

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-49
<b>DA Number</b>	DA696/2020/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Redevelopment of Waves Fitness and Aquatic Centre
<b>Street Address</b>	14-44 Mileham Avenue, Baulkham Hills Alternate Address: 41Z-43Z Roxborough Park Road
<b>Applicant/Owner</b>	The Hills Shire Council
<b>Consultants</b> Town Planner: Architect: Landscape Architect: Engineering: Surveyor: Acoustic: Traffic: Quantity Surveyor: Geotechnical: Lighting: BCA:	Andrew Martin Planning NBR NBR Birzulis Associates G. J. Atkins and Associates Norrebro Design Stantec Donald Cant Watts Corke GeoEnviro Consulting Norman Disney and Young NBR
<b>Date of DA lodgement</b>	20 November 2019
<b>Number of Submissions</b>	2
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Clause 3 – Council related development with a Capital Investment Value of over \$5 million
<b>List of all relevant s4.15(1)(a) matters</b>	<p>EPIs:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas</li> <li>• State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• The Hills Local Environmental Plan 2019 – See discussion relating to The Hills LEP 2012 under “Matters for Consideration”</li> </ul> <p>Draft EPIs:</p> <ul style="list-style-type: none"> <li>• Draft Environment SEPP</li> </ul>

	<p>Consultation under the Act and that has been notified to the consent authority:</p> <ul style="list-style-type: none"> <li>• Endeavour Energy</li> <li>• NSW Police (Memorandum of Understanding)</li> </ul> <p>Relevant development control plan</p> <ul style="list-style-type: none"> <li>• The following sections of The Hills DCP 2012: <ul style="list-style-type: none"> <li>○ Part C Section 1 – Parking</li> <li>○ Part C Section 2 – Signage</li> <li>○ Part C Section 3 – Landscaping</li> <li>○ Part C Section 6 – Flood Controlled Land</li> </ul> </li> </ul> <p>Any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv):</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p>Relevant regulations:</p> <ul style="list-style-type: none"> <li>• Demolition of buildings – <i>Environmental Planning and Assessment Regulation 2000</i> - Clause 92(1)(b)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscape plans</li> </ul>
<b>Report prepared by</b>	<b>Ellen Robertshaw, DFP Planning Independent Planning Consultant, on behalf of The Hills Shire Council</b>
<b>Report date</b>	20 February 2020

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## EXECUTIVE SUMMARY

The Waves Aquatic Centre is located at 14-44 Mileham Avenue, Baulkham Hills.

The aquatic centre is located at the north eastern end of the Alfred Henry (AH) Whaling Reserve (the Reserve), adjacent to Mileham Avenue. AH Whaling Reserve is bound by residential properties fronting Cameron Avenue to the south west, Roxborough Park Road to the north west and north and Mileham Avenue to the south east.

Also located within the area identified at AH Whaling reserve is The Hills Community Kindergarten and a rose garden.

It is proposed to redevelop the swimming pool and fitness centre to provide a contemporary aquatic and fitness centre that will better serve the growing population of The Hills local government area and surrounding areas.

The development has been assessed having regard to the heads of consideration as detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

## MANDATORY REQUIREMENTS

Section 4.15 EP&A Act 1979:	Satisfactory
The Hills LEP 2019	Permissible with consent
SEPP 19 – Bushland in urban areas	Satisfactory
SEPP 33 – Offensive and Hazardous Industries	Satisfactory, subject to conditions
SEPP 55 – Remediation of Land	Satisfactory, subject to conditions
SEPP 64 – Advertising and Signage	Satisfactory
SEPP (Infrastructure) 2007	Consultation with Endeavour Energy Division 12 – Parks and Reserves – N/A
SEPP (State and Regional Development) 2011	Applies
SEPP (Vegetation in Non-Rural Areas) 2017	Satisfactory
The Hills DCP	Satisfactory, subject to conditions

The development will not result in adverse impacts on the natural or built environment and will not have adverse economic or social impacts.

The development is likely to have positive social impacts as the development will result in a contemporary facility which will be accessible to all persons.

The site is considered suitable for the proposed development. Site constraints are such that these can be appropriately managed through design and/or conditions of consent.

Two submissions were received in response to notification of the DA. The issues raised in these submissions do not warrant amendment of the proposal or refusal of the DA.

The development is considered to be in the public interest.

The proposal is considered acceptable and approval is recommended.

## BACKGROUND

### HISTORY

27/08/2019 Report to Council meeting re: Status of current facilities  
The report noted the following:

*“The buildings and facilities of Waves are toward the end of their useful life. The plant and equipment for the 50m pool and the pool itself are unable to meet current NSW Health compliance requirements for water turnover periods and rates. The pool was closed twice last summer for these reasons. The pool does not meet current accessibility standards and requirements and therefore is not suited to people with disabilities or otherwise mobility impaired, who might wish to use the pool. Up to 18% of the population is mobility impaired.*

*The plant system for the toddler’s pool was also inadequate and unable to meet the required standards for water turnover rates and holding periods. The design of the toddler pool is unsafe due to the high lip/step around the pool circumference. The plant for the 25m learn to swim pool was upgraded and meets current health standards. The Gym and Fitness Centre is located in a demountable building. The building lacks integration and is not comparable to modern facilities and expectations.”*

Council resolved to support the redevelopment of Waves.

20/11/2019 DA submitted

22/11/2019 Notification period commences

21/11/2019 Comments from internal sections of Council requested

21/11/2019 Referred to Endeavour Energy and NSW Police for comment

27/11/2019 Panel briefed (Electronically)

28/11/2019 Additional information requested from applicant

06/12/2019 The Hills LEP 2019 published

09/01/2020 Additional information submitted

### DETAILS AND SUBMISSIONS

Owner:	The Hills Shire Council
Zoning:	RE1 Public Recreation under The Hills LEP 2019. The development is permissible with consent in the RE1 zone.
Area:	1.65 hectares
Existing Development:	Aquatic centre and fitness centre
Section 94 Contribution	N/A
Exhibition:	22 November – 9 December 2019
Notice Adj Owners:	Yes 14 days
Number Advised:	130
Submissions Received:	2

## **PROPOSAL**

The proposed development comprises the demolition of existing pools and the majority of the structures and construction of a new aquatic and fitness complex. It is also proposed to remove some trees as part of the application. The lots that comprise the site are proposed to be consolidated.

### Development Summary

- Site Area: 16,515sqm
- Gross Floor Area: 5,534sqm
- Max Height of Building: 8.6m measured from the ground floor plate (RL106.6)
- Number of car parking spaces: 84 spaces

### Demolition:

- Demolition of all buildings and pools on site
- Removal of demountable buildings from the site
- Removal of all hard paved surfaces
- Removal of redundant sub surface service infrastructure (as required)
- Demolition of existing circuit road at entry
- Demolition of shed at rose garden entry
- Tree removal, as identified and notated on the DA and Landscape plans.

### Aquatic and Fitness Centre:

- Reception, retail, management spaces with café (internal and external seating)
- Large gym and fitness group areas
- 50m Pool – 10 x lanes and spectator ‘bleacher’ seating
- 25m Pool – outdoor pool with 10 lanes and spectator ‘bleacher’ seating
- Combined 25m Learn to Swim pool & Family Leisure Pool
- 20m warm water pool, including spa/sauna facilities
- Water Play Structure/Splash Pad Area
- Recreation courtyard and swim club clubhouse
- Amenities, plantrooms, storage facilities
- On-site car parking and undercroft car parking with lift access

### Hours of Operation:

The swimming pools will operate as follows:

Monday to Friday      5.30am to 9.00pm

Saturday                7.00am to 7.00pm

Sunday                  7.00am to 7.00pm

Swimming squads will commence at 5.30am.

The pools will be closed on Christmas Day and Good Friday.

The fitness centre will operate 24 hours/7 days per week (including public holidays) with access via an electronic swipe card. After hours access will only be permitted from the basement/undercroft car park.

#### Staff:

Up to 20 staff will be on-site at any one time. These numbers could fluctuate depending on various programmes that will be held at the centre.

#### Landscaping:

New landscaping to improve the streetscape presentation and provide amenity for users of the centre is proposed to be undertaken. A mix of hard and soft landscaping is proposed including shade structures and seating.

Planting includes reuse of existing mature palms, trees, shrubs and groundcovers.

#### Parking

The development will result in the removal of 33 off street parking spaces adjacent to the current front entry of the centre.

36 car parking spaces are proposed either side of the new driveway entry to the undercroft parking area. A further 48 spaces are proposed within the building undercroft. A total of 84 off street parking spaces is proposed. Two accessible off street spaces are proposed.

Three of the existing 90° parking spaces along Mileham Avenue are proposed to be converted to 2 x accessible spaces with an associated shared space. Two temporary bus bays to cater for swimming carnivals are also proposed. Two permanent bus bays are proposed to be provided on Mileham Avenue, proximate to the front entry to the centre.

#### Tree Removal

A total of 65 trees were assessed by a AQF Level 5 Consulting arborist. Trees on the site include exempt non-prescribed trees, trees assessed as being of high risk and low risk safe retention trees.

The proposed redevelopment will result in the removal of 42 trees. Of these:

- 2 were assessed as being high risk trees. High risk trees are those identified as having structural faults or trees that have structurally failed. High risk trees are trees which should be removed to eliminate consequences of damages in the event of tree or tree part failure.
- 21 palms already existing on the site are suitable for relocation within the site. Of these, 5 palms are Cocos Palms which have been identified by NSW Department of Primary Industry (DPI) as posing a biosecurity risk. Therefore, these palms will be required to be removed. The remaining palms, Phoenix Palms are suitable for transplanting elsewhere on site and have been incorporated into the landscape design.
- Eight trees are exempt species.
- The remaining trees to be removed are within the development footprint and/or within areas designated for infrastructure.

Five trees (T30, T41, T42, T43 and T60) have been assessed as high risk trees and will be removed under a separate approval process and are not part of the totals itemised above.

The arborist report also includes recommendations for the protection of trees to be retained.

## **MATTERS FOR CONSIDERATION**

### **Relevant SEPPs, LEPs, DCPs**

#### **1. State and Regional Development SEPP**

*Environmental Planning and Assessment Act, 1979* provides the following referral requirements to a Regional Planning Panel:

*Council related Development that has a capital investment value of more than \$5 million.*

The proposed development has a capital investment value of \$51.33 million. The application is 'regionally significant development' in accordance with clause 20 and Schedule 7 of SEPP (State and Regional Development) 2011 as the proposal requires development consent and is a Council related development with a capital investment value over \$5 million. Therefore, the application must be determined by the relevant Regional Planning Panel.

#### **2. Infrastructure SEPP**

##### Endeavour Energy

The application was referred to Endeavour Energy pursuant to clause 45 of Division 5 – Electricity Transmission or Distribution of SEPP Infrastructure due to the proximity of works to high voltage overhead power lines.

Endeavour Energy has responded as follows:

*The minimum clearances of a swimming pool or spa in the vicinity of the 132 kV overhead power lines will need to be individually assessed based on the earthing parameters in that particular location. This distance is typically 15-30 metres from the closest conductor / cable.*

*The development will encourage people to congregate and/or spend time within the easement or immediately adjacent thereto. The earthing system associated with the high voltage overhead transmission line is likely to present a risk if there is a fault and there are people who are wet with bare feet because of the proposed extension of the paving / pool zone into the easement area could result in voltages being transferred off the easement. As well people will be walking to and from the easement area which appears to have other structures and possibly being used as an outdoor living area.*

*The risk is increased if the development contains metallic structures or services in the easement.*

*The type of the soil has a direct relationship to the resistance / impedance and can make effective earthing more difficult to achieve and is therefore very important in determining the minimum clearances.*

*The low voltage and 11 kV high voltage electricity infrastructure to the road verge are likely to be a low risk.*

*It is recommended that consideration be given to maximising the possible separation distances and / or undertaking an earthing study to determine the soil resistivity, recommend any mitigation measures eg. earthing systems, materials to be used in the construction etc., and to ultimately determine if it is an acceptable level of risk for the swimming pool on the site.*

In view of these comments, a condition of consent requiring an earthing study to be undertaken prior to issue of a Construction Certificate for the work is recommended.

Endeavour Energy also notes that the site is subject to flooding and distribution substations should be located to be clear of flood inundation or stormwater runoff. The proposal includes a substation adjacent to the driveway entry from Mileham Avenue. This part of the site is not affected by flooding.

## Division 12 Parks and other public reserves

Pursuant to clause 65(3) of the Infrastructure SEPP, there is the potential for certain works to be undertaken by (or on behalf of a council) without consent on a public reserve. These works include landscaping works and the provision of recreation facilities (outdoor).

Given that the development includes works other than landscaping works and the provision of recreation facilities (outdoor), i.e. a gymnasium and indoor swimming pools (which are considered to be recreation facilities (indoor)), the development is not able to be undertaken as development without consent under clause 65(3) of the Infrastructure SEPP, and development consent is required.

### **3. SEPP 19 – Bushland in Urban Areas**

SEPP 19 aims to protect and preserve bushland within the urban areas to protect its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.

**Clause 9** applies to land which adjoins bushland zoned or reserved for public open space purposes.

For the purposes of this clause, bushland is defined as follows:

***bushland** means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.*

The SEPP does not define ‘natural vegetation of the land’ however for the purposes of this report it has been assumed that references to ‘natural vegetation’ is a reference to vegetation which is indigenous to The Hills local government area (LGA) and not necessarily a reference to indigenous vegetation in general.

An assessment of the vegetation on the site has been undertaken by an arborist. Appendix C to the Arborist report submitted with the DA is a list of trees currently existing on the site. A total of 65 trees were assessed, including 4 trees immediately adjacent to the site<sup>2</sup>.

An assessment of the 61 trees on the site that have assessed against the appendices to Part C Section 3 – Landscaping of The Hills DCP has been undertaken. These appendices include a list the trees which are indigenous to The Hills LGA.

Of the 61 trees assessed:

- 15 are native species which are not indigenous to The Hills LGA;
- 17 are non-native/non-indigenous species;
- 16 are non-indigenous palms which are proposed to be transplanted elsewhere on site;
- 8 are exempt species; and
- 5 are species indigenous to The Hills LGA.

For the purposes of clause 9 of SEPP 19, these 5 trees which are indigenous to The Hills are considered to be bushland.

According to the arborist report submitted with the DA:

- 2 trees (T26 and T29 – Sydney Blue Gums) have been assessed as likely to become problematic in the future and of low retention value;

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<sup>2</sup> A tree located on the boundary of the site, adjacent to Mileham Avenue was not assessed. This tree has been identified as a *Eucalyptus tereticornis*, Forest Red Gum and is proposed to be retained – refer recommended condition 28



- 3 trees (T43 – Sydney Blue Gum and T48 and T60 – Forest Red Gums) have been assessed as likely to experience sudden branch failure.

Having regard to the recommendations of the arborist report that these trees be removed for safety purposes, it is considered that the proposal is not inconsistent with the aims and objectives of SEPP 19.

**Clause 6** of SEPP 19 states that bushland shall not be disturbed except with the consent of the Council.

An assessment of the impact of the tree removal against the provisions of clause 6(4) of SEPP 19 has been made and it is considered that the extent of disturbance is appropriate particularly in view of the new landscaping works that are proposed.

The site is located within the AH Whaling Reserve. This reserve is already subject to a Plan of Management pursuant to the Local Government Act 1993<sup>3</sup>. A specific plan of management pursuant to **clause 8** of SEPP 19 is not required.

#### **4. SEPP (Vegetation in Non-Rural Areas) 2017**

This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

An arborist assessment has been submitted with the DA. The arborist report has assessed the trees to be removed, palms that will be transplanted elsewhere on site, trees that are exempt species and provides details of tree protection measures to be implemented.

The tree removal forms part of the development for which consent is sought and is ancillary to the proposed development. The extent of tree removal has been assessed as being satisfactory.

#### **5. SEPP 33 – Hazardous and Offensive Development**

The operation of the centre requires storage of chemicals and related materials to service the pools. A Hazardous Risk Assessment report (HRA) was submitted with the DA.

Compliance with the provisions of SEPP 33 will rely in part on the implementation of the recommendations made in the HRA report. However, based on the assessment presented in the HRA report compliance with the requirements of SEPP 33 can be achieved.

A condition of consent to this effect is recommended.

#### **6. SEPP 64 – Advertising and Signage**

The proposal includes business identification signage. The proposed signage is wall mounted signage and reads “*Waves Fitness and Aquatic Centre*”. The sign is located on the wall adjacent to the front entrance of the Centre and on the side elevation (facing south).

The signage has been assessed against the provisions of clause 3 and Schedule 1 of SEPP 64 and is considered to be satisfactory having regard to these provisions.

The signage is proposed to be illuminated. It is considered that the lighting should be restricted such that the signage is not illuminated when the aquatic centre is closed. A condition to this effect is recommended.

#### **7. SEPP 55 – Remediation of Land**

An assessment of potential contamination has been undertaken. The results of that assessment indicate that concentrations of contaminants were within the relevant assessment criteria.

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<sup>3</sup> AH Whaling Reserve is identified as Reserve 93 in the Schedule to The Hills Shire Council Generic Plan of Management – Sportsgrounds, November 2014

It is proposed to reuse soils on the site. Based on the results of the site investigations, reuse of soils on site is considered appropriate and the use of the site for the purposes of a recreation facility is also appropriate.

Conditions of consent are recommended in the event that unexpected finds are made during the course of works.

## **8. Draft SEPPs**

The Draft Environment SEPP provides for the protection and management of the natural environment. Among other SEPPs, the draft Environment SEPP will replace SEPP 19 – Bushland in Urban Areas. The proposed new SEPP will integrate provisions from seven existing SEPPs, including SEPP 19, relating to catchments, waterways, urban bushland and world heritage.

The draft SEPP was exhibited for public comment from 31 October 2017 until 31 January 2018.

The mapping accompanying the draft SEPP identifies that the site is within an area to which the Urban Bushland provisions relate.

The draft SEPP will simplify the existing provisions with SEPP 19 by removing duplication with other legislation, removing those provisions relation to the preparation of a Plan of Management, updating the names of Councils in the schedule to reflect the amalgamations which occurred in 2016 and provide a land application map. The references to land zoned or reserved for open space purposes will also be updated to be consistent with the Standard Instrument LEP.

The proposal is not considered to be inconsistent with the objectives of the draft SEPP.

## **9. The Hills LEP 2019**

The DA was lodged under The Hills LEP 2012.

On 6 December 2019, The Hills LEP 2012 was amended and renamed *Parramatta (former The Hills) Local Environmental Plan 2012*. This LEP applies to that part of the City of Parramatta local government area which was previously located within The Hills local government area.

The Hills Local Environmental Plan 2019 came into force on 6 December 2019 and applies to The Hills local government area, including the site of the proposed development.

Clause 1.8A of The Hills LEP 2019 states that:

*“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*

Nevertheless, the provisions of The Hills LEP 2019 are the same as those contained in the previous The Hills LEP 2012. The only change is the change of name.

The site of the Waves aquatic centre is zoned RE1 Public Recreation pursuant to The Hills LEP 2019. This is the same zoning of the site under The Hills LEP 2012.

Relevant to the proposal, development for the following purposes is permitted with consent in the RE1 zone:

- Business identification signs;
- Car parks;

- Recreation facilities (indoor);
- Recreation facilities (outdoor);
- Restaurants or cafes.

The proposed development is consistent with the objectives of the RE1 zone in that the primary purpose for which the site will be used is for recreation purposes.

The site is not mapped as being subject to a floor space ratio or height of buildings development standard.

Pursuant to **clause 2.7** of The Hills LEP, development consent is required for demolition. This DA seeks approval for demolition of existing buildings and structures, including removal of the existing swimming pools.

**Clause 7.2** of The Hills LEP relates to earthworks.

Bulk earthworks relating to the development are proposed. The bulk earthworks plan submitted with the DA indicates that a total of 9,068m<sup>3</sup> of fill will be required to be imported.

The extent of earthworks required are consistent with the nature of the development and have considered the site constraints, and in particular the topography of the site and its relationship with adjoining land.

The earthworks are considered satisfactory in terms of the provisions of clause 7.2(3) of the LEP, being the matters to be considered by the consent authority prior to the granting of consent.

**Clause 7.3** of The Hills LEP relates to development on land that is flood affected. The proposal fills part of the site currently subject to flooding to accommodate a portion of the development. This will result in the displacement of floodwater elsewhere within Roxborough Park Rose Garden and Alfred Henry (AH) Whaling Reserve upstream and downstream respectively.

Clause 7.3(3) requires that:

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Council's development engineers have reviewed the flood impact assessment submitted with the DA and are satisfied that the proposal will not adversely affect flood behaviour that would increase flood affectation on other development or properties beyond the area of AH Whaling Reserve. On this basis, the proposal is satisfactory in terms of clause 7.3(3)(b).

The extent of impact on AH Whaling Reserve requires additional modelling and to this end, a condition of consent requiring the submission of additional modelling prior to the issue of a Construction Certificate is recommended.

According to mapping prepared by Council, the peak flood level for the site is RL96.4.

In the event of a storm event that results in flooding, site occupants will be required to 'evacuate' to a part of the site above the peak flood level RL, being the ground level of the proposed development or Mileham Avenue. A portion of the proposed undercroft carpark will be below the required flood planning level. Therefore, a site flood emergency response plan will be required to be prepared. A condition of consent requiring this to be prepared prior to issue of any Occupation Certificate for the development is recommended.

The development is considered to be compatible with the flood hazard of the site.

The extent of flood affectation on the site is such that the site is suitable for the proposed development, subject to conditions.

Subject to imposition of appropriate conditions, any potential risk to life as a result of the flood affectation of the site can be managed.

Therefore, the proposed development is considered to be suitable for the site and satisfies the relevant considerations under clause 7.3 of the LEP.

## 10. The Hills DCP 2012

The DCP does not include a land use specific section relevant to recreation facilities and recreation areas, however there are general development controls which are of relevance to the proposed development. The proposed development has been assessed against the relevant development standards and objectives of the following sections of The Hills Development Control Plan (DCP).

DCP Section	DCP Control	Assessment
<b>Part C – Section 1 - Parking</b>		
Car Parking for Recreation facilities	1 space/25m <sup>2</sup> of GFA	Refer discussion following Table
Accessible parking	3% of parking	3% of 84 spaces = 3 spaces (rounded up). The development does not provide any accessible car parking on site. Two accessible spaces are proposed to be provided on Mileham Avenue (within the existing 90° parking) adjacent to the front entry of the site. Notwithstanding, it is recommended that a condition of consent be imposed requiring the provision of at least two additional accessible parking spaces within the undercroft car parking area, proximate to the lift. This will enable equitable access to the whole facility and to the fitness centre after the pool has closed. This will result in a total of 4 accessible spaces being available in the immediate vicinity of the centre.
Bicycle parking	1/4 employees + 1 per 200m <sup>2</sup> of GFA	The development provides for 10 bike racks adjacent to the Mileham Avenue frontage of the centre.  The maximum number of employees at the centre at any one time will be 20.

DCP Section	DCP Control	Assessment
		<p>The GFA of the gymnasium is almost 950m<sup>2</sup>.</p> <p>The three multi purpose rooms (and associated storage) have a GFA of almost 500m<sup>2</sup>.</p> <p>The GFA of the café and lobby/lounge, administration area and ancillary office space is approximately 550m<sup>2</sup>.</p> <p>The estimated GFA of the gymnasium, café and administration areas is approximately 2,000m<sup>2</sup>.</p> <p>This does not include the swim club areas or amenities.</p> <p>Given the nature of the use, it is considered that a minimum of 20 bicycle parking racks should be provided.</p> <p>A condition to this effect is recommended.</p>
Motor cycle parking	1 space per 50 car parking spaces	<p>The development provides 84 car parking spaces on site.</p> <p>Two motor cycle parking spaces are provided.</p> <p>Therefore the development complies.</p>
Set down Areas/Bus Parking	Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking. There must be a safe continuous accessible path of travel from set down area/s to a wheelchair accessible entrance or lift.	<p>Two x permanent bus parking spaces are proposed along Mileham Avenue, adjacent to the entry to the centre.</p> <p>These spaces will be provided as parallel spaces and will be required to be appropriately sign posted.</p> <p>The bus parking areas can also be utilised as a set down area. There is a continuous accessible path of travel from the bus parking to the entry of the centre.</p> <p>A further two temporary bus parking spaces (also parallel) are proposed further north-east along Mileham Avenue. These spaces will be used to park buses transporting school students to the centre for events such as swimming carnivals.</p> <p>The use of this area for temporary parking for buses will occupy 12 x 90° parking spaces along Mileham Avenue.</p> <p>A plan of management for the centre detailing the circumstances during which this temporary parking for buses will be required to be prepared.</p>
Car Park Design	The size and design of the	The car parking areas have been designed to comply with AS2590.1.

DCP Section	DCP Control	Assessment
	parking spaces, aisles and driveway complies with Council's requirements and AS 2590.1.	Nevertheless, an appropriate condition of consent is recommended to ensure compliance with AS2590.1
Pedestrian Circulation and Safety	Parking areas should be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.	The pedestrian entry to the centre is separated from the vehicular driveway. Pedestrian access from the undercroft parking area is via a lift or stairs. A new footpath is proposed to be provided adjacent to the car parking spaces located to the south west of the entry driveway. Patrons parking either side of the entry driveway will use this footpath and then cross the driveway at Mileham Avenue. A pedestrian crossing is proposed to be provided at the driveway crossing.
Landscaping	2m wide landscape strip every 10 spaces	Complies
Loading	To be provided on site	Complies Swept path plans demonstrate that a service vehicle can enter and leave the site in a forward direction and movements will not interfere with car parking or pedestrian pathways.
<b>Part C2 Section 2 - Signage</b>		
Design Considerations	No flashing, animated or movable components	Complies
	Business identification signs to be permanently fixed to the building	Complies The business identification sign is proposed to be attached to the wall of the building, adjacent to the front entry to the centre
	All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP.	Complies
	Signage must satisfy the	Complies

DCP Section	DCP Control	Assessment
	assessment criteria specified in Schedule 1 of SEPP No.64.	
	No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design.	Complies  Complies The proposed signage comprises individual letters attached to the wall of the centre.
Signs in residential zones The centre is surrounded by residential development and therefore the controls relating to signage in a residential area are appropriate to consider.	Maximum area of 2.25m <sup>2</sup> Maximum dimensions of 1.5m x 1.5m	The sign will have a maximum overall area of 41.8m <sup>2</sup> and overall dimensions of approximately 3.4m x 12.3m. Notwithstanding the non-compliance with the DCP controls, the area and dimensions of the sign are considered appropriate for the following reasons: <ul style="list-style-type: none"> <li>• There is reasonable separation between the signage and nearby residential development.</li> <li>• It is appropriate to identify the use of the site. The signage clearly identifies the entry to the centre.</li> <li>• The style of signage is not obtrusive or unsightly.</li> </ul>
Signs in other zones	Signs not to be erected in Recreation zones unless the applicant can justify the need for such a structure or sign.	See above. Signage is appropriate given the use of the site and the purpose of the signage to assist with wayfinding.
Illumination	Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.	The sign will be uplit using pavement level ground lights. Lighting will be directed onto the sign
	Any illumination of signage shall be switched off upon the closure of business each day. Should the	A condition of consent is recommended requiring the lighting to be switched off when the aquatic centre is not open.

DCP Section	DCP Control	Assessment
	business operate during normal business hours only, illumination shall be switched off by 9pm daily.	
<b>Part C Section 3 - Landscaping</b>		
Tree management	The Vegetation SEPP applies	There are three trees on the site which are identified as exempt species, which are able to be removed without consent. The remaining trees to be removed form part of this DA.
Landscape plans	Landscape plans to be submitted	Landscape plans have been submitted. These plans indicate areas proposed to be planted as well as details regarding paving. Some additional details in relation to plant species will be required to be provided. It is recommended that an appropriate condition of consent requiring the submission of detailed landscaping plans be imposed.
<b>Part C Section 6 – Flood Controlled Land</b>		
Applies to all flood controlled land	The site is subject to flooding therefore the provisions of this section of the DCP apply	<p>The proposal fills a part of the site currently subject to flooding. This will result in displacement of floodwater elsewhere within Roxborough Park Rose Garden and AH Whaling Reserve upstream and downstream respectively.</p> <p>All displacement will occur within the area of AH Whaling Reserve and will not impact upon adjoining properties or adjoining roads. Roxborough Park Road and Mileham Avenue upstream and Cameron Avenue downstream are located much higher than the flooded areas. A flood impact statement has been submitted within the Development Application however this does not consider the extent of this displacement external to the aquatic centre site within AH Whaling Reserve.</p> <p>Council's engineers have recommended that a condition of consent be imposed requiring the submission of an updated flood impact statement at the Construction Certificate stage to address the</p>



DCP Section	DCP Control	Assessment
		impacts aquatic centre site within AH Whaling Reserve.

### Car Parking

Given the primary use of the site as an aquatic centre, and the fact that much of the useable space is not gross floor area, the parking controls relating to recreation facilities are not necessarily relevant. Therefore, a merit assessment approach to car parking provision has been applied.

The development proposes a total of 84 off-street car parking spaces which is 51 spaces more than is currently provided on site.

A condition of consent requiring the provision of two on site accessible spaces (with an associated shared area) is recommended. This will result in the loss of three car parking spaces and therefore the net increase will be 48 spaces.

The applicant's traffic consultant has undertaken surveys of the existing facility and the other activities occurring within AH Whaling Reserve and has also considered the availability of parking within the vicinity of the site.

In terms of length of stay, based on surveys, on Saturdays (which have been assessed as the busiest visitation times) around 40% of visitors to the centre stayed for around 1 hour and 40% stayed for 1 to 2 hours. Only 7.5% of visitors stayed for more than 3 hours.

Within the vicinity of the site and AH Whaling Reserve, it is estimated that there is approximately 590 car parking spaces including 179 spaces in Mileham Avenue, including 48 x 90° parking spaces along the Mileham Avenue frontage of the aquatic centre. These 179 spaces include the 33 spaces currently provided on site.

The 'loss' of 33 on site spaces and the provision of 81 spaces as part of the redevelopment (assuming 2 accessible spaces are provided within the undercroft car park as recommended) will result in a total of approximately 640 car parking spaces in the vicinity of the centre  
(i.e.  $500 - 33 + 81 = 638$ ).

The peak car parking demand for the upgrade Waves Aquatic and Fitness centre has been estimated to be:

- 395 spaces on Saturday mornings; and
- 215 spaces on Friday afternoons.

The highest patronage level at the centre occurs from November to February when a daily average of over 1,000 persons has historically visited the Aquatic Centre. Some of this attendance can potentially be attributed to swimming carnival days organised by schools or other entities.

AH Whaling Reserve is used on Saturday mornings for a range of activities, including Little Athletics. The major impact on parking in the area would occur on Saturday mornings.

On Saturday morning, it is estimated that visitors to Waves will occupy 395 spaces (including 81 on site spaces). 314 of these will be on street spaces.

An estimated 80 spaces of the available 640 spaces would be occupied by users of AH Whaling Reserve and 65 spaces would be occupied by local residents.

The total estimated car parking demand for all activities in the vicinity, including some resident on street parking, is 540 spaces. Therefore, there will be approximately 100 on-street car parking spaces available during the peak usage time:

81 spaces on site at Waves +  
314 other spaces associated with Waves +  
80 spaces associated with activities on AH Whaling Reserve +  
65 resident parking  
**= 540 spaces**

Available parking = 640 spaces

640 – 540 = 100 available space

Based on the above assessment, the on-site car parking provision is considered satisfactory. Furthermore, the proposed redevelopment will provide 48 spaces more than those currently provided on site.

## **Other Design Considerations**

### Built Form

The siting of the facilities has been driven by physical constraints of the site, including a stormwater easement, transmission easement and sewer main.

Ground floor level allows for accessibility from the street and due to the topography of the site, undercroft parking can be achieved. The development achieves a finished floor level above the 1:100 yr flood level.

The building presents as a single storey structure to Mileham Avenue which is in keeping with the character of residential development in the area.

### Stormwater Management

The stormwater management plan for the new Centre utilises the natural gradient of the site and existing overland flow path through the development site to drain towards the existing stormwater easement at the northern corner of the site. The stormwater design strategy will reduce both peak flows and pollutant loads in stormwater leaving the site.

A treatment train to reduce pollutant loads on the developed catchment consistent with Council's requirements will be implemented.

### ESD

The following ESD initiatives have been incorporated in the project:

- High efficiency heating and cooling systems.
- Energy-efficient lighting (typically LED).
- Provisions for bicycle parking, with end of trip facilities for staff.
- Provision for recharging electrical vehicles.
- Rooftop solar photovoltaic panels.
- Water-efficient fixtures and fittings
- Energy efficient electrical heat pumps and gas heating for water heating.
- Use of sustainable building materials and re-use of materials on site to minimise waste sent to landfill.

- Rainwater tanks for reuse on site for irrigation purposes.

### Construction Management

A preliminary Construction Management Plan (CMP) was submitted with the DA documentation.

The CMP outlines the general steps and stages in the proposed site works, including general working hours, work health and safety measure, site security, management of onsite works from demolition through to finalisation of construction and handover to operations.

Throughout construction, a range of measures will be implemented to ensure that noise, dust and vibration will be minimised. All construction works will be required to comply with the relevant codes and standards.

It is anticipated that works will have a construction timeframe of approximately 2 years and be completed in early 2022.

### Crime Prevention Through Environmental Design (CPTED)

The proposal has been designed having regard to the CPTED principles of natural surveillance, access control, ownership and maintenance.

The design provides unobstructed views from the public domain, lighting of high use areas and uses visually permeable materials, such as chain wire fencing, glazing and perforated sheeting.

Given the nature of the use of the site as a community swimming facility change rooms are proposed to be provided. Sightlines into the change rooms are prevented from outside corridors. The change rooms will be heavily used by same sex patrons providing a level of natural surveillance. Entry into change rooms is off corridors or concourse areas, and these areas will be monitored by staff and CCTV. Some accessible/family change rooms have also been provided.

The undercroft parking area has been designed to maximise visibility and to minimise blind spots. There will be CCTV covering the undercroft area. The perimeter of the carpark will be open for most of its perimeter, permitting visibility from the park. The stairway leading from the undercroft will be glazed.

The front entry of the centre will also be extensively glazed, offering the centre staff at the reception counter a clear view to the street.

Numerous windows from the gym and multi-purpose rooms allow for views to the driveway entry and pathway that leads to the park and Rose Garden. The driveway and pathway are located together to maximise surveillance.

Landscaping has been selected to ensure the plants do not become dense view obstructers.

The lighting proposed for the centre will ensure that high use areas are suitably lit and that the lighting allows good visibility without impacting on the amenity of surrounding residents. High mounted lighting is proposed to be used in and around the external pool and landscaped areas. The undercroft will be illuminated with vandal resistant fittings to resist damage.

The centre is located within a precinct which experiences a wide range of land uses and visitations.

The centre shall be owned by The Hills Shire Council. A maintenance regime will be required to be implemented to ensure regular maintenance is performed. Long blank walls to reduce the likelihood of graffiti have been avoided.

### Operational Management

The aquatic centre is proposed to operate as follows:

- Monday to Friday 5.30am to 9.00pm
- Saturday 7.00am to 7.00pm
- Sunday 7.00am to 7.00pm

The gymnasium will operate 24 hours a day.

During opening hours for the aquatic centre, access will be available via the front entry gate and also from the undercroft car park.

When the aquatic centre is closed, access to the gym will only be available via a membership 'swipe' card via the lift from the undercroft car park.

An operational plan of management will be required to be prepared to address matters such as bus parking, a complaints protocol and waste management.

The hours of operation do not relate to maintenance and associated ancillary activities related to the operation of the facility such as daily pool and grounds management.

It is recommended that a condition of consent be imposed requiring the preparation of an operational plan of management.

### Public Submissions

Two submissions were received as a result of notification of the DA. The matters raised in the submissions are detailed in the table below.

ISSUE	DETAILS	COMMENT
Timeline for works	Seeking additional information in relation to timeline for demolition and construction	The timeframe for commencement and completion of works will be finalised once a building contractor has been appointed. It is anticipated that works will have a construction timeframe of approximately 2 years and be completed in early 2022.
Parking	Will additional parking be provided?	Additional on site parking will be provided. The redevelopment will provide for a total of 81 parking spaces on site, including 2 accessible spaces. This is 48 spaces more than that currently provided for the centre (excluding 90° parking along Mileham Avenue).
Parking	Consider only allowing parking on one side of Oxley Street	Oxley Street is not proposed to be used as an access route for construction vehicles. The issue of street parking associated with other activities, including commuter parking will be referred to the Local Traffic Committee as a matter separate to this application.
Traffic	Concerned about safety in relation to heavy	Oxley Street is not proposed to be used as access route for

ISSUE	DETAILS	COMMENT
	construction vehicles	construction vehicles.

In addition to the statutory DA notification, Council has also undertaken preliminary consultation with the community and stakeholders. The majority of participants were supportive of the proposal.

### **Agency Comments**

#### **1. Endeavour Energy**

As noted in the discussion in relation to the Infrastructure SEPP, the DA was referred to Endeavour Energy pursuant to clause 45 of Division 5 – Electricity Transmission or Distribution of SEPP Infrastructure due to the proximity of works to high voltage overhead power lines.

Endeavour Energy raised no objection to the proposal, subject to conditions.

#### **2. NSW Police**

As of the date of issue of this report, comments from NSW Police have not been received.

An assessment against CPTED principles is included in this report. That assessment concludes that the proposed development is satisfactory in terms of those principles.

### **COUNCIL COMMENTS**

The application was referred to the following sections of Council:

- Engineering – Flooding and Stormwater
- Environmental Health
- Resource Recovery
- Engineering - Traffic
- Fire Safety
- Tree Management/Landscaping
- Section 7.12 Contributions

No objection to the proposal was raised subject to the imposition of conditions should the application be approved. The following specific comments have been provided in relation to acoustics and flooding.

#### Acoustics

An acoustic report has been submitted and reviewed. The methodology in establishing background levels and projected noise has been assessed as satisfactory.

The acoustic report states that the criteria is most stringent at night time where a level of 41dBA is not to be exceeded at residential properties. The specified acoustic treatment for the rooftop plant, heat pumps and the building fabric will result in the noise levels at the nearest receiver being under 40dBA from the mechanical plant and the building operations at night time.

The full details for the public address system was not known at the time of the acoustic assessment. It is recommended that, during detail design stages, acoustic input will be further provided regarding the design of the PA system. This requirement has been incorporated into a recommended condition of consent.

It is also recommended that within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified

person, in accordance with the NSW EPA's - Noise Policy for Industry and submitted to Council's Manager - Environment and Health for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities do not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.

### Flooding

The site is identified as a flood control lot and is subject to flooding currently. The proposal seeks to fill a part of the site currently subject to flooding to accommodate a portion of the development displacing this floodwater elsewhere within Roxborough Park Rose Garden and Alfred Henry Whaling Reserve upstream and downstream respectively. The flood impacts as a result of this development do not impact any private property in the locality.

The flood impact statement submitted with the development application addresses flooding with respect to establishing an appropriate flood planning level based on the existing flood information produced by Council. It does not consider this external impact within Roxborough Park Rose Garden and Alfred Henry Whaling Reserve. Roxborough Park Road and Mileham Avenue upstream and Cameron Avenue downstream are located much higher than the flooded areas. The need for an updated flood impact statement addressing the specific flood impacts elsewhere within the reserve have been included as a recommended condition below.

The velocity to depth ratio within the access driveway, basement car parking area and Roxborough Park Rose Garden needs to be determined and addressed in the detailed design, noting the velocity to depth ratio in these areas now exceeds the maximum permitted by Council's Design Guidelines Subdivision/ Developments. As a result the recommended conditions also include the need for a site flood emergency response plan to be submitted at the Construction Certificate stage.

As such, the flooding impacts as a result of the development are altered but remain within the existing reserve, and are of similar risk to the existing situation and for this reason are satisfactory.

The recommended conditions have been included in the draft conditions attached to this report.

### **DISTRICT PLAN**

The site is located within the Central City District.

The redevelopment of the Waves Aquatic and Fitness Centres is consistent with Planning Priority C3 of the City for People Direction of the District Plan which seeks to provide service and social infrastructure to meet people's changing needs.

The Waves Aquatic Centre is the only public swimming pool owned by The Hills Shire Council. The redevelopment of Waves is a direct response to the Council's desire to provide a facility which is compliant and meets the needs of an increasing population with more diverse needs.

The development is also consistent with Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities. The current facilities are unsatisfactory from an accessibility perspective. Redevelopment of Waves will enable people of all abilities to access the facilities.

## **CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 4.15 of Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Policies, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered to be satisfactory.

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

Approval is recommended subject to conditions.

## **IMPACTS:**

### **Financial**

At the meeting on 27 August 2019, Council considered a report in relation to the redevelopment of the Waves Aquatic Centre, including Council's endorsement of the master plan and approval to fund the redevelopment.

Council resolved as follows:

1. *Adopt Concept Option C as the Masterplan for the existing site;*
2. *Council proceed with the detailed design and development for Concept Option B;*
3. *A further report will be submitted for the Construction Tender, Budget, and Project program;*
4. *Update the Capital Expenditure Review and forward to the Office of Local Government; and*
5. *Pursue NSW State and Federal Government grant assistance to assist with funding of the facility.*

### **The Hills Future - Community Strategic Plan**

This proposal complies with the Hills Future vision of managing our assets effectively to achieve higher levels of service for residents.

## RECOMMENDATION

The Development Application be approved subject to the following conditions.

## GENERAL MATTERS

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

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

## REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
18507-NBRS-A-DA-002	Demolition Plan	B	11/12/2019
18507-NBRS-A-DA-003	Site Plan	B	11/12/2019
18507-NBRS-A-DA-100	Basement Plan	B	11/12/2019
18507-NBRS-A-DA-101	Ground Floor Plan	B	11/12/2019
18507-NBRS-A-DA-102	Roof Plan	B	11/12/2019
18507-NBRS-A-DA-200	Elevations	B	11/12/2019
18507-NBRS-A-DA-210	Sections	B	11/12/2019
18507-NBRS-A-DA-300	External Colours and Finishes	A	14/11/2019
18507-NBRS-L-LDA000	Cover Page	B	11/12/2019
18507-NBRS-L-LDA100	Landscape Plan	B	11/12/2019
18507-NBRS-L-LDA101	Detailed Plan Entry	A	13/11/2019
18507-NBRS-L-LDA102	Detailed Plan Splash Pad	A	13/11/2019
18507-NBRS-L-LDA103	Detailed Plan Seating Areas and Multi Use Courts	A	13/11/2019
18507-NBRS-L-LDA200	Sections	A	13/11/2019
18507-NBRS-L-LDA201	Sections	A	13/11/2019
18507-NBRS-L-LDA300	Planting Palette	B	11/12/2019
18507-NBRS-L-LDA301	Landscape Planting Plan	A	09/12/2019
18507-NBRS-L-LDA400	Demolition and Tree Removal Plan	B	11/12/2019
18507-NBRS-L-LDA401	Existing Tree Location Plan	A	11/12/2019

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

### **2 Tree Removal**

Approval is granted for the removal of the trees located within the subject site in accordance with the amended 'Demolition and Tree Removal Plan' prepared by NBRS Architecture Landscape, dated 13-12-19.

All other trees are to remain and are to be protected during all works.



### **3 Planting Requirements**

All trees and shrubs planted as part of the approved landscape plan are to be in pot sizes as specified in Landscape Plan prepared by NBR Architecture revision B dated 11/12/2019. Groundcovers are to be planted at 5/m<sup>2</sup>.

The *Syagrus romanzoffiana* (Cocos Palms) which will be removed are not to be transplanted for use in future landscaping. *Livistona australis* (Cabbage Tree Palms) minimum size 4 metre clear trunks are to be utilised in all locations previously shown for transplanted Cocos Palms on the landscape plan.

Where *Phoenix canariensis* (Canary Island Date Palms) are proposed, and the transplanting is unsuccessful or unable to fulfil the requirements of the landscape plan, additional *Phoenix canariensis* of a comparable size are to be sourced and utilised.

A detailed landscape plan and planting schedule is to be submitted prior to issue of the Construction Certificate.

The plans/planning schedule must include the following details:

- Species
- Pot sizes
- Mature height of trees and shrubs
- Details for the transplanting of palms to be relocated on site.

### **4 Protection of Public Infrastructure**

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

### **5 Structures Adjacent to Piped Drainage Easements**

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

### **6 Requirements for Council Drainage Easements**

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

## **7 Vehicular Access and Parking**

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

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

Where conflict exists, the Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- An amended driveway long-section must be submitted amending that included with the concept civil works plan by Birzulis Associates Pty Ltd so that the footpath verge slopes towards Mileham Avenue at a gradient no less than 2% to maintain the footpath/ verge formation through the intersection.
- The amended driveway long-section must also provide for a slope no greater than 6% for the first 6m into the subject site.
- The amended driveway long-section must also account for the reduced permitted grade through the parking aisle, as distinct from the circulation roadway, in accordance with the Standard.
- The parking spaces must be dimensioned and individually numbered on the plans submitted at the detailed design/ Construction Certificate stage. Except as required by Condition 8, the parking spaces must be 2.5m wide and 5.4m long (minimum) for User Class 2 from the Standard.
- The parking aisles must be 5.8m wide (minimum), increased to 6.1m where there is a wall along one side, specifically for the short parking aisle near the entrance to the pool plant area on the basement level.

## **8 Additional Accessible Parking**

A minimum of two car parking spaces within the undercroft car park are to be provided as accessible spaces in accordance with the requirements of AS2890.6.

The spaces are to be located such that they are proximate to the lift.

## **9 Additional Bicycle Racks**

Bicycle racks capable of accommodating a minimum of 20 bicycles are to be provided proximate to the Mileham Avenue frontage of the centre.

The bicycle racks shall be provided in accordance with the relevant Australian Standards.

## **10 Vehicular Crossing Request**

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

## **11 Water Sensitive Urban Design Handover Process**

An operations and maintenance plan must be prepared for all Water Sensitive Urban Design (WSUD) proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

Specifically with respect to the 10 OceanGuard pit inserts and 15 StormFilter cartridges included as part of the concept stormwater plan by Birzulis Associates Pty Ltd Revision DA-1 dated 14/11/2019, the indicative maintenance schedule included in Section 5.3 of the stormwater management report by Birzulis Associates Pty Ltd Revision A dated 13/11/2019 must be updated to include sufficient detail relating to the ongoing maintenance of both.

## **12 Road Opening Permit**

Should the 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 Roads Act 1993 approval 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 Approval – External Works**

Before any works are carried out in Mileham Avenue a Road Acts 1993 approval must be obtained from Council for the external works. The plans and accompanying information submitted for approval must comply with the conditions included with this consent.

### **14 Construction Certificate**

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

### **15 Demolition Notification**

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

### **16 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.

### **17 Acoustic Requirements**

The recommendation and criterion of the amended Acoustic Report prepared by Norrebro Design, dated 29 January 2020 and submitted as part of the Development Application is to be implemented as part of this approval.

Detail design of the acoustic treatment for the project is to be developed and incorporated in the design development phase of the project, and will be included in the construction drawings and documentation for the project.

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

### **18 Flood Protection Requirements**

The structure is affected by flooding and needs to be designed and constructed to address this constraint.

Structural elements of the structure below the flood planning level (FPL) must be designed and the as-built works certified by a structural engineer to ensure structural soundness during potential floods. The following criteria must be addressed having regard to the depth and velocity of flood water:

- Hydrostatic pressure;
- Hydrodynamic pressure;
- Impact of debris;
- Buoyancy forces;
- Saturated ground conditions;
- Shear stress and scour forces around and downstream of the structure.

Based on the existing flood modelling prepared by Council and considered in the flood impact statement by Birzulis Associates Pty Ltd dated 30/10/2019 the flood levels and associated flood velocities expected to be experienced at the site are:

- RL 94.45 AHD 100 year ARI flood level at the southern end of the site closest to the basement car park level (FPL2) (based on interpolating points between the two known levels/ cross sections).
- RL 95.9 AHD 100 year ARI flood level at the northern end of the site closest to the pool and cabanas (FPL2).

- RL 94.95 AHD 100 year ARI flood level plus a further 0.5m freeboard at the southern end of the site closest to the basement car park level (FPL3) (based on interpolating points between the two known levels/ cross sections).
- RL 96.4 AHD 100 year ARI flood level plus a further 0.5m freeboard at the northern end of the site closest to the pool and cabanas (FPL3).
- 0.76m/s 100 year ARI flood velocity at the southern end of the site closest to the basement car park level.
- 0.69m/s 100 year ARI flood velocity at the northern end of the site closest to the pool and cabanas.

These values must be confirmed through modelling in the updated flood impact assessment required to be submitted as conditioned below.

The flood impact statement by Birzulis Associates Pty Ltd dated 30/10/2019 must be updated to address the following matters before a Construction Certificate can be issued:

- a) The varied nature/ level of the flood conditions affecting the site. Only the lower flood level at the southern end of the site has been considered in the flood impact statement.
- b) The basement car parking area is subject to flooding and slopes away from the development/ building, however the opening to the pool plant room (which has a finished floor level of RL 94.15 AHD) at RL 94.45 AHD needs to be relocated or the level increased to at least FPL2 as above.
- c) The flood impact statement addresses the impacts on flooding on the development (excepting the opening to the pool plant room conditioned above), however the flood impact statement does not address the impact of the development on the existing flood levels, velocity and extent arising from the fill up to RL 96.48 planned within the area currently subject to flooding to accommodate the pool and cabanas towards the northern end of the site. This filling within the flooded area needs to be modelled and reported upon in a revised flood impact statement. This reporting must demonstrate that the changes to flood levels, velocity and extent are contained to the subject site, Roxborough Park Rose Garden and Alfred Henry Whaling Reserve on either side (accepting that this displaced floodwater has to go somewhere). No increase in flood impacts in Roxborough Park Road and Mileham Avenue upstream and Cameron Avenue downstream is to occur.
- d) The filling modelling as part of this exercise must be more clearly detailed, as conditioned under “engineering works and design” below (specifically relating to the batter slope behind the cabanas at the northern end of the site).
- e) The amended flood impact assessment must also address the velocity to depth ratio within the access driveway, basement car parking area and the Roxborough Park Rose Garden as a result of the above, noting the velocity to depth ratio now exceeds the maximum permitted 0.4 set by Council’s Design Guidelines Subdivision/ Developments (0.60 and 0.51 at the southern and northern end of the site respectively).
- f) The design materials and construction of the structure must comply with the principles set out in the publication “Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas” published by the NSW Government.
- g) See Schedule B of Part C Section 6 – Flood Controlled Land of Council’s DCP for more detail.

- h) The structure is must be used for the approved use only, which is why the openings to the plant areas on the basement level only need to be set above FPL2 above.
- i) All structures to have flood compatible building components below FPL3.
- j) Note that foundations need to be included in the structural analysis.
- k) All service conduits located below FPL3 are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding.
- l) No external storage of materials below FPL3 which may cause pollution or be potentially hazardous during any flood.
- m) Demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3.

## **19 Notice of Requirements**

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

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

## **20 Stormwater Management Requirements**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

Water Sensitive Urban Design (WSUD) elements, consisting of 10 OceanGuard pit inserts, 15 StormFilter cartridges and a rainwater reuse tank are to be located generally in accordance with the plans and information submitted with the application. Detailed plans for the WSUD elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

The concept stormwater plan by Birzulis Associates Pty Ltd Revision DA-1 dated 14/11/2019 and the stormwater management report by Birzulis Associates Pty Ltd Revision A dated 13/11/2019 are for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The requirements listed under the “engineering works and design” condition above.
- b) The internal/ site stormwater drainage network is to be delineated from the external/ public stormwater drainage network.

- c) Pit inserts are not to be installed along the external/ public stormwater drainage network (specifically the two kerb inlet pits along the southern edge of the new driveway).
- d) A catchment plan showing the 1.513 hectare effective site area referred to on the concept stormwater plan must be included.
- e) The part of the site affected by flooding in a 100 year storm event is to be accounted for on the catchment plan, and that flooded area excluded from the internal/ site stormwater drainage network directed towards the OSD system.
- f) The rainwater tank modelled in MUSIC and referred to in the stormwater management report must be added.
- g) Council's Design Guidelines Subdivision/ Developments and the Upper Parramatta River Catchment Trust OSD Handbook are to be referenced in the stormwater management report (noting these set the OSD requirements relating to the development).
- h) The 15 StormFilter cartridges are modelled in MUSIC to treat runoff from the entire site area however the plan shows the southern catchment bypassing the separate chamber within the OSD tank. The tank needs to be reconfigured to match the model.
- i) Pit blockages in the DRAINS model must accord with Council's Design Guidelines Subdivision/ Developments.
- j) The pit immediately downstream of the OSD tank includes a bend in excess of 90 degrees which must be lessened by relocating the kerb inlet pit.

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

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

## **21 Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$80,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road. The above conditioned amount has been reduced from that calculated to be commensurate with the nature and scale of the development and to take into account the external works/ reconstruction required along Mileham Avenue as conditioned separately.

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value

of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

## **22 Security Bond – External Works**

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 minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

## **23 Engineering Works and Design**

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 public road, or works within an existing public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

### **a) Driveway Requirements**

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

The proposed driveway must be built to Council's heavy duty standard. The design must incorporate a standard kerb return radius of 7.5m unless otherwise directed by Council.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

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

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

### **c) Concrete Footpath Paving**

Concrete footpath paving, including access ramps at all intersections, is to be provided as shown on the stamped approved plans and the concept civil works plan by Birzulis Associates Pty Ltd Revision DA-1 dated 14/11/2019 and in accordance with the above documents.

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

Earthworks are limited to that shown on the stamped approved plans. The batter behind the three cabanas shown on the section drawing DA-210 Revision A dated 14/11/2019 is to have a slope no greater than 1(V):4(H) in accordance with the above drawings (and to minimise the impact on flood behaviour through the site as separately conditioned under "flood protection requirements").

### **e) Kerb and Gutter Realignment**



The existing kerb and gutter in Mileham Avenue is to be relocated further into the site to make way for the additional parallel on-street parking between the existing angled parking and the proposed driveway generally as shown on the concept civil works plan by Birzulis Associates Pty Ltd Revision DA-1 dated 14/11/2019 and in accordance with the above documents. The works must include kerb and gutter, road pavement, verge formation, footpath paving and an ancillary work necessary to make the construction effective.

#### **f) Signage and Line Marking Requirements/ Plan**

With respect to the existing and proposed on-street parking along Mileham Avenue, a signage and line marking plan must be submitted with the detailed design. This plan needs to address regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs) and line marking, where required.

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

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

#### **g) External/ Public Stormwater Drainage Adjustments**

The external/ public stormwater drainage network needs to be adjusted to accommodate the development generally as shown on the concept stormwater plan by Birzulis Associates Pty Ltd Revision DA-1 dated 14/11/2019 and the stormwater management report by Birzulis Associates Pty Ltd Revision A dated 13/11/2019. The detailed design for these works must reflect the approved concept plan and the following necessary changes:

- The internal/ site stormwater drainage network is to be delineated from the external/ public stormwater drainage network.
- Pit inserts are not to be installed along the external/ public stormwater drainage network (specifically the two kerb inlet pits along the southern edge of the new driveway).
- A catchment plan showing the 1.513 hectare effective site area referred to on the concept stormwater plan must be included.
- The part of the site affected by flooding in a 100 year storm event is to be accounted for on the catchment plan, and that flooded area excluded from the internal/ site stormwater drainage network directed towards the OSD system.
- Pit blockages in the DRAINS model must accord with Council's Design Guidelines Subdivision/ Developments.
- Individual pits are to be separately labelled.
- The existing kerb inlet pit in Mileham Avenue affected by the kerb and gutter relocation to make way for the additional parallel on-street parking cannot be relocated as noted on the plans as this is a junction pit currently. Instead the existing kerb inlet pit needs to be converted to a sealed, trafficable pit within the road carriageway and surface runoff from the road area directed to the new kerb inlet pit adjacent/ downstream.
- The new/ relocated stormwater line connecting the two pits in Mileham Avenue must be located under the gutter, requiring the existing kerb and gutter to be replaced.
- The filling between the pool and cabanas on top of the northernmost easement/ existing stormwater line needs to be included in the detailed design, along with the required pit adjustments to provide access level with the finished surface levels.

## **24 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.

## **25 Erosion and Sediment Control Plan**

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

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.

## **26 Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

## **27 Tree Transplanting Program**

A detailed Transplanting Program for the proposed relocation-transplant of the Phoenix canariensis (Canary Island Date Palm) within the subject site is to be prepared by a suitably

qualified Horticulturalist or Arborist (with a minimum AQF Level 5) and submitted to the satisfaction of Council's Manager-Environment and Health.

### **28 Arboriculture Impact Assessment and Detailed Tree Protection Plan**

An Arboricultural Impact Assessment is to be prepared by a suitably qualified Australian Qualification Framework Level 5 Arborist in accordance with the AS 4970-2009 Protection of Trees on Development Sites for the *Eucalyptus tereticornis*, Forest Red Gum located on the eastern property boundary within Council's Nature Strip (adjacent Mileham Avenue).

The Project Arborist is to assess the impact of the proposed development accordingly and provide a detailed Tree Protection Plan and Specification.

The Arboriculture Report is to be submitted to the satisfaction of Council's Manager-Environment and Health prior to issue of a Construction Certificate.

### **29 Standards for Design, Construction and Amenities**

As a minimum, the design of the swimming pool complex and amenities shall comply with the NSW Health Public Swimming Pool and Spa Pool Advisory Document dated 2013 or later date as maybe amended.

### **30 Evidence of Consolidation**

Prior to issue of a Construction Certificate, evidence that the allotments on which the development is located have been consolidated into a single allotment is required to be provided.

### **31 Construction and Fit-out of Food Premises**

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

- The intersection of floors with walls and exposed plinths in food preparation, storage and servery areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
  - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
  - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

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

Detailed plans demonstrating compliance with the above standards are to be submitted prior to issue of the Construction Certificate for works incorporating food preparation areas.

### **32 Construction of Waste Storage Area**

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 8 x 1100 litre bins.

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

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

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

Details of the waste storage area are to be submitted for Council's approval prior to issue of the Construction Certificate.

### **33 Earthing Study**

An earthing study is to be prepared prior to issue of a Construction Certificate. The earthing study is to be submitted to Endeavour Energy for approval.

### **34 Construction Management Plan**

A Construction Management Plan (CMP) is to be submitted to Council prior to issue of a Construction Certificate. The CMP shall include the following details:

- Construction timeframes
- A site management plan
- Incident and complaints protocols
- Traffic management, including details of construction vehicles haulage routes
- Mitigation measures to address construction noise, vibration, air quality/dust, water quality, traffic
- Unexpected finds protocols
- Roles and responsibilities

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

### **35 Tree Protection Fencing**

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be installed under the supervision of a Project Arborist (minimum AQF Level 5) in accordance with AS 4970 (2009) Protection of trees on development sites.

Note: Any variations to the standards are to be documented and certified by the Project Arborist. Any such certification must be submitted to Council within 10 days.

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

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

Note: Where the provision of the tree protection fencing is impractical due to its proximity to the proposed development footprint, trunk protection shall be erected around nominated trees to avoid accidental damage. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8m metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with galvanised hoop strap.

### **36 Tree Protection Signage**

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

### **37 Mulching within Tree Protection Zone**

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

### **38 Trenching within Tree Protection Zone**

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

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

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

### **39 Separate OSD Detailed Design Approval**

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

### **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 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.

### **42 Erosion and Sediment Control**

The approved ESCP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness.

### **43 Pavement Design**

With respect to the pavement widening/ kerb and gutter relocation in Mileham Avenue, a pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a suitably qualified and experienced civil or geotechnical engineer must be submitted to Council 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.

#### **44 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.

#### **45 Details and Signage - Principal Contractor and Principal Certifying Authority**

##### **Details**

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

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

##### **Signage**

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

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

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

#### **46 Notification of Asbestos Removal**

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

#### **47 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.

#### **48 Soil and Water Management Plan**

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

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

#### **49 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.

#### **50 Waste Management Details Required**

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

### **DURING CONSTRUCTION**

#### **51 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.

#### **52 Critical Stage Inspections – External Works**

The external works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

#### **53 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.

#### **54 Critical Stage Inspections and Inspections Nominated by the PCA**

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier (PC) must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

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

#### **55 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.



## **56 Asbestos Removal**

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 Principle 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).

## **57 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.

## **58 Tree Removal & Fauna Protection**

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

Any injured fauna is to be placed into the hands of a wildlife carer (please note only appropriately vaccinated personnel are to handle bats).

## **59 Liquid Storage**

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

## **60 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).

#### **61 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.

#### **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 *State Environmental Planning Policy 55 – Remediation of Land*.

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

#### **63 Aboriginal Archaeological Sites or Relics**

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

#### **64 European Sites or Relics**

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

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

#### **65 Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate**

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

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

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

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

#### **66 Site Flood Emergency Response Plan**

A Site Flood Emergency Response Plan prepared in accordance with Part C Section 6 – Flood Controlled Land of Council's DCP must be prepared and submitted to Council for written approval prior to issue of an Occupation Certificate.

#### **67 Landscaping Prior to Issue of any Occupation Certificate**

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

#### **68 Planting Requirements**

All trees and shrubs planted as part of the approved landscape plan are to be in pot sizes as specified in Landscape Plan prepared by NBR Architecture revision B dated 11/12/2019. Groundcovers are to be planted at 5/m2.

The *Syagrus romanzoffiana* (Cocos Palms) which will be removed are not to be transplanted for use in future landscaping. *Livistona australis* (Cabbage Tree Palms) minimum size 4 metre clear trunks are to be utilised in all locations previously shown for transplanted Cocos Palms on the landscape plan.

Where *Phoenix canariensis* (Canary Island Date Palms) are proposed, and the transplanting is unsuccessful or unable to fulfil the requirements of the landscape plan, additional *Phoenix canariensis* of a comparable size are to be sourced and utilised.

#### **69 Provision of Electricity Services**

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

#### **70 Provision of Telecommunications Services**

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

#### **71 Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

#### **72 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.

#### **73 OSD System Certification**

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

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

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

#### **74 Creation of Restrictions/ Positive Covenants**

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

##### **a) Restriction/ Positive Covenant – Onsite Stormwater Detention**

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

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

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

#### **75 Water Sensitive Urban Design Certification**

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

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

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

#### **76 External Works – Submission Requirements**

Once the external 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 plans must be prepared by a suitably qualified engineer or registered surveyor.

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.

#### **77 Performance/ Maintenance Security Bond**

A performance/ maintenance bond of 5% of the total cost of the external 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 external 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.

#### **78 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.

#### **79 Food shop registration requirements**

Prior to the issue of any Occupation Certificate, the food business shall be registered with The Hills Shire Council. To register with Council please complete and submit the 'registration of food business' form which is available on Council's website.

#### **80 Food Premises Final Inspection**

Prior to the issue of any Occupation Certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

#### **81 Clearance Certificate**

On completion of the asbestos removal works a Clearance Certificate in accordance with clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifying Authority.

#### **82 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).

#### **83 Operational Plan of Management**

Prior to issue of an Occupation Certificate, an Operational Management Plan shall be submitted to Council for approval.

As a minimum, the Operational Management Plan shall include details of:

- Waste management;
- Timetables for group exercise classes at the gym;

- Details of use of the multi purpose rooms;
- Staffing and numbers of staff within each sector of the centre;
- Management of lighting to ensure amenity of nearby residents is not affected;
- Management of major events such as school swimming carnivals and management of the temporary bus parking spaces; and
- A protocol for managing complaints.

## **THE USE OF THE SITE**

### **84 Hours of Operation**

The hours of operation being restricted to the following: -

- Monday to Friday 5.30am to 9pm
- Saturday 7.00am to 7pm
- Sunday 7.00am to 7pm
- Fitness centre: 24-hour access via electronic membership cards or bands. Access is to be via the basement car park only.

The hours of operation do not relate to maintenance and associated activities related to the operation of the facility.

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

NOTE: Lighting not associated with the gymnasium or lighting that is not required for security purposes, including lighting associated with signage, shall be switched off when the aquatic facilities are closed.

### **85 Offensive Noise**

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

### **86 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*.

### **87 Requirements for Public Swimming Pools and Spa Pools**

The filtration and dosing equipment shall be of suitable quality to maintain the standards found in Schedule 1 of the Public Health Regulation 2012 and the NSW Health Public Swimming Pool and Spa Pool Advisory Document dated 2013 or later date as maybe amended.

The disinfection and management of the pool water, testing, sampling and recording of results shall comply with the NSW Health Public Swimming Pool and Spa Pool Advisory Document dated 2013 or later date as maybe amended.

### **88 Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. The waste storage area must be screened from view from any adjoining residential property or public place. The

waste storage area must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

**89 Waste and Recycling Collection**

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council.

**90 Storage of Hazardous Materials**

The recommendations of the Hazardous Risk Assessment prepared by NG Child and Associates (report dated 11 November 2019) with respect to the storage of hazardous materials are to be implemented at all times to ensure compliance with the provisions of SEPP 33.

**91. Final Acoustic Report**

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

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

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Architectural Plans
5. Landscape Plans



## ATTACHMENT 1 - LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ PROPERTIES NOTIFIED
- ☒ SUBMISSIONS RECEIVED

**THE HILLS**  
Sydney's Garden Shire

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## ATTACHMENT 2 - AERIAL PHOTOGRAPH



 **SUBJECT SITE**

**THE HILLS**  
Sydney's Garden Shire

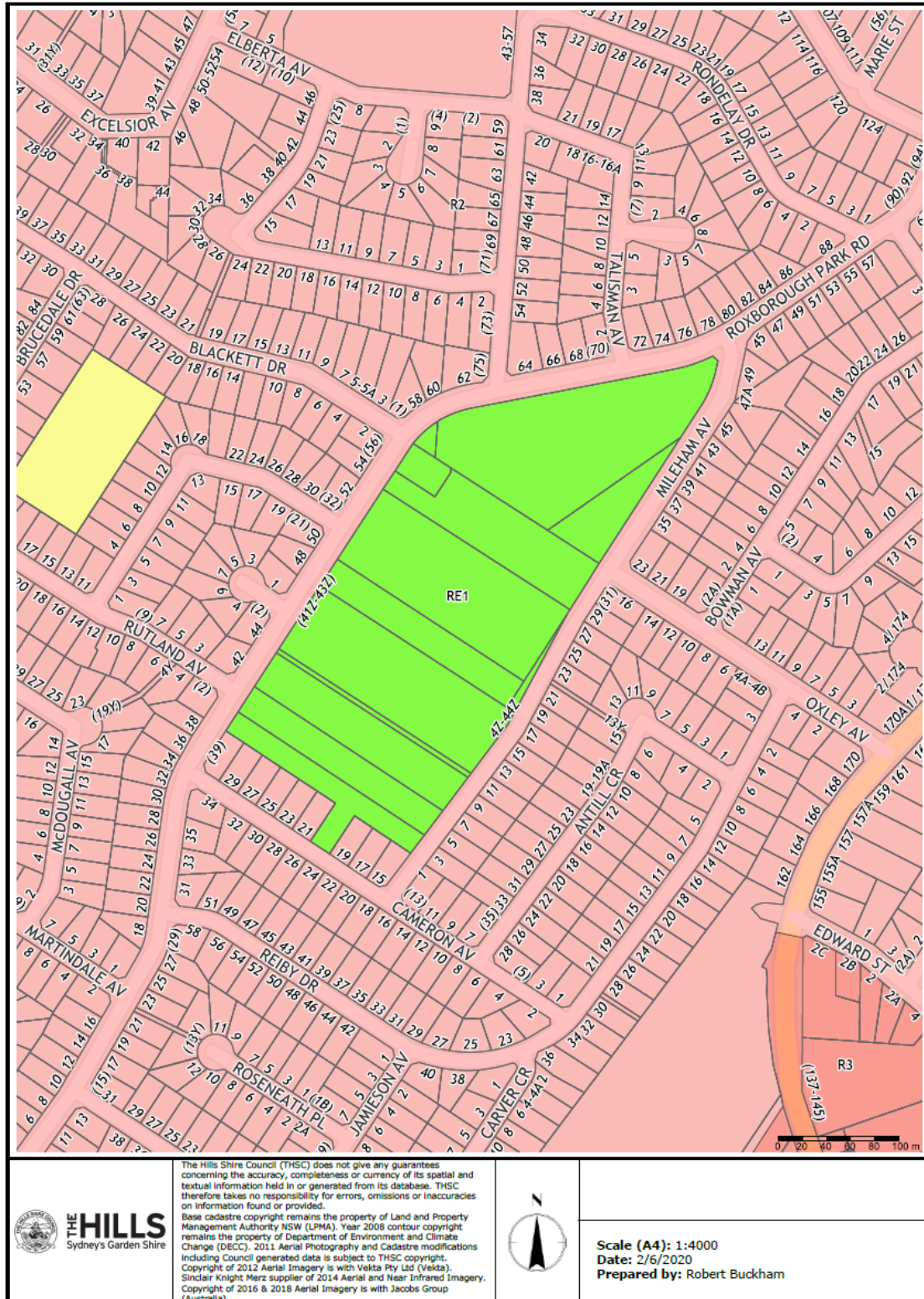
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## ATTACHMENT 3 – ZONING MAP

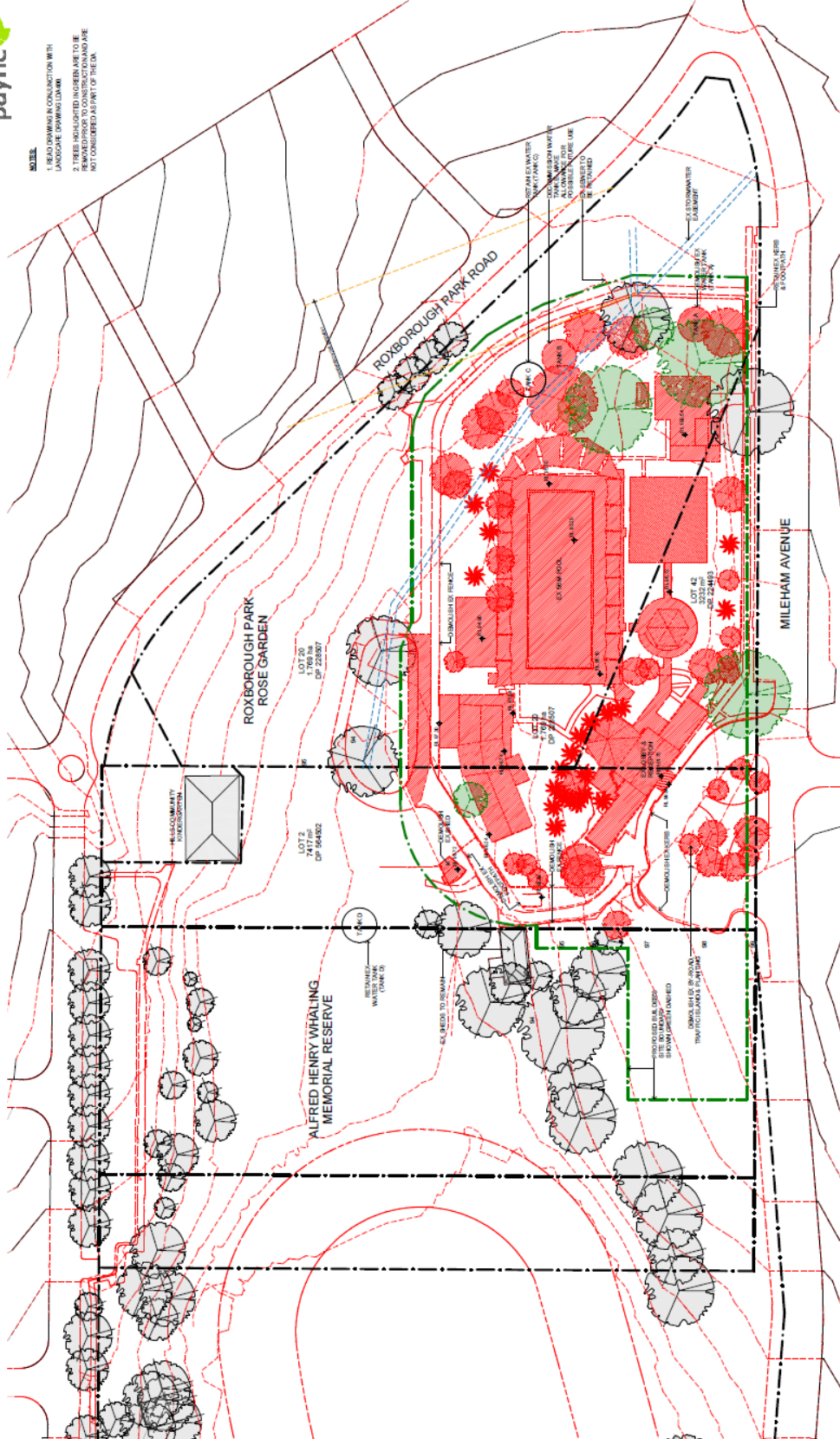


# ATTACHMENT 4 – ARCHITECTURAL PLANS

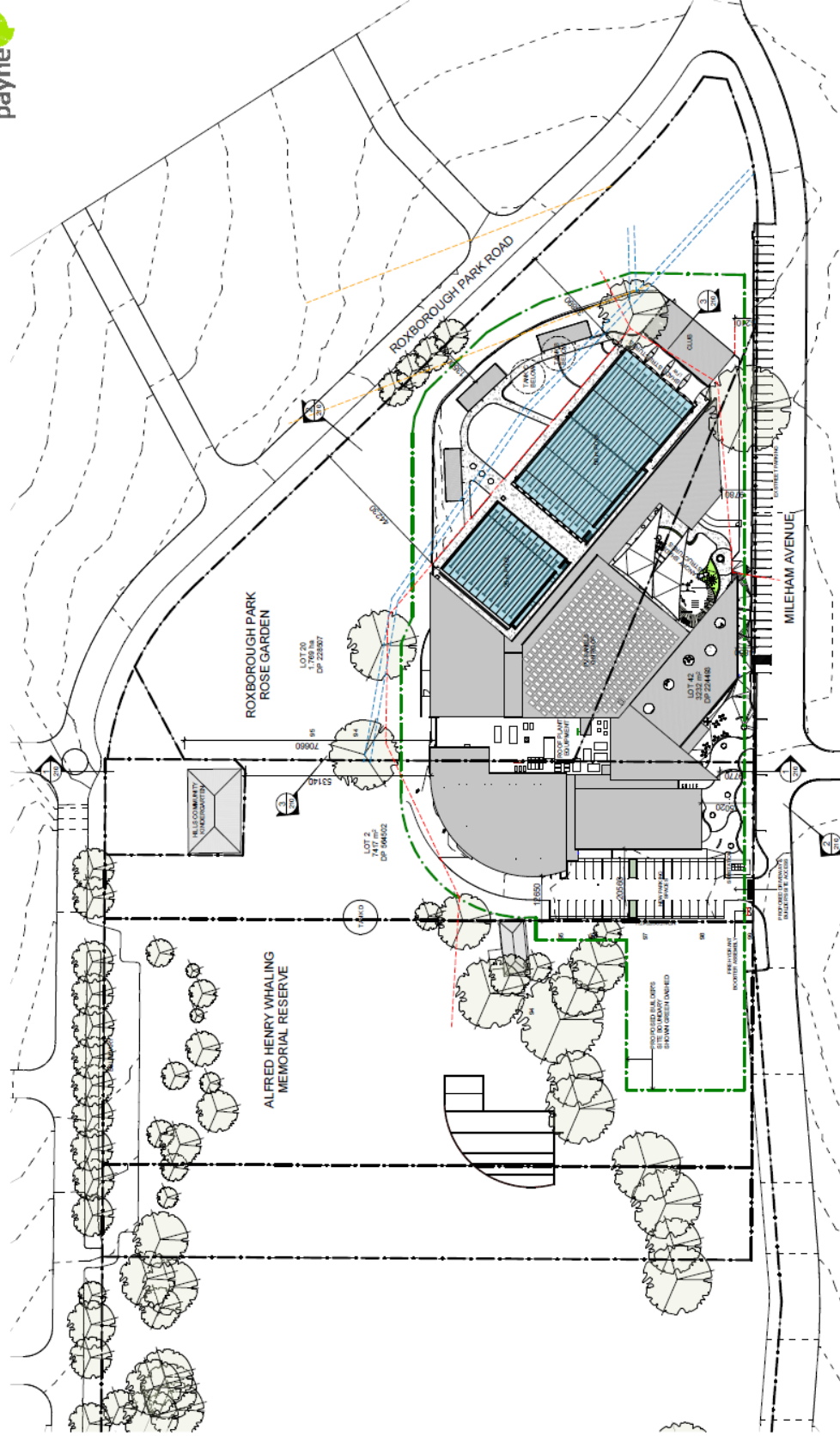
**NBRS ARCHITECTURE.**  
donovan payne

## NOTE

1. READ DRAWING IN CONJUNCTION WITH LANDSCAPE DRAWING LUMM
2. TREES HIGHLIGHTED IN GREEN ARE TO BE RETAINED AND ARE NOT CONSIDERED AS PART OF THE PLAN



<p><b>THE HILLS</b> Sydney's Garden Shire</p>	<p><b>NBRS ARCHITECTURE.</b> donovan payne</p>	<p><b>Project</b> WAVES FITNESS &amp; AQUATIC CENTRE</p> <p><b>Client</b> THE HILLS SHIRE COUNCIL</p>	<p><b>Demolition Plan</b></p> <p><b>Legend:</b></p> <ul style="list-style-type: none"> <li>EXISTING BUILDING FOOTPRINT</li> <li>DEMOLITION FOOTPRINT</li> <li>EXISTING LANDSCAPE</li> <li>DEMOLITION LANDSCAPE</li> <li>EXISTING EASEMENT</li> <li>DEMOLITION EASEMENT</li> <li>EXISTING FOOTPATH</li> <li>DEMOLITION FOOTPATH</li> <li>EXISTING WATER TANK</li> <li>DEMOLITION WATER TANK</li> </ul>	<p><b>Scale</b> 1:500 @ A1</p> <p><b>Date</b> 13/02/2018 2:51:11 PM</p> <p><b>Drawn</b> 13/02/2018</p> <p><b>Checked</b> 13/02/2018</p> <p><b>Project Reference</b> 18507-NBRS-A-DA-002</p> <p><b>Revision</b> B</p>
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Item No.	Date	Description	Chq. No.
	31/10/2016	DA 100000	DA
A	14/11/2016	DA 100000	DA
B	11/12/2016	DA 100000	DA

[illegible]Drawing Title  
**SITE PLAN**

**Project**  
**WAVES FITNESS & AQUATIC**  
**CENTRE**  
**at**  
**44 MILLBURN AVE, BALL NARAHILLS, NEW ZEALAND**  
**for**  
**THE HILLS SHIRE COUNCIL**

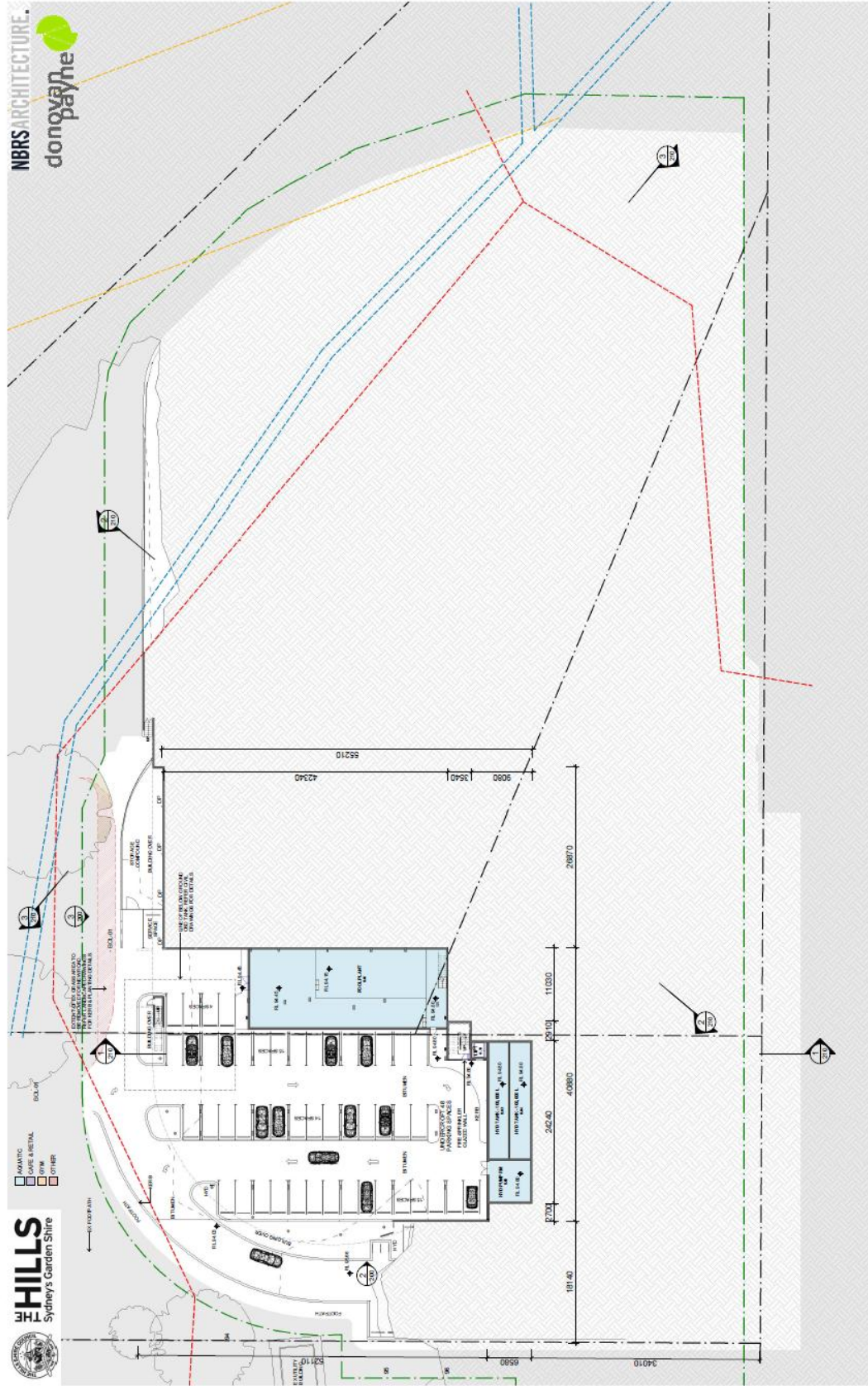
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 Drawing Reference  
 18507-NBRS-A-DA-003





**THE HILLS**  
Sydney's Garden Shire



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Drawing Title  
BASEMENT PLAN

Project  
**WAVES FITNESS & AQUATIC  
CENTRE**  
at  
44 MILLBURN AVE, BALLINAHILL, NEW ZEALAND  
for  
THE HILLS SHIRE COUNCIL

**Architect**  
**NBRS ARCHITECTURE.**

**San Francisco**  
415.298.2233 x44  
Our firm is pleased to announce its new architectural partnership with the National Center for the Performing Arts (NCPA). The NCPA will be an integral part of our firm's work.

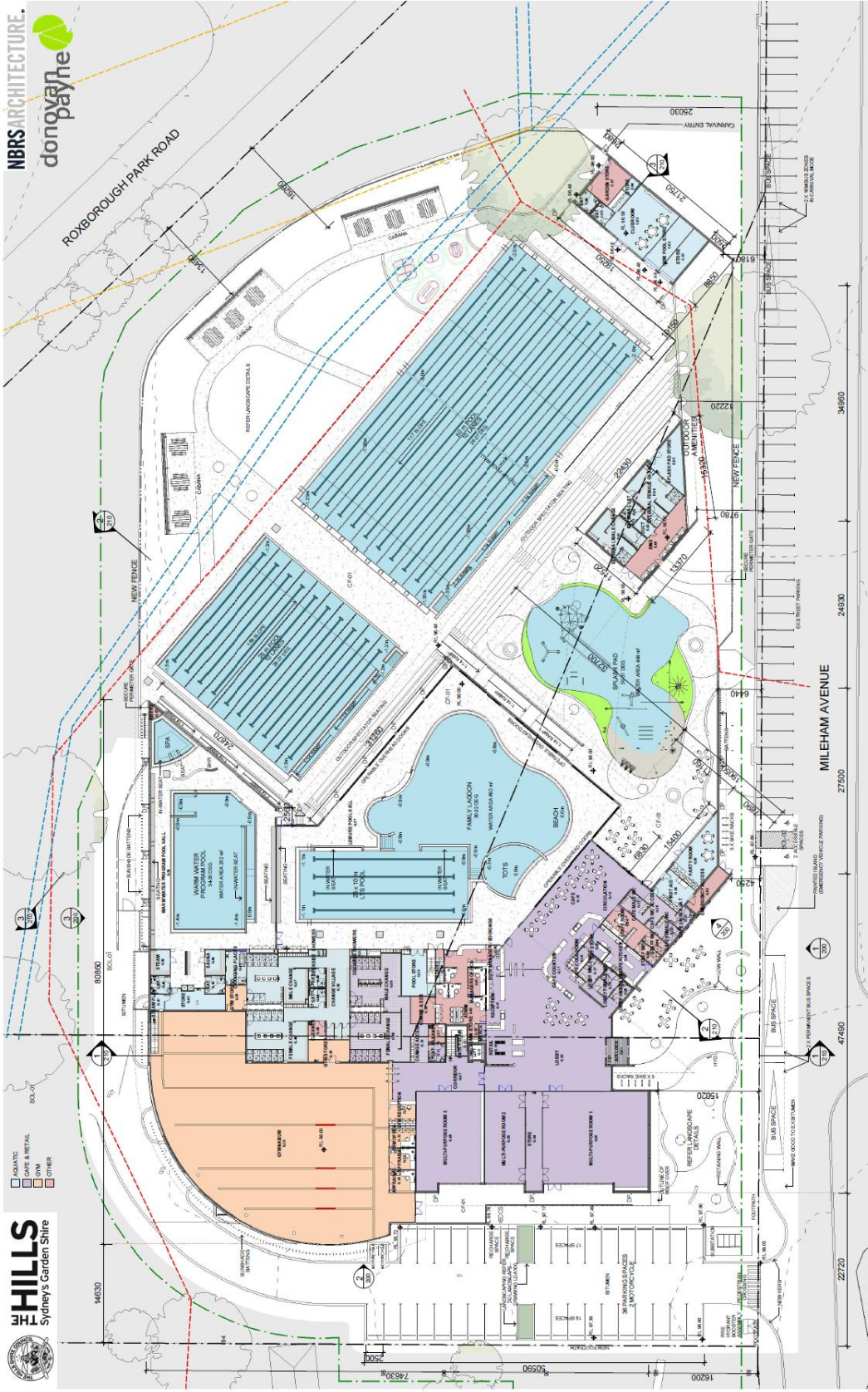
**San Francisco**  
415.298.2233 x44  
Our firm is pleased to announce its new architectural partnership with the National Center for the Performing Arts (NCPA). The NCPA will be an integral part of our firm's work.

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Drawing Reference  
18507-NBRS-A-DA-100

Revision  
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[Purple line]	EXISTING/PROPOSED FENCE
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[Yellow line]	EXISTING/PROPOSED CURB
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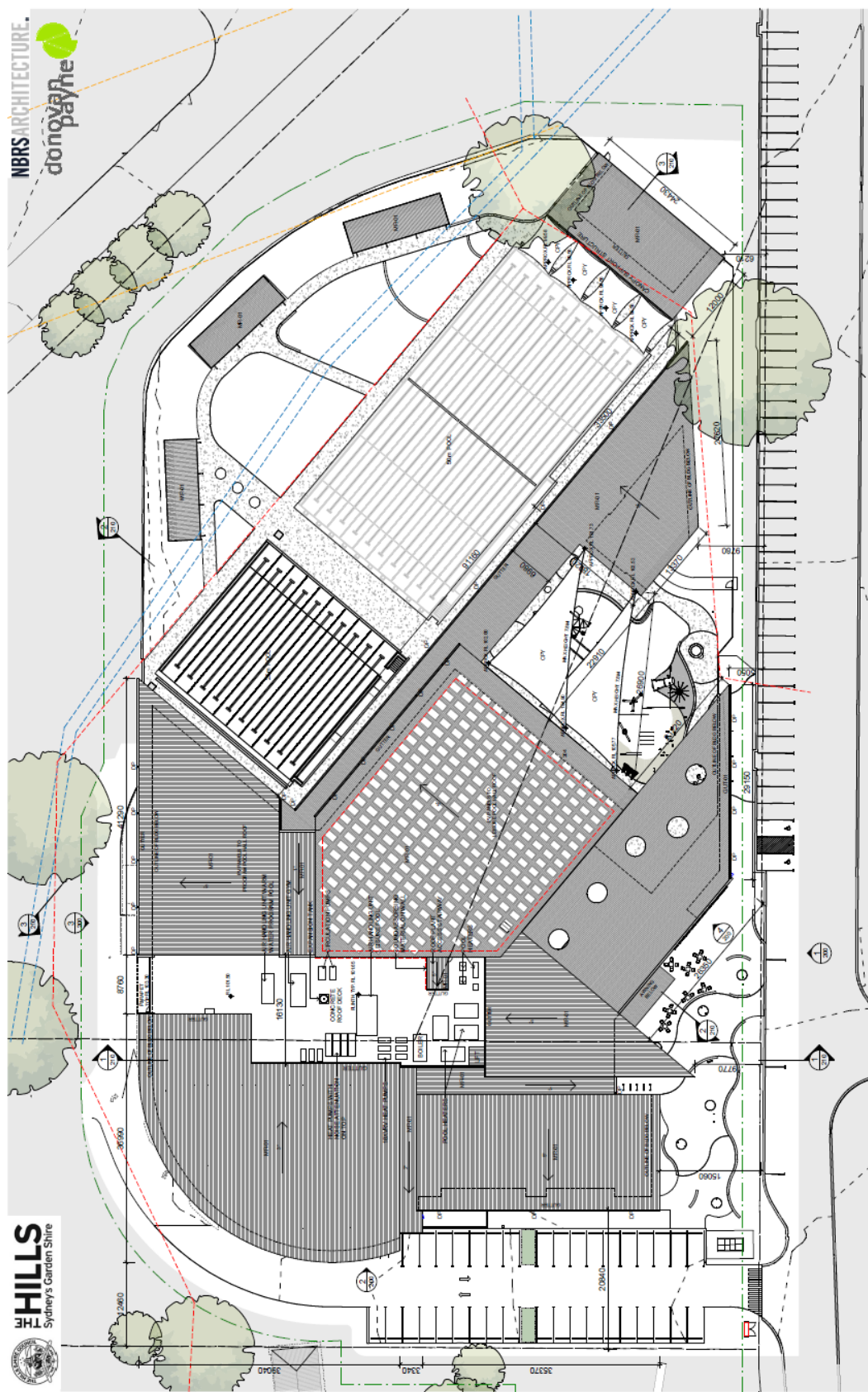
Project  
WAVES FITNESS & AQUATIC  
CENTRE  
4 MILEHAM AVENUE, MILEHAM HILLS, NSW 2153  
FOR THE HILLS SHIRE COUNCIL

NBRS ARCHITECTURE.  
18507-NBRS-A-DA-101  
Drawing Reference  
Revision  
B

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18507-NBRS-A-DA-101  
Revision  
B



**THE HILLS**  
Sydney's Garden Shire



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Drawing Title  
ROOF PLAN

**Project**  
**WAVES FITNESS & AQUATIC**  
**CENTRE**  
44 WILDMAN AVE, BURLINGHAM HILLS, NEW ZEALAND

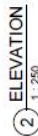
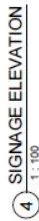
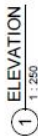
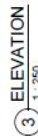
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Drawing Reference  
18507-NBRS-A-DA-102

Revision  
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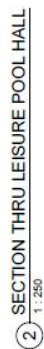
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ELEVATIONS

**Project**  
**WAVES FITNESS & AQUATIC**  
**CENTRE**  
**at**  
44 MILLBAY, ERL, MILLBAY, NEW ZEALAND  
**for**  
**THE HILLS SHIRE COUNCIL**

**NBS ARCHITECTURE.**  
615.298.2234  
info@nbsarchitecture.com  
We are an experienced design firm with a proven track record in the construction industry. We are currently seeking experienced professionals to join our team. If you are interested, please send your resume and portfolio to: [info@nbsarchitecture.com](mailto:info@nbsarchitecture.com)

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Drawing Reference  
18507-NBRS-A-DA-200



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--- QUOTING GROUND LEVEL, SHOWN REDDASHED

Project:  
**WAVES FITNESS & AQUATIC  
CENTRE**  
at  
44 MILLBAY AVE, SAIL HARM HILLS, NSW 2100  
for  
THE HILLS SHIRE COUNCIL

Architect  
**NBRS ARCHITECTURE.**

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Drawing Reference  
18507-NBRS-A-DA-210



**NBR**ARCHITECTURE.  
LANDSCAPE

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