Ltd, dated 15 April 2015, referenced 43376/59205 (Rev 5) and submitted as part of the Development Application are to be implemented as part of this approval.

#### **18. Control of early morning noise from trucks**

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

#### **19. Control of Noise from Trucks**

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

#### **20. Imported 'Waste Derived' Fill Material**

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

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

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

#### **21. Provision of Kitchen Waste Storage Cupboard**

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

#### **22. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

### **23. 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 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance).

Note: Loading area for the future Community Facility is to be serviced by a private waste contractor with appropriate provision to be made for the relevant collection vehicle.

### **24. Management of Construction and/or Demolition Waste**

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

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

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

### **25. Disposal of Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

### **26. Commencement of Domestic Waste Service**

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

### **27. Provision of Domestic Waste Storage Area(s)**

A bin storage area sized for a minimum of 3 x 240 litre bins must be provided within the lot boundaries. Two areas are required where there is a secondary dwelling. The area(s) must

be screened from view from public land and neighbouring residential property and are to be located behind the building line in the rear courtyard, side access path or a dedicated area in the garage. A flat or ramped bin transfer path must be provided leading directly from the bin storage area(s) to the approved bin collection point along the kerbside. The path must have a minimum clear floor width of 820mm, must not exceed a grade of 7% (1:14), be free of steps and must be external to the dwelling (excludes garage). An associated clear nature strip length of 1.66m must be dedicated along the kerbside for each dwelling for bin presentation. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

## **28. Property Numbering and Cluster 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: 2 Future Road Name 03 Gables**

Approved unit numbering is as per plans submitted marked as DWG No:210142-HA-DA-C01.51 Rev:3; Dated: 29/04/2022 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Road 1: Street number 1-13

Road 2: Street numbers 1-99 & 2-70

Road 3: Street numbers 1-11 & 2-28

Road 4: Street numbers 1-11 & 2-12

Road 5: Street numbers 1-31 & 2-14

Road 6: Street numbers 1-65 & 2-82

Road 7: Street numbers 1-11 & 2-10

Note: Ref. DWG No:210142-HA-DA-C01.51 Rev:3; Dated: 29/04/2022 Road Hierarchy Plan to match with lot numbers.

**Please provide approved road names and changes to dwelling main front configuration for street numbering updates. Should alteration to dwelling main pedestrian road frontages occur, then this will affect the remainder of numbering within the roads.**

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 dwelling 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 cluster mail boxes to be as close to the footpath or road as possible.

Approved is required for positions of mail boxes by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email [Gregory.dimmock@auspost.com.au](mailto:Gregory.dimmock@auspost.com.au) or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

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

The number of mail boxes to be provided is to be equal to the number of units/townhouses plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at 2 Future Road Name 03.

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

Note: A Construction Certificate is not required for the installation of dwellings that require separate approval under Section 68 of the Local Government Act 1997.

### **29. Works on Adjoining Land**

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

### **30. 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 \$600,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the 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 (1469) multiplied by the width of the road (8.5).

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

The value of the bond will be determined at the time of lodgement of this bond, additional 50% concession may apply but depends on the construction of the future building and the public roads.

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.

### **31. Security Bond – External Works only**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

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 completed to Council's satisfaction.

### **32. 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 set prepared by Enspire Solutions Pty Ltd, Project Number 210142-HA-DA, 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.

#### **a) Full Width Road Construction (private roads)**

The full width construction of the roads as referenced on the above civil plans are required, including paving, drainage, lighting, services and other ancillary work to make this construction effective

#### **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.

For existing public roads, 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".

#### **c) 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.

#### **d) Earthworks/ Site Regrading**

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan referenced above. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between dwelling sites are to be positioned as shown in the concept engineering plans prepared by Enspire Solutions Pty Ltd, Project Number 210142-HA-DA

#### **e) Removal/deletion of Stormwater Drainage**

The proposed Stormwater pipe to service the subject site shall be located within the subject site and be clear of the future public reserve. The proposed stormwater easement shall be

deleted from the future public reserve. These requirements shall be shown on the construction plans and prior to the issue of any Construction Certificate.

**f) Stormwater upgrade**

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

Only RCP or RFC pipe are permitted within the road's verge.

The downstream drainage within the road reserve shall be upsized to cater for the 100 year ARI until the lawful point of discharge. This is applicable where the subject site is discharging 100 year ARI to the road's drainage.

**33. Construction Management Plan**

Prior to the issuing of a Construction Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

**34. 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.

### **35. 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.

A SWMP is required for this development.

### **36. Planning Agreement**

The obligations in the Planning Agreements between EJ Cooper & Son Pty Ltd and The Hills Shire Council, dated 12 March 2015 (4/2018/VPA), or any subsequent and future amendment / variation of the Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement, including, but not limited to clause 24 Monetary Contributions for exceedance if the proposed number of dwellings.

### **37. Internal Pavement Structural Design Certification**

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

### **38. Construction Management Plan**

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

### **39. Subdivision Works Certificate**

The Subdivision Works Certificate for this application shall be issued concurrently with the Subdivision Works Certificate for associated infrastructure under DA 487/2022/ZB and DA 1057/2022/ZB

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

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

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

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

#### **41. Dust Management Plan**

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
  - Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
  - Speed control on haul routes.
  - Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
  - Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
  - Final topsoil placement and planting or seeding exposed areas as soon as possible.
  - Jute matting of the core riparian zone within any creeks/ riparian corridors.
  - Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
  - Education of all site personnel on reducing dust.
  - Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
  - How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

#### **42. 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.

#### **43. Contractors Details**

The contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify



Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

#### **44. 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.

#### **45. Service Authority Consultation**

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.
- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

#### **46. Pavement Design**

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a geotechnical engineer must be submitted to the certifier for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

#### **47. 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.

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

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

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

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

#### **49. 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.

#### **50. 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.

#### **51. 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.

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

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

#### **53. Discontinuation of Domestic Waste Services**

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

### **DURING CONSTRUCTION**

#### **54. Standard of Works**

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

#### **55. Subdivision Earthworks – Lot Topsoil**

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

#### **56. 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.

### **57. 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.

### **58. Asbestos Removal**

Any asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principal Certifying Authority.

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

### **59. 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.

### **60. Further contamination assessment**

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

### **61. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

### **62. 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.

### **63. Inspections of installation of dwellings**

Specific to the installation of any dwellings on the site, the following inspections must be undertaken and evidence of inspections provided to Council prior to the occupation of the dwellings:

- prior to the placement of footings;
- before pouring an in-situ reinforced concrete building element;
- before covering the framework for a floor, wall, roof or other building element;
- before covering waterproofing in a wet area;
- before covering stormwater drainage connections; and
- after the building work is completed and before the dwelling is occupied

## **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE OR OCCUPATION OF DWELLINGS**

Note: An Occupation Certificate is only required for the approved sales and community management office and associated structured. Appropriate certification is to be provided for each of the dwellings at completion in accordance with the requirements of the Local Government Act.

### **64. Provision of Telecommunication Services**

Prior to the issue of an Occupation Certificate the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

### **65. Access and Useability**

Prior to the issue of the Occupation Certificate, a report prepared by an Independent Assessor shall be submitted to Council or the Certifying Authority demonstrating the developments compliance with the provisions of relevant provisions of the State Environmental Planning Policy (Housing) 2021 on development standards concerning access and useability.

### **66. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent for each respective stage and in accordance with this consent.

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

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

#### **68. Creation of Restrictions/ Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

##### **a) Restriction – Restricted Access**

The subject site must be burdened with a restriction precluding access to proposed road No. 2 and road no. 5 on PRECINCT "F", using the "restricted access" terms included in the standard recitals. Apart from the proposed emergency access/Fire trucks.

##### **b) Restriction – SEPP(Housing) 2021**

The subject site must be burdened with a restriction that the occupancy of any dwellings on the land to seniors or people with a disability as defined by State Environmental Planning Policy (Housing) 2021.

##### **c) Positive Covenant – Onsite Waste Collection**

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

##### **d) Gates - emergency access**

The subject site must be burdened with a positive covenant relating to the proposed emergency access/Firetrucks access to proposed road No. 2 and road no. 5 on PRECINCT "F". These two gates shall remain close and shall be operational on emergency access/Firetrucks events only.

#### **69. Registration of Subdivision**

The registration of the preceding subdivision approved by Development Consent DA-736/2023/ZB, and DA1057/2022/ZB, by the applicant must occur, prior to Occupation of dwellings.

#### **70. Subdivision Works – Submission Requirements**

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology

used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website and must be used.

#### **71. Performance/ Maintenance Security Bond**

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

#### **72. Confirmation of Pipe Locations**

A letter from a registered surveyor must be provided with the works as executed plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

#### **73. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

#### **74. Validation report**

A validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

#### **75. Internal Pavement Construction**

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

#### **76. Certification stormwater drainage**

Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works within the subject site have been constructed in accordance with the approved Construction Certificate plans, the conditions included within this consent, the requirements of AS/NZS 3500.3:2018, and Council's Design Guidelines Subdivision/Developments dated September 2011

#### **77. Civil and Subdivision associated works to be completed**

Prior to the issue of the Occupation Certificate for the Community Management Office and Sales Suite the subdivision and associated works subject to DA 1057/2022/ZB, excluding the upgrade of Janpieter Road, is to be completed

#### **78. Community Facilities**

Prior to the issue of the Compliance Certificate for the 200th dwelling, or within 24 months of the issue of the first compliance certificate, whatever comes first, an Occupation Certificate is to be issued for the Community Facility approved under DA 556/2023/HC.

#### **79. Landscaping**

The landscaping of the dwellings sites and verges to private roads can be deferred to avoid impacts of future dwelling installation and completed prior to dwelling occupation. Deferral of other landscaping works may require separate agreement of Council.

### **THE USE OF THE SITE**

#### **80. 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*.

#### **81. 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.

#### **82. Waste and Recycling Management**

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

#### **83. Compliance Certificate for dwellings**

Prior to the issue of the Compliance Certificate for any dwelling under the Local Government Act 1997, the following requirements must be satisfied:

- (a) An Occupation Certificate is issued for the Community Management Office;
- (b) The relevant stage of civil works approved in this DA are completed and Works as Executed Drawings are provided to Council;
- (c) A Certificate of Completion is to be issued by Council for the dwelling under Section 69 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings ) Regulations 2021;
- (d) Evidence of critical stage inspections being completed as required by Condition 65;

- (e) Confirmation provided confirming that the relevant BASIX measures have been implemented for the dwellings; and
- (f) The landscaping for the dwelling is completed in accordance with the Landscape Plans approved by Condition 1.

#### **84. Exhibition Homes**

Up to eight (8) dwellings can be utilised as exhibition homes for a period of 5 years from the date of completion. Prior to their use as exhibition homes, the applicant is to provide appropriate written notice to Council to identify the exhibition homes location and their commencement date. Following completion of the exhibition home use period, all dwellings are to revert back to use as private dwellings.



## ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED

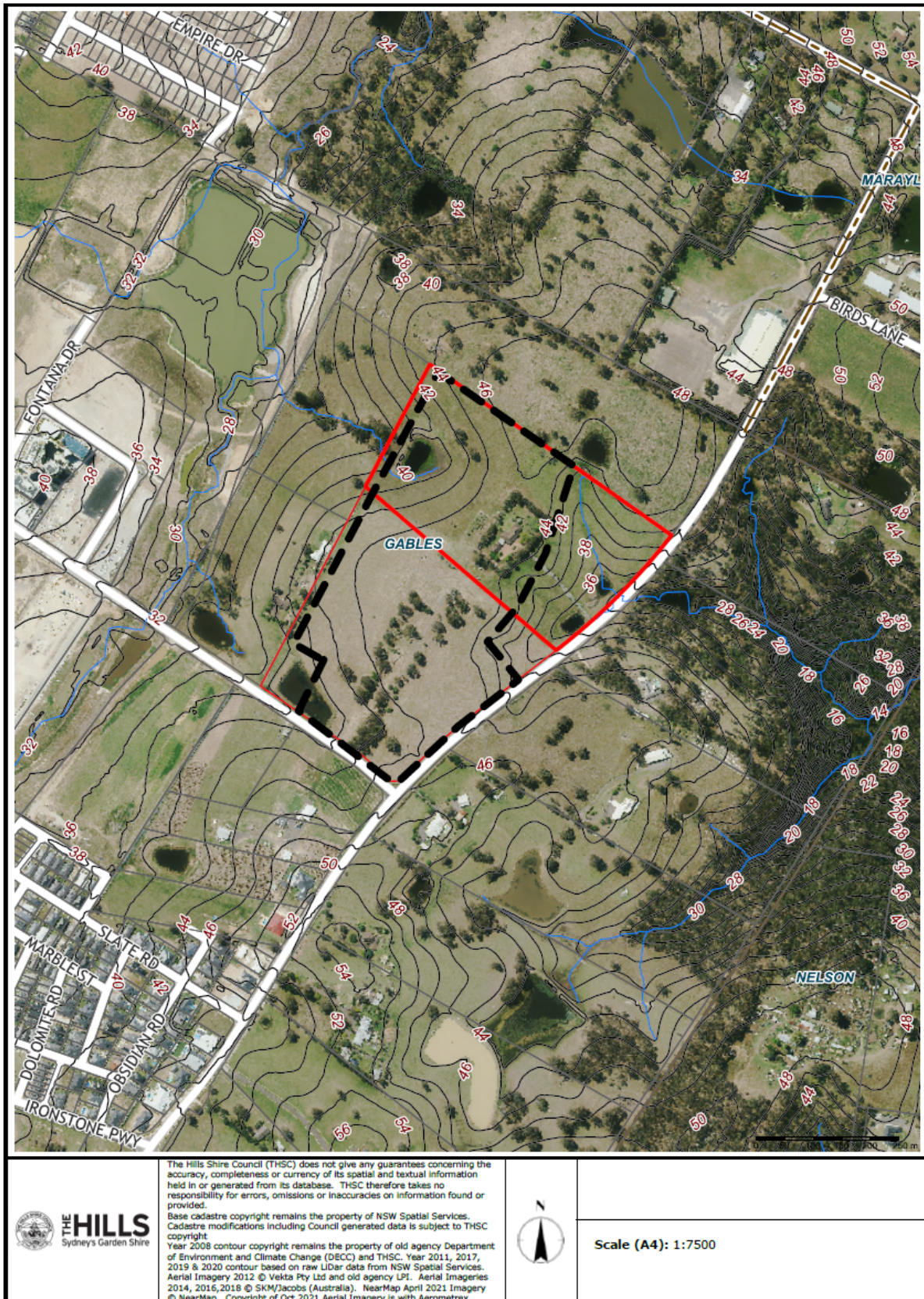
**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

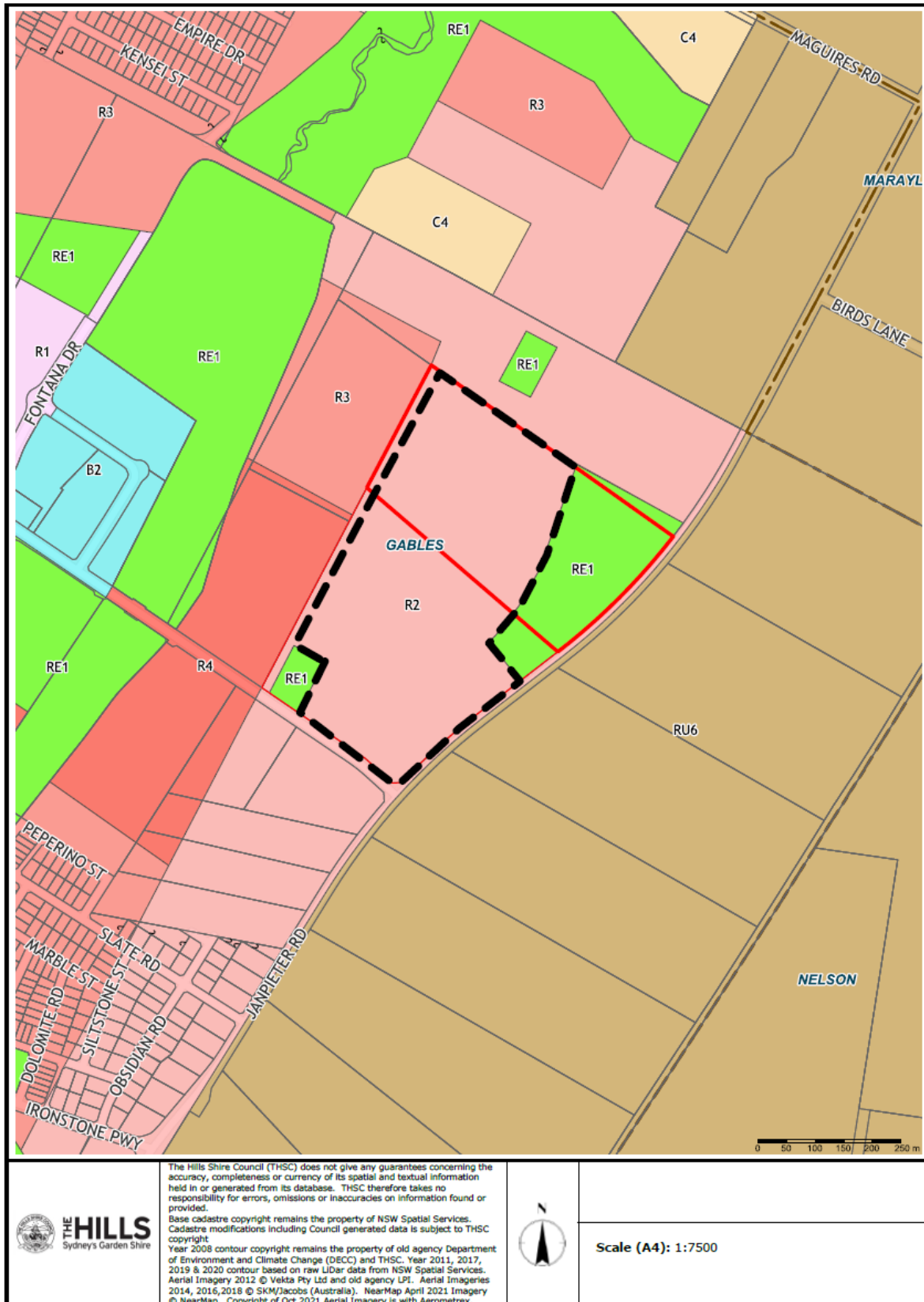
BASIS CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

## ATTACHMENT C – AERIAL MAP

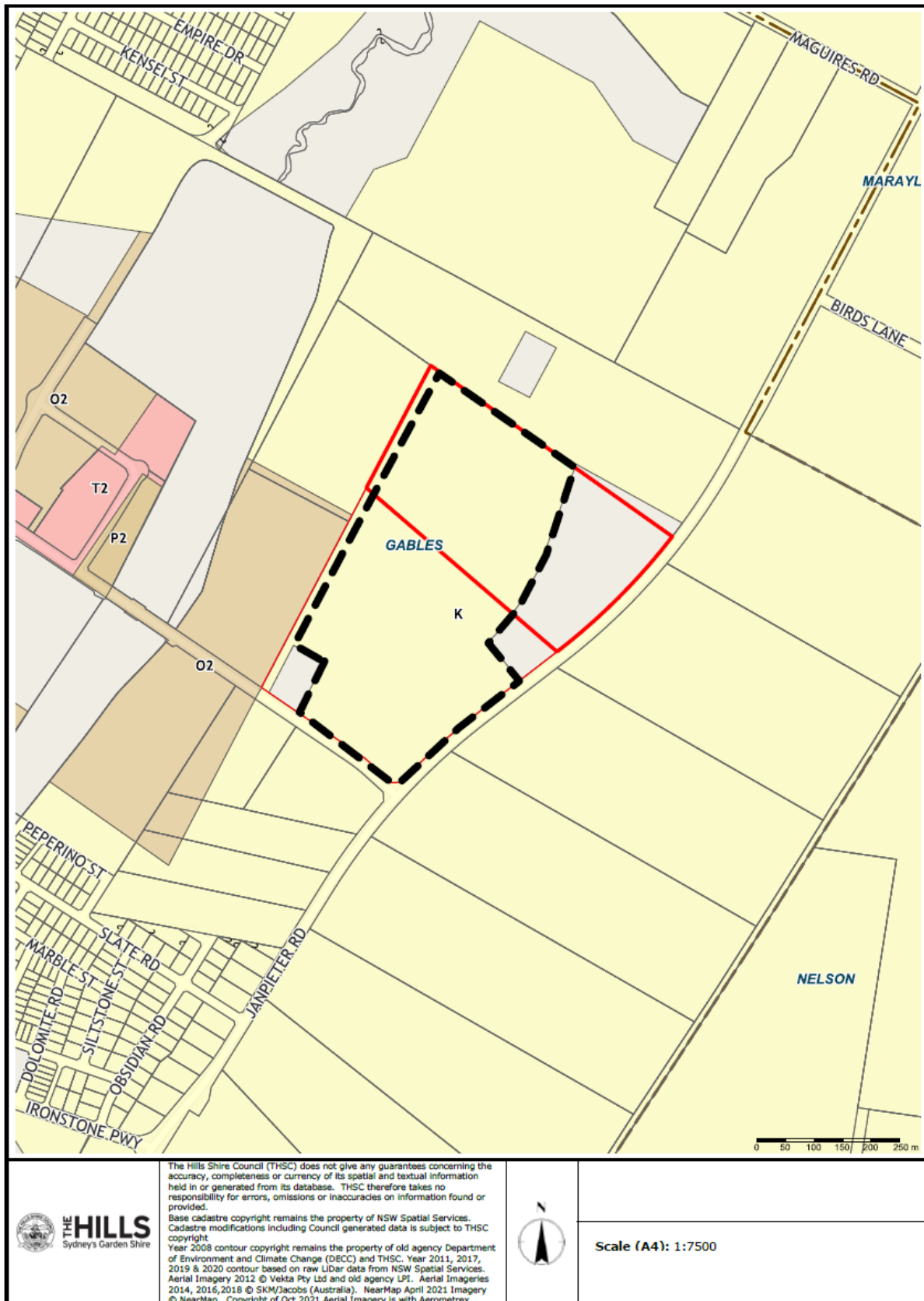




## ATTACHMENT D – ZONING MAP



## ATTACHMENT E - HEIGHT MAP



## Building Envelope Plan



Mix of Site Types	No.	%
Type A - Avoca	32	13%
Type B - Gondwana	40	17%
Type C/D/E - Cottlesburg, Kuranda, Sequoia	107	39%
Type F/G/H - Sumatra, Kakadu, Kimberley	52	31%
<b>Total Sites</b>	<b>231</b>	<b>100%</b>

SCALE@ 1:2000



GA DA 004 REV D

Urban Design Report | STO036 - Gables LLC Community 7

## DC8 STUDIO




300 Commercial Pk  
Hawthorn QLD  
4006 Australia  
07 3052 1166  
AHEAD, MS, MS, MS  
Hendrickson Australia Pty Ltd  
QLD 2185 NIVINE RD AC 162546  
www.hendrickson.com.au  
Independent of us, we're

**CAD Disclaimer**

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### LEGEND

 MHE LG Regulations  
for open space min. 30m<sup>2</sup>  
 PPOB min. 15m<sup>2</sup>  
 Retaining Wall - Refer civil works



SCALE@ 1:200

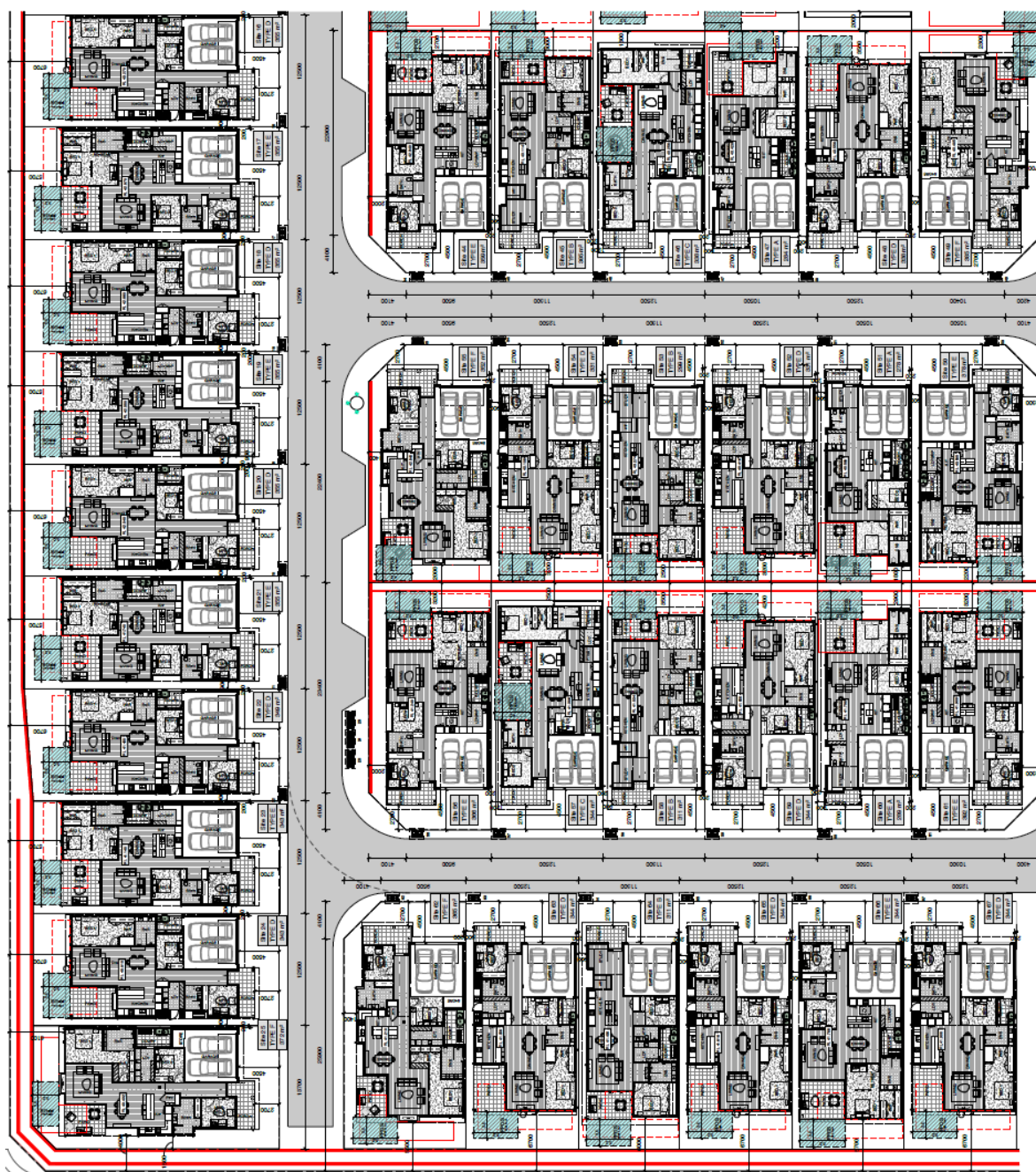
FOR APPROVAL

Client: STOCKLAND  
Project: THE GABLES  
Address: BOX HILL  
Project Number: ST0006

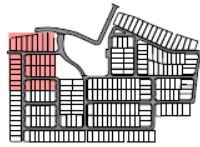
GROUP PLAN - PART 1

Drawing Number:  
**GA DA MP 006**

Drawn: AM  
Approved: AD/A  
Date: 30/1/22  
At Scale: As indicated







**LEGEND**  
 MPE LO Regulations  
 For open space area, 50%  
 100% Park, 100%  
 100% Park, 100%  
 100% Park, 100%

SCALE @ 1:200



FOR APPROVAL

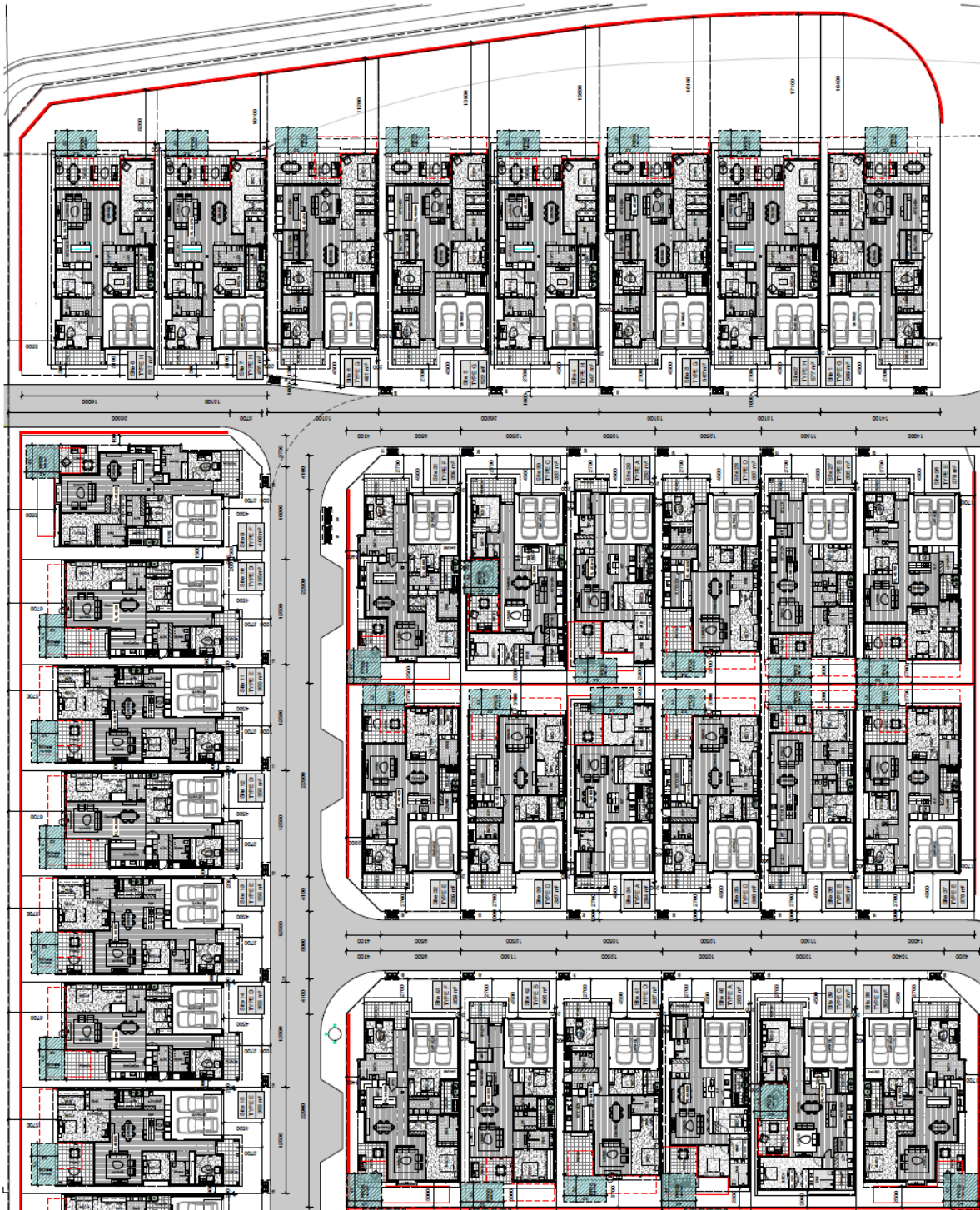
Client  
BIOZUO  
Project  
THE OAKLES  
Box Hall  
Project Number  
B1008

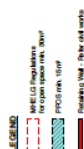
GROUP PLAN - PART 2

GA DA MP 007

**REV F**

Drawn: AM  
Approved: AOA  
Checked: AM  
At Scale: As Indicated





**FOR APPROVAL**

---

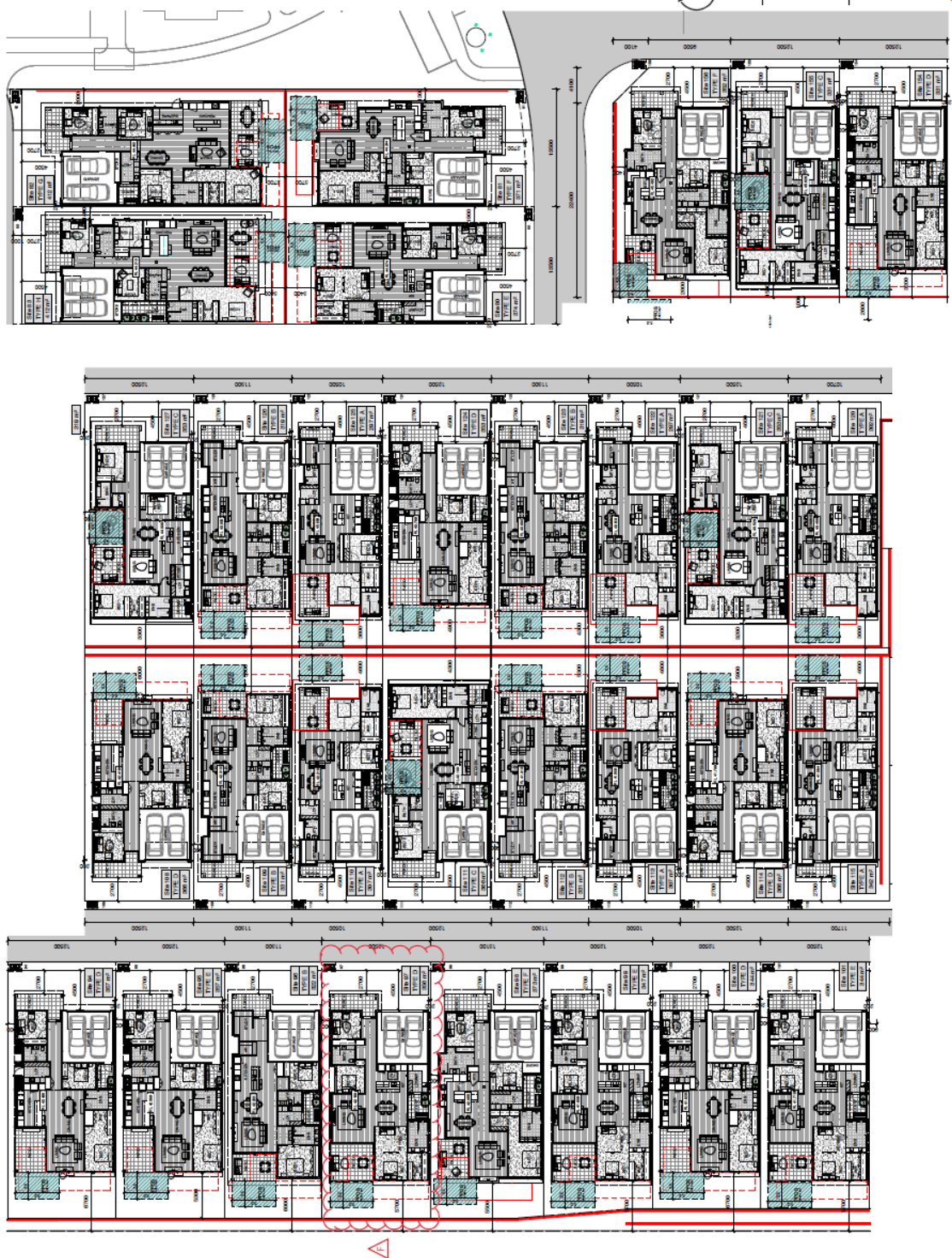
**Client:** STOCKLAND  
**Project:** THE GRABLES  
**Address:** BOX HILL  
**Project Number:** ST0006

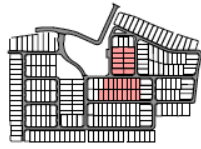
Drawing Number: GA DA MP 008  
 REV F  
 Drawn: AH  
 Approved: A.D.A.  
 Date: 30/1/22  
 At Scale: As Indicated

Lot 89 Change from Sequoia to Sumatra  
Lot 74 Change from Sumatra to Sequoia









**LEGEND**  
 - MPE LO Regulations for open space area, Street  
 - MPE LO Regulations for open space area, Street  
 - MPE LO Regulations for open space area, Street  
 - MPE LO Regulations for open space area, Street

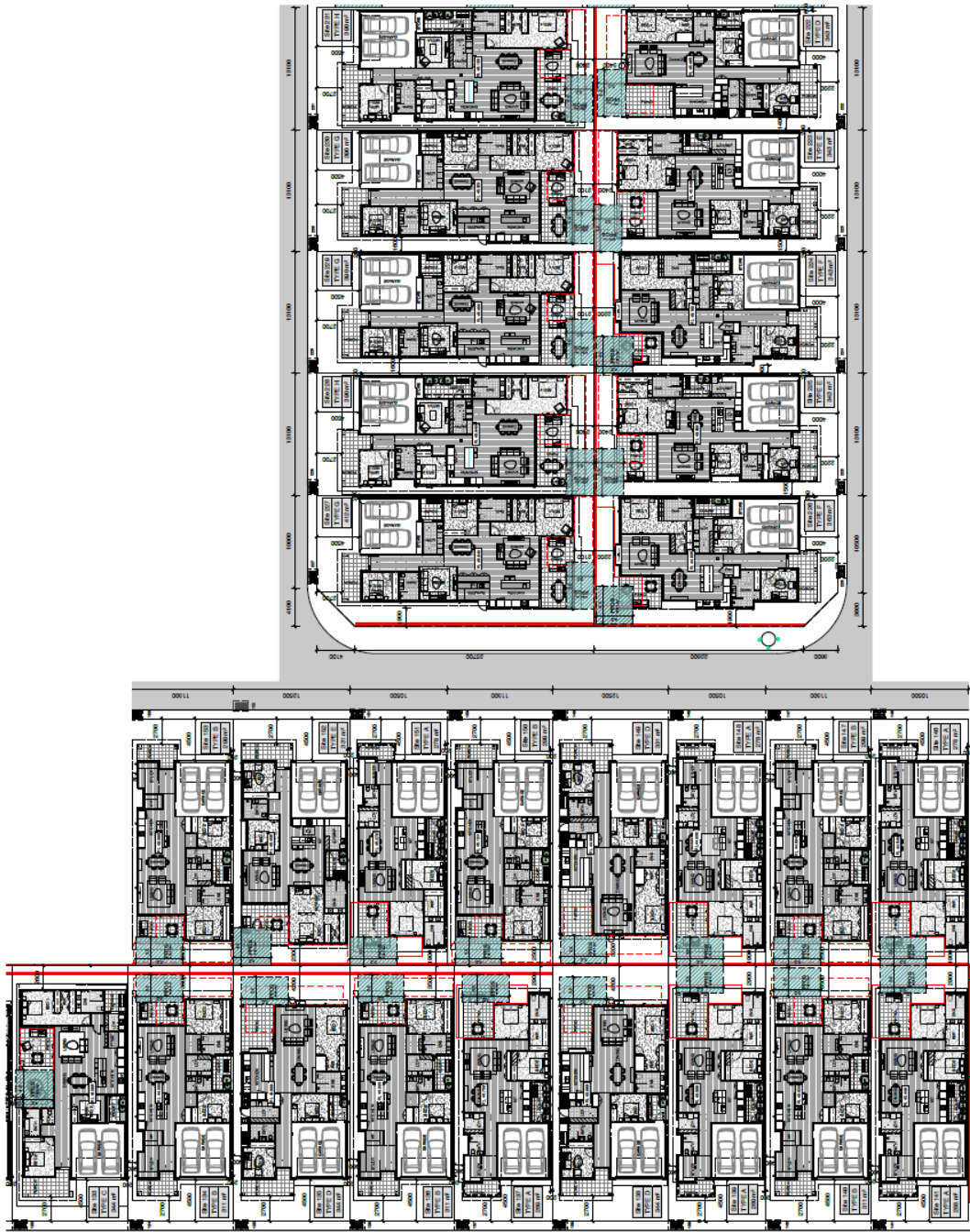


FOR APPROVAL

Client: **BOZOUKIO**  
 Project: **THE GRULES**  
 Address: **BOX 141**  
 Project Number: **BT008**

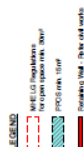
**GROUP PLAN - PART 6**

Drawing Title: **GA DA MP 010**  
 Drawing Number: **REV F**  
 Drawing Date: **2023/06/29**  
 Drawing Scale: **As Indicated**





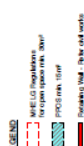




Client: STOCKLAND  
Project: THE GABLES  
Address: BOX HILL  
Project Number: ST0036

Drawn: AM  
Approved: AD/A  
Date: 3/04/22  
At Scale: As Indicated



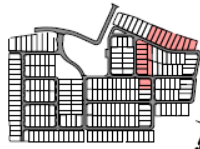


Client: STOCKLAND  
Project: THE GABLES  
Address: BOX HILL  
Project Number: ST0006

**GROUP PLAN - PART 9**

Drawing Number: GA DA MP 013  
 REV F  
 Drawn: AM  
 Approved: AD'A  
 Date: 30/1/22  
 At Scale: As Indicated





**LEGEND**  
WALLS  
FLOORING  
CEILING  
ROOF  
LANDSCAPE  
FURNITURE  
ELECTRICAL  
MECHANICAL  
PLUMBING  
FIRE  
ENVIRONMENTAL  
ACoustical  
PAINTING

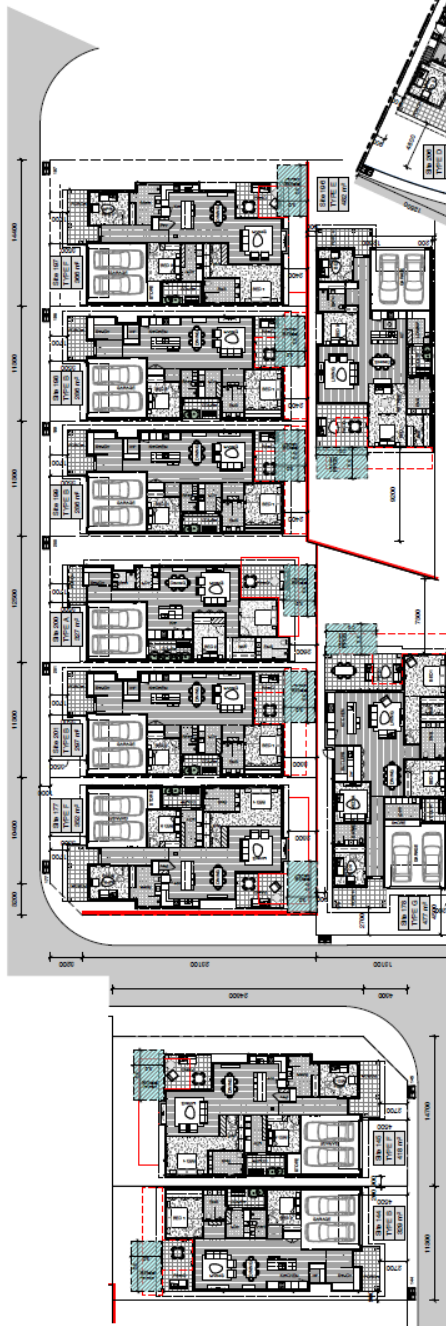
SCALE @ 1:200  
0 2 4 6 8 10

FOR APPROVAL

OWNER  
STUDIO  
PROJECT  
THE GARDENS  
VANCOUVER  
BOX 111  
Project Number  
ST008

GROUP PLAN - PART 10&11

Drawn by: JH  
Approved by: JH  
Checked by: JH  
At Scale: As Indicated  
**REV F**

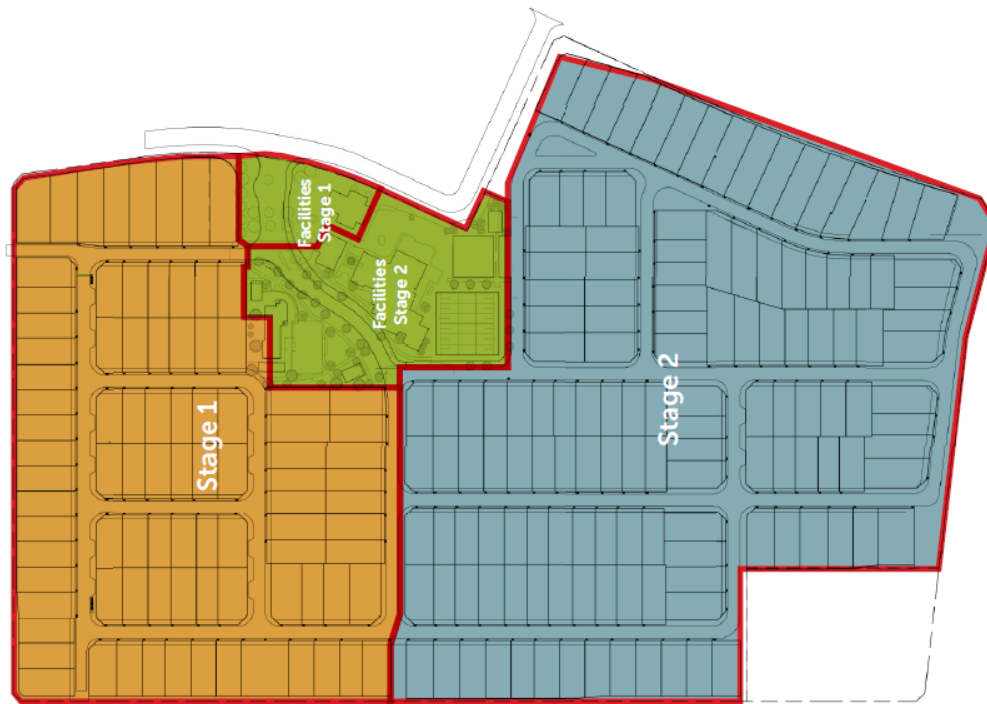


Staging

NOTE:

This diagram shows an indicative approach to the staging of the Civil Works across the site.

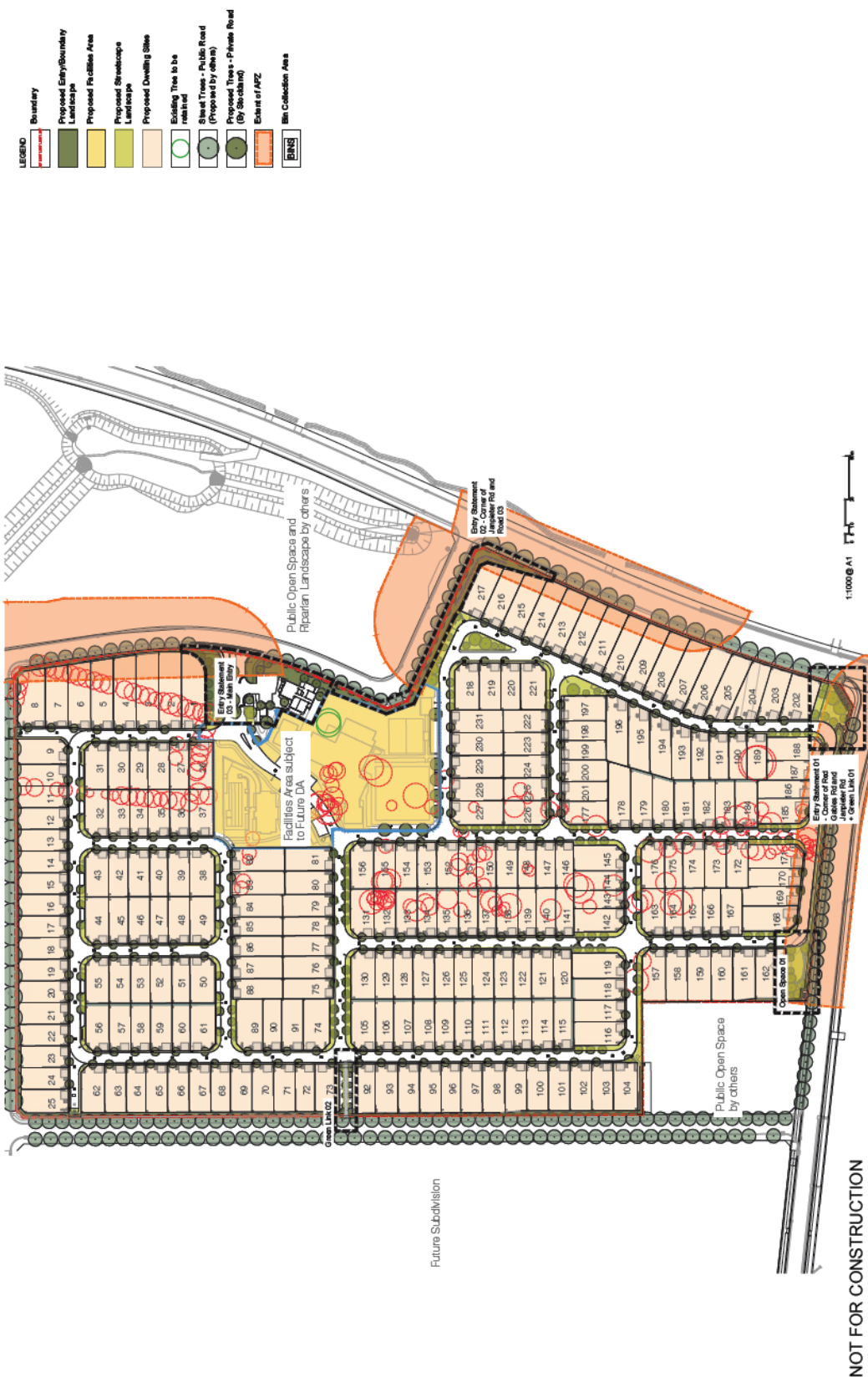
Dwelling construction will follow the same sequence however in smaller sub-stages.



GA DA 015 REV D



## ATTACHMENT I – LANDSCAPING PLANS



NOT FOR CONSTRUCTION

**SITE IMAGE**  
Landscape Architects

# Site Masterplan

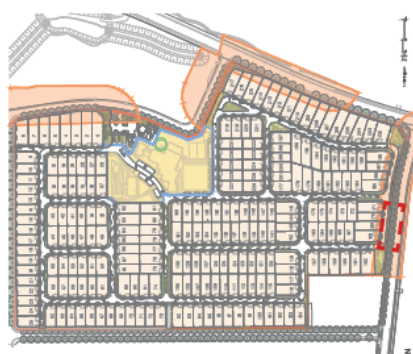
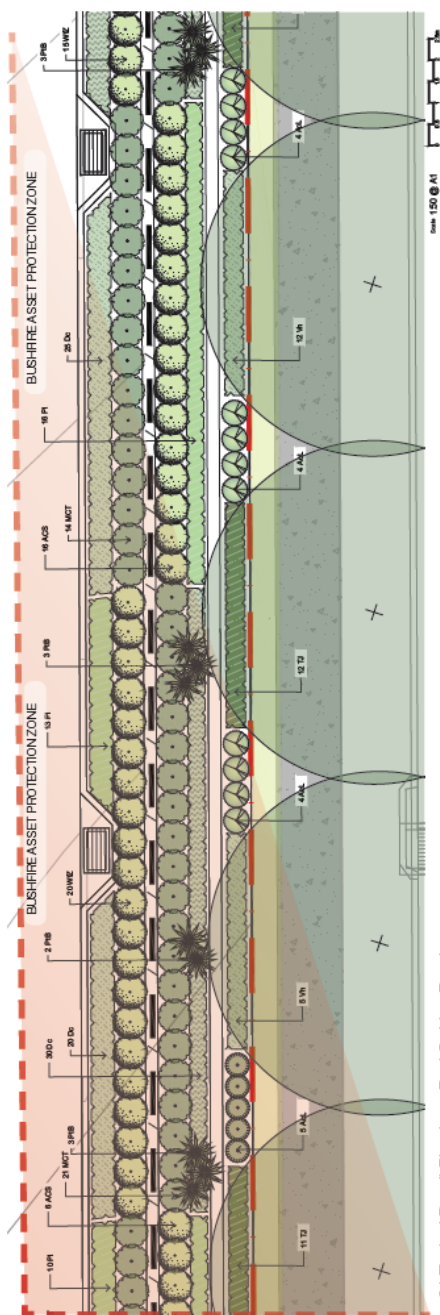
Halcyon Gables | Landscape DA Submission



Client  
Architect  
Site Image Job Number

Stockland	Drawing Number	S D
8821-4552	Issue	16.02.2023
	Date	



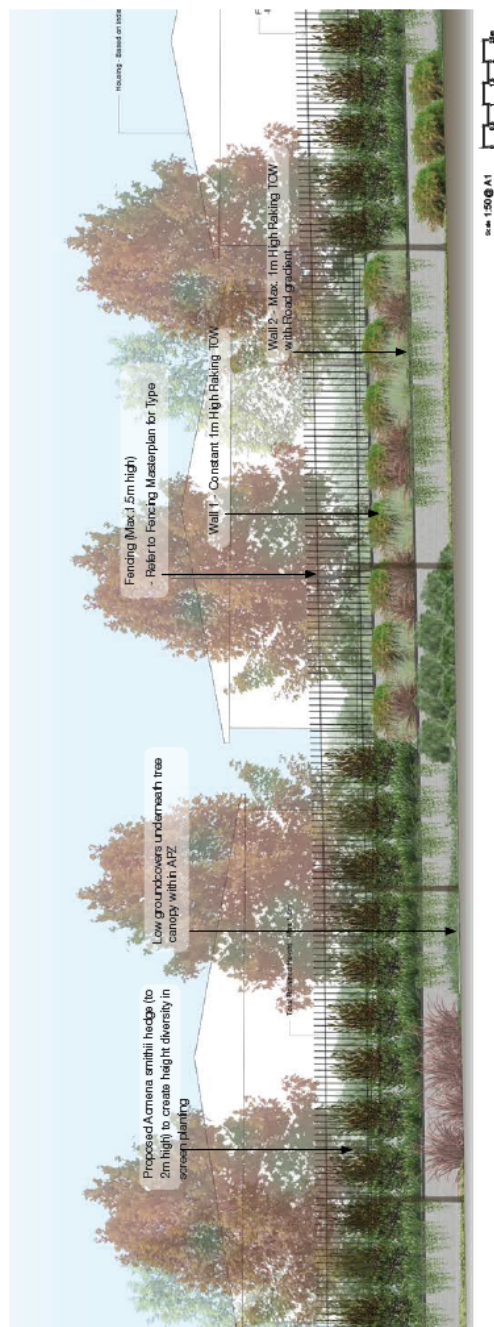


## 01 Typical Detail Planting - Red Gables Road

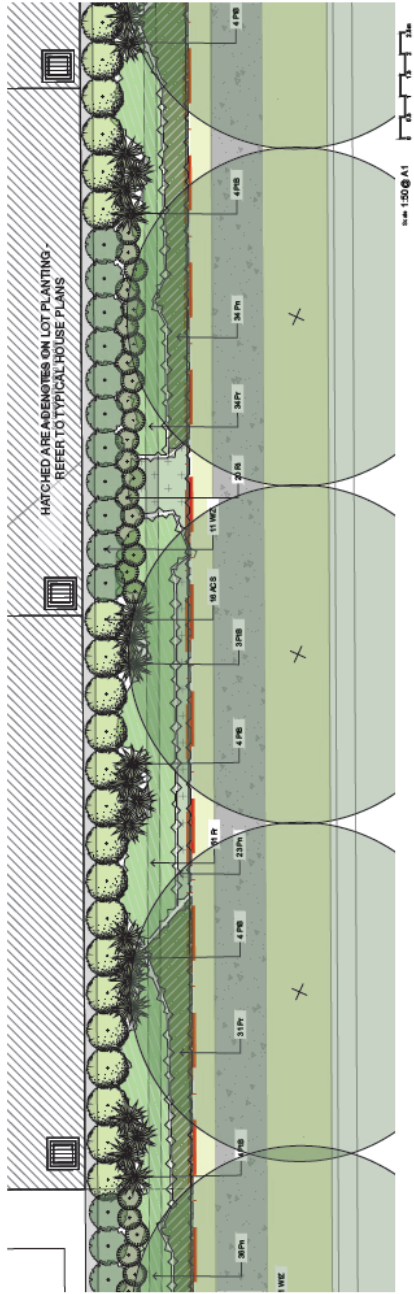
## Landscape Key Plan

## Landscape Treatment - Red Gables Rd

The proposed planting between the footpath and subdivision boundary meets a variety of fairly low maintenance shrubs and groundcovers. The plants in groups A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UU, UV, UW, UX, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.



002 Red Gables Road - Typical Streetscape Elevation



01 Typical Detail Planting - Road 2



02 Road 02- Typical streetscape Elevation



Landscape Key Plan

Landscape Treatment - Road 2

The proposed landscaping treatment along Road 2 considers the North West facing aspect through the use of hardy drought tolerant plant species. The stepped split faced retaining wall behind marks each lot boundary with stone pillars, which are informed by the varied screening heights of the adjacent property. The planting strip along the road edge is mostly composed of low height shrubs and ornamental grasses. The 40m portion of planting indicated in the typical plan will be repeated along Road 2 with some variation as the levels change (refer to following page).



SITE IMAGE  
Landscape Architects

Streetscape Planting Treatment - Road 02  
Halcyon Gables | Landscape DA Submission

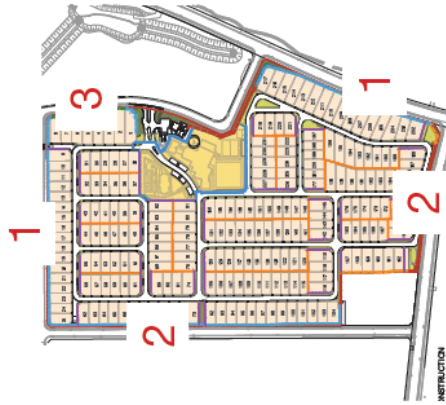
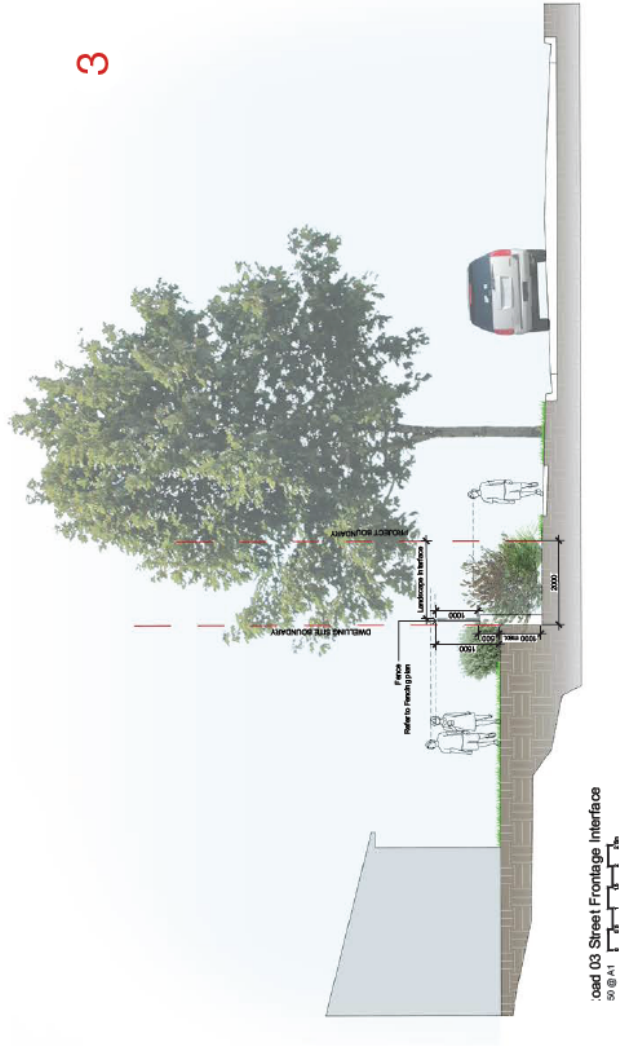
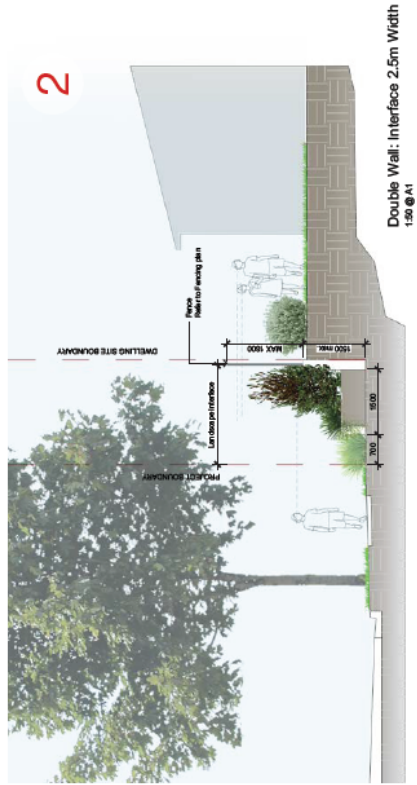
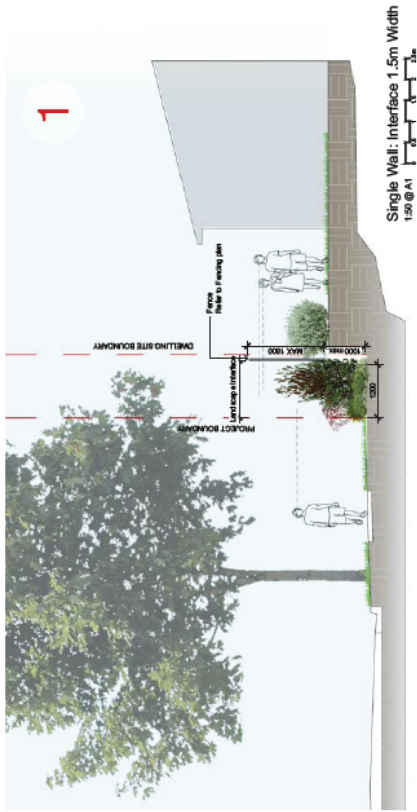


Client:  
Halcyon Gables  
DA Submission

Drawing Number:  
8851-1-002  
Date:

10  
10.02.2023





Landscape Interface Key Plan

Note:  
All walls within Interface Areas to be Split-Face Blockwork to Civil Details.  
Split-Face Retaining walls and Pillars to be Charcoal colour.



West East Facing Corner Lot Plan









Character Imagery











SITELANDSCAPE  
Landscape Architects

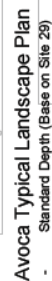
Entry Statement 03 - Community Entry  
Halcyon Gables | Landscape DA Submission



Client  
Architect  
Site Image Job Number

Block/Room  
Issue  
Date  
10.02.2023

For each property type, the purchaser has the choice between 3 styles of planting as outlined on Page 59 & 60. (Traditional, Cottage or Nature).



NOT FOR CONSTRUCTION

1. Site fencing is indicative only, dependent on location of adjacent site. Fencing to sides of the site boundary is only required where there is no adjacent house.
2. For level information refer individual landscape section to be read in conjunction with architectural information and level details.
3. Individual sites will have different plant species dependent on the choice of 6 plant typologies, mainly full sun or shade tolerant options. The house owner can choose from when purchasing the house. Refer separate House Planting Typology information.

**SITE IMAGE**  
Landscape Architects



Halcyon Gables | Landscape DA Submission

Stock Number	Drawing Number	41
8821-4-832	Issue	D
	Date	16.02.2023

For each property type, the purchaser has the choice between 3 styles of planting as outlined on Page 59 & 60. (Traditional, Cottage or Nature).



NOT FOR CONSTRUCTION

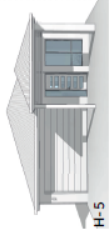

























NOTES:

1. **Site** Fencing extent is **indicative only** - dependent on location of adjacent site. Fencing to sides of the site boundary is only required where there is no adjacent house
2. For level information refer indicative landscape section to be read in conjunction with architectural information and civil levels.
3. Individual sites will have different plant species dependent on the choice of 6 Plant Typologies, mainly full sun or shade tolerant options. The house owner can choose from when purchasing the house. Refer separate House Planting Typology tabulation.



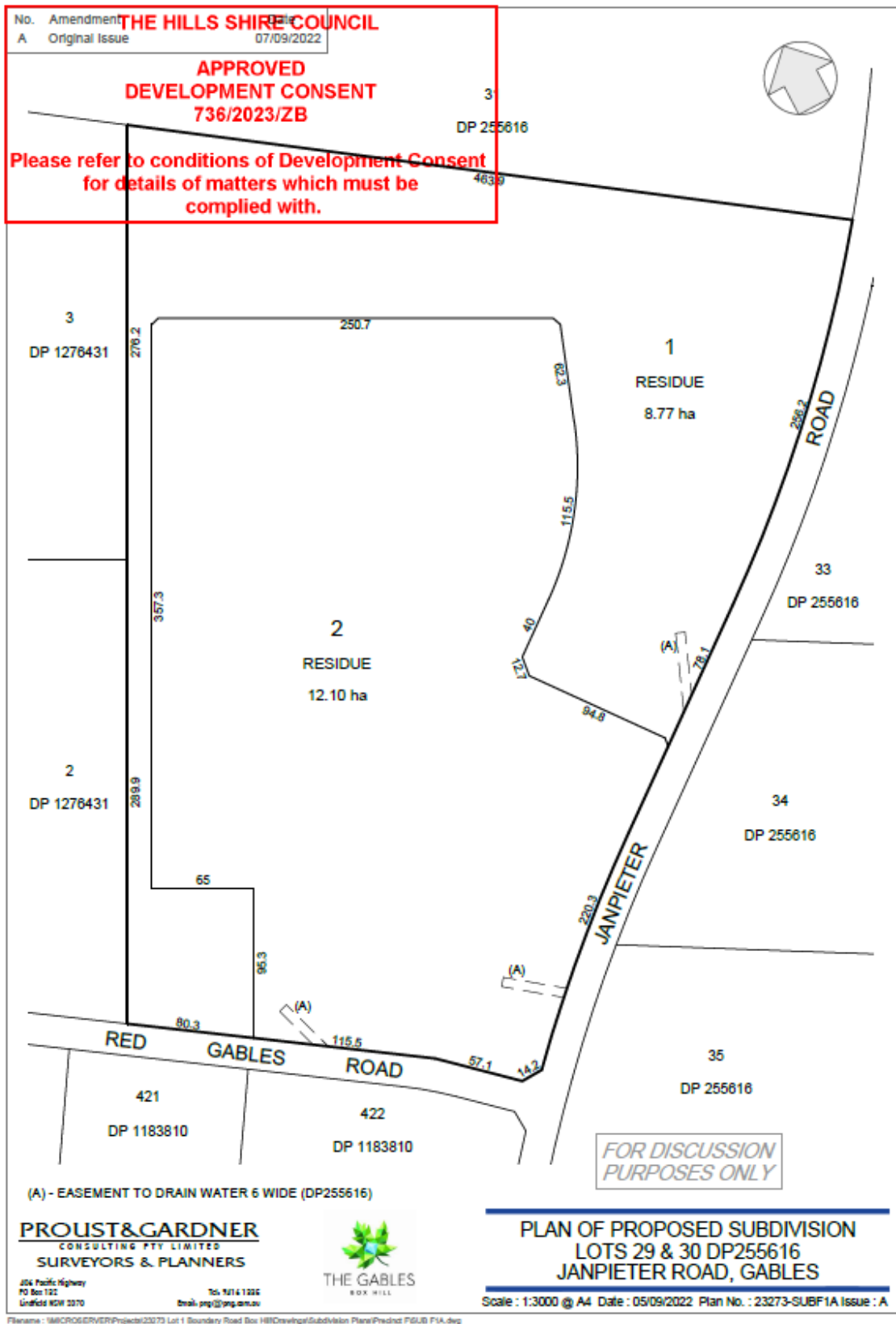
# House Type Matrix

Typology and Facade Form Types

S. LOTS: 10.5- 11.3 x 24 m	M. LOTS: 12.5 x 24 m	L. LOTS: 13.6 x 24 m
<div><div>GO1- AVOCA</div><div>Site Cover Area: 183 m<sup>2</sup></div><div></div></div>	<div><div>GO3- COTTESLOE</div><div>Site Cover Area: 214 m<sup>2</sup></div><div></div></div>	<div><div>GO6- SUMATRA</div><div>Site Cover Area: 230 m<sup>2</sup></div><div></div></div>
<div><div>GO2- GONDWANA</div><div>Site Cover Area: 198 m<sup>2</sup></div><div></div></div>	<div><div>GO4- KURANDA</div><div>Site Cover Area: 215 m<sup>2</sup></div><div></div></div>	<div><div>GO7- KAKADU</div><div>Site Cover Area: 272 m<sup>2</sup></div><div></div></div>
	<div><div>GO5- SEQUOIA</div><div>Site Cover Area: 226 m<sup>2</sup></div><div></div></div>	<div><div>GO8- KIMBERLEY</div><div>Site Cover Area: 268 m<sup>2</sup></div><div></div></div>



# ATTACHMENT K – APPROVED SUBDIVISION 736/2023/ZB





The Gables Seniors Housing

Social Impact Assessment

30 January 2023

## 1 Introduction

Stockland Development Pty Ltd (Stockland) is pursuing a Seniors Housing development over 18 Red Gables Road and 3 - 5 Janpieter Road, The Gables (Lots 29 to 31 in DP 255616) that forms part of Stockland's Gables masterplanned community.

The purpose of this report is to provide a supplementary Social Impact Assessment (SIA) for the proposed development. The SIA has been requested by The Hills Shire Council to support the assessment of DA 2058/2022/JP for eventual determination by the Sydney Central City Planning Panel. The development involves the construction of 231 independent living units, a sales and community management office, and temporary use of 8 homes as exhibition homes. The seniors community will be supported by a range of community facilities including a health and wellness centre, function rooms and sporting facilities proposed under DA 556/2023/HC. The SIA should be read in conjunction with supporting documentation submitted with these development applications.

This SIA has been informed by the NSW Department of Planning and Environment's (DPE) Social Impact Assessment Guidelines and the Social Impact Assessment Guidelines developed by the International Association for Impact Assessment (IAIA).

### 1.1 Community Profile

The most recent data collected from the 2021 ABS Census provides demographic information including population numbers, age, gender, education, culture, language diversity, employment, family composition, dwelling structure and motor vehicle ownership.

According to the census data, there were 3,339 persons recorded in the suburb of Gables and 10,287 persons recorded in the Box Hill – Nelson Statistical Area Level 2 (SA2). This statistical area has been adopted for the purposes of the community profile.

The key demographic statistics recorded in the area include the following:

- The median age (32) is younger than NSW (38)
- A lower proportion of residents (8.9%) are aged 60+ (versus 23.5% in NSW)
- A higher number of residents were born in Australia (56.8%)
- The median weekly income is higher (\$1,274)
- The median mortgage repayment is \$3,000 compared to \$2,167 in NSW
- The majority of dwellings (87.7%) contain four or more bedrooms



The above statistics indicate that the typical household within the local area, which also includes the Box Hill Precinct within the North West Growth Area, is larger, younger and has a higher disposable income. Consistent with surrounding areas, the broader demographic within The Hills Shire LGA is steadily ageing (0.9% increase in persons over 60 since 2016). This suggests that the existing housing stock provides limited opportunity for older residents seeking smaller households to downsize.

Using the anticipated occupancy rates supplied by Stockland to support the provision of local infrastructure in the area, the incoming resident population is expected to be between 277 to 346 persons.

## 2 Social Impact Assessment

The SIA has been completed using the significance matrix shown in **Figure 1**, drawn from the DPE Social Impact Assessment Guideline – Technical Supplement (2021). A description of each magnitude level is provided in **Figure 2**.

Magnitude level					
	1	2	3	4	5
Likelihood level	Minimal	Minor	Moderate	Major	Transformational
A Almost certain	Low	Medium	High	Very High	Very High
B Likely	Low	Medium	High	High	Very High
C Possible	Low	Medium	Medium	High	High
D Unlikely	Low	Low	Medium	Medium	High
E Very unlikely	Low	Low	Low	Medium	Medium

Source: NSW DPE, 2022

Figure 1. Social impact significance matrix

Magnitude level	Meaning
<b>Transformational</b>	Substantial change experienced in community wellbeing, livelihood, infrastructure, services, health, and/or heritage values; permanent displacement or addition of at least 20% of a community.
<b>Major</b>	Substantial deterioration/improvement to something that people value highly, either lasting for an indefinite time, or affecting many people in a widespread area.
<b>Moderate</b>	Noticeable deterioration/improvement to something that people value highly, either lasting for an extensive time, or affecting a group of people.
<b>Minor</b>	Mild deterioration/improvement, for a reasonably short time, for a small number of people who are generally adaptable and not vulnerable.
<b>Minimal</b>	Little noticeable change experienced by people in the locality.

Source: NSW DPE, 2022

Figure 2. Defining magnitude levels for social impacts



**Table 1** provides an assessment against the potential social impacts generated by the development during the construction and operation phases. The impacts are graded in terms of the order of magnitude, likelihood of occurrence and mitigation measures required (if necessary) to avoid or minimise the impacts.

Table 1. Social Impact Assessment

Impact	Magnitude	Likelihood	Mitigation
<b>Way of Life</b> relates to how people live, how they get around, how they work, how they play, and how they interact each day.			
The site is not situated in close proximity to a wide range of existing public transport networks or town centres, which has the potential to worsen quality of life by making it more difficult to access essential services, particularly for residents who do not drive.	Minimal	Possible	As the primary developer of the surrounding The Gables estate, Stockland will seek to closely integrate the seniors housing development with the surrounding area. As noted in the SEE, a community bus will be available to residents to provide access to various services and facilities not provided on site. The Gables town centre will be located a walkable distance from the site and is expected to be completed before or at a similar time to the seniors living development. Any negative impacts would be temporary.
Impacts to the amenity of the local neighbourhood and public domain during the construction period, and/or operation phases due to the gated nature of the community	Minor	Possible	The proposal has closely considered the interface of the site with surrounding areas through a range of landscape treatments, fencing and signage, noting that there are no changes to the surrounding public road network or street trees proposed under DA 1057/2022/ZB. The site is setback significantly from existing and proposed residential development by the road network and impacts would be expected to be mitigated by appropriate conditions of consent regarding construction hours, civil construction measures etc.
Increased opportunities for active and passive recreation for local residents	Moderate	Almost certain	N/A – positive impact.
<b>Community</b> relates to the composition, cohesion, character, how the community functions, resilience, and people's sense of place.			
Decreased sense of place due to the homogeneity of housing forms.	Minor	Unlikely	Allowing residents opportunities to customise dwellings through landscaping and colour palettes will





Impact	Magnitude	Likelihood	Mitigation
			deliver an increased sense of place and improve general wayfinding. A total of 8 different floor plans and 18 different façade types are available to prospective residents, ensuring appropriate diversity in the streetscape.
Changes to the demographic makeup of the local community, potentially leading to increased conflicts	Moderate	Unlikely	The proposed seniors housing development involves the construction of 231 independent living units. The population is insignificant in comparison to the wider community profile. Visitors are expected to be welcomed frequently, allowing for nearby residents, family members and friends to also benefit from the community facilities proposed under DA 556/2023/HC. The opportunity for residents to live close to children and grandchildren to provide support will assist in mitigating potential community conflicts.
Increased sense of community and camaraderie among persons at a similar stage of life.	Moderate	Likely	N/A – positive impact.
<b>Accessibility</b> includes how people access and use infrastructure, services and facilities, whether provided by a public, private, or not-for-profit organisation.			
Increased traffic and parking congestion in the local area	Moderate	Unlikely	The traffic and parking impacts have been assessed by JMT Consulting to support the DA, noting that the trip generation rates would be significantly lower than if the site was developed as per surrounding low to medium density areas in The Gables estate. More than sufficient parking for residents and visitors is provided within the community.
Improved access to social infrastructure such as sporting and entertainment facilities.	Moderate	Almost certain	N/A – positive impact.
<b>Culture</b> includes ongoing Aboriginal and non-Aboriginal heritage, including shared beliefs, customs, practices, obligations, values and stories, and connections to Country, land, waterways, places and buildings.			



Impact	Magnitude	Likelihood	Mitigation
N/A – no impacts anticipated.	-	-	N/A
<b>Health and wellbeing</b> includes physical and mental health, especially for people vulnerable to social exclusion or substantial change, psychological stress resulting from financial or other pressures, access to open space and effects on public health.			
Increased demand for services and facilities related to seniors, such as medical facilities in the nearby town centre (medical centres, specialists, hospitals)	Moderate	Unlikely	The Gables town centre has been designed to accommodate future medical centres and other health related services and will also improve the supply of these to the wider rural residential area surrounding the site. The development is not of a sufficient size to significantly diminish the ability of existing residents to access these services.
Improved mental health outcomes for local residents due to reduced social isolation	Major	Likely	N/A – positive impact.
Improved physical health outcomes due to improved access to open space and wellness facilities	Moderate	Likely	N/A – positive impact.
<b>Surroundings</b> includes ecosystem services such as shade, pollution control, erosion control, public safety and security, access to and use of the natural and built environment, and aesthetic value and amenity.			
Improved safety and security outcomes due to gated nature of the community.	Minor	Likely	N/A – positive impact.
Reduced safety of surrounding area due to reduced passive surveillance due to gated nature of the community and single storey nature of the development.	Minor	Possible	Each area of public open space to be delivered in The Gables estate, including the riparian park at the east of Precinct F will be overlooked by low to medium density housing. Appropriate street lighting and demarcation of the public and private domains will achieve the relevant CPTED principles. Further, residents are expected to exit/enter the site (walking or driving) more frequently compared to a residential aged care facility, which will boost passive surveillance.
Increase in urban heat due to increase in hardstand impermeable surfaces.	Moderate	Possible	The primary mitigation measure to combat urban heat should be ensuring appropriate deep soil landscaping outcomes and associated tree planting are achieved on the site.



Impact	Magnitude	Likelihood	Mitigation
			Each dwelling should also be provided with light coloured roofs with a low solar absorptance.
<b>Livelihoods</b> includes people's capacity to sustain themselves through employment or business.			
Creation of jobs during the construction of the seniors housing development	Moderate	Almost certain	N/A – positive impact.
Creation of jobs required to support operation of the seniors housing development	Moderate	Almost certain	N/A – positive impact.
<b>Decision-making systems</b> include the extent to which people can have a say in decisions that affect their lives, and have access to complaint, remedy and grievance mechanisms.			
Reduced personal autonomy in being unable to control built form and operational outcomes on the site after dwellings have been built.	Moderate	Possible	The dwelling typologies to be delivered should allow for a range of customisation through landscaping and colour treatments (i.e. residents to maintain and customise plantings in front and rear gardens). The operator should also ensure appropriate and accessible grievance and accountability mechanisms to allow residents to make suggestions or improvements to the community.

### 3 Conclusion

This Social Impact Assessment has been prepared to identify and analyse the key social impacts associated with the development application for the construction of 231 independent living units, a sales and community management office, and temporary use of 8 homes as exhibition homes.

The SIA has been prepared to supplement materials provided to support DA 2058/2022/JP, noting that a consent authority is obligated to assess the likely social impacts of the development under Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

The negative social impacts associated with constructing and operating a seniors housing development in the community do not outweigh its inherent social and economic benefits, noting the existing lack of appropriate housing for seniors being delivered in the local area.

The mitigation measures identified above are considered sufficient, assuming standard conditions of consent are also implemented, to minimise possible negative impacts to community cohesion.

## ATTACHMENT M – RFS BUSHFIRE SAFETY AUTHORITY



NSW RURAL FIRE SERVICE

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

Your reference: 2058/2022/JP (CNR-41509)  
Our reference: DA20220623008739-Original-1

**ATTENTION:** Robert Buckham

Date: Wednesday 10 August 2022

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – SFPP – Seniors Housing**  
**18 Red Gables Road Gables NSW 2765, 29//DP255616, 30//DP255616**

I refer to your correspondence dated 28/06/2022 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:

### General Conditions

1. The General Terms of Approval are based on the documents/plans supplied via Councils referral to the NSW RFS.
  - The engineering plans prepared by Enspire Solutions Pty Ltd (dated 23/05/2022, Rev. 4, Ref: 210142)
  - The bush fire assessment prepared by Blackash Bushfire Consulting Pty Ltd (dated 11 May 2022, Version 1.0, Ref: J2685)

### 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.***

2. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entirety of the areas identified as Stage 01 and Stage 02 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an inner protection area, the following requirements apply:
  - 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;

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](http://www.rfs.nsw.gov.au)

- 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
- leaves and vegetation debris should be removed regularly.

3. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the proposed RE1 area must be managed in accordance with the *Vegetation Management Plan – Precinct F*, prepared by Cumberland Ecology (dated 15 December 2021). This includes the proposed ‘embellishment area’ being designed and maintained as an inner protection area in accordance with the NSW RFS *Standards for Asset Protection Zones and Planning for Bush Fire Protection 2019*.

4. Landscaping within the required asset protection zone 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), and less than 30% (OPA) at maturity and trees do not 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 carry a 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**

***The intent of measure is 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.***

5. New construction for buildings either wholly or partially sited within the area identified as ‘BAL 12.5’ in the report prepared by Blackash Bushfire Consulting (*Figure 8: Bushfire Attack Levels*, dated 11 May 2022, Version 1.0, Ref: J2685, p. 19) must comply with section 3 and section 5 (BAL 12.5) of the Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

#### **Access - Internal Roads**

***The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.***

6. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;





- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3 of *Planning for Bush Fire Protection 2019*; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

7. Non-perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- there are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided

#### **Water and Utility Services**

***The intent of measure is 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.***

8. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **Emergency and Evacuation Planning Assessment**

***The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.***

9. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:





- The NSW RFS document *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*;
- include planning for the early relocation of occupants.
- an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) in developing and implementing an Emergency Procedures Manual; and
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 '*Planning for emergencies in facilities*', are clearly displayed, and an annually emergency evacuation is conducted.
- A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
**Manager Planning & Environment Services**  
**Built & Natural Environment**



NSW RURAL FIRE SERVICE

## BUSH FIRE SAFETY AUTHORITY

SFPP – Seniors Housing  
18 Red Gables Road Gables NSW 2765, 29//DP255616, 30//DP255616  
RFS Reference: DA20220623008739-Original-1  
Your Reference: 2058/2022/JP (CNR-41509)

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

Wednesday 10 August 2022