

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-65
DA Number	DA 896/2020/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of Existing Structures and Construction of a Centre-Based Child Care Centre
Street Address	Lots 7 and 8 Sec 1 DP 6915 - 2-4 James Street, Baulkham Hills
Applicant/Owner	JJSF Family Holdings Pty Ltd & ATF JJ Family / Fady & Sarah Elghitany
Consultant/s	<p>Ryan Planning & Development Pty Ltd – Town planning consultant Scott & Ryland Architects & James Tonkin Architect – Architects Cova Thinking Pty Ltd – Hydraulic & fire services consultants Sydney North Studio – Landscaping consultant Hemanote Consultants Pty Ltd – Traffic engineering & design consultants Elephants Foot Recycling Solutions – Waste management consultant Tristan Bradshaw – Arborist EI Australia – Contamination, remediation & geotechnical consultant Construction Consultants – Quantity surveyor PTC Consulting Engineers – Structural engineering consultant Northrop Consulting Engineers – Civil engineering consultant Modern Building Consultants Pty Ltd - BCA Consultant EMC Services Pty Ltd – Electromagnetic field testing and engineering consultants Workplace Emergency Management - -Emergency management consultant Fire Safety Studio Pty Ltd – Fire engineering consultants SDG – Surveyors</p>
Date of DA lodgement	20 December 2019
Number of Submissions	Seven (7)
Recommendation	Approval subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Private infrastructure and community facilities (child care centres) - CIV over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Section 4.15 (EP&A Act, 1979) – Satisfactory • SEPP (Educational Establishments and Child Care Facilities) 2017 - Satisfactory • State Environmental Planning Policy No. 55—Remediation of Land – Satisfactory • The Hills LEP 2019 - Satisfactory • DCP 2012 Part B Section 6 – Business – Satisfactory • DCP 2012 Part C Section 1 – Parking - Satisfactory • The Hills Section 7.12 Contribution Plan - \$66,186.25
List all documents submitted with this report for the Panel's	<ul style="list-style-type: none"> • Plans • Submissions

consideration	
Report prepared by	Claro Patag – Specialist Planner
Report date	19 November 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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	NA
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The key issues that need to be considered by the Panel in respect of this application are:

- The application is made under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The subject site, known as 2-4 James Street, Baulkham Hills, is zoned R3 Medium Density Residential pursuant to The Hills Local Environmental Plan (LEP) 2019.
- Clause 4.3 of the LEP prescribes a maximum height of 9 metres for the subject site. The proposed development complies with the maximum building height standard.
- The proposal has been prepared with regard to the design quality principles under Schedule 4 of SEPP (Educational Establishments and Child Care Facilities) 2017. This assessment has found the proposal to be consistent with these design principles.
- The proposed development complies with the relevant development standards in The Hills Development Control Plan (DCP) 2012.
- The application was notified for a period of 14 days. Seven (7) submissions were received during the notification period and issues raised do not warrant refusal of the application.

The Development Application is recommended for approval subject to conditions of consent.

BACKGROUND

A pre-lodgement meeting was held on 2 August 2019 for the demolition of existing dwellings on the subject site and construction of a centre based child care centre for 150 children, and a townhouse development containing seven (7) dwellings with associated underground car park, with ninety four (94) car spaces. The proposal also included a café/shop within the child care centre component.

A second pre-lodgement meeting was held on 13 September 2019 for the demolition of the existing dwellings on each lot and construction of a centre based child care centre for 150 children, and a townhouse development containing five (5) dwellings with a multi-level underground car park for the provision of seventy (70) car spaces.

The subject Development Application was lodged on 20 December 2019. The townhouse and café/shop components which were initially proposed and discussed at the two pre-lodgement meetings have been removed but with the number of children being increased from 150 to 152 children.

The Development Application was notified on 3 to 29 January 2020. Seven (7) submissions were received.

A letter was sent to the applicant on 16 January 2020 requesting additional information in relation to drainage easement over the Crown land managed by Council and waste management. Response to this request was received from the applicant on 23 February 2020.

A further letter was sent to the applicant on 27 February 2020 raising landscaping and tree issues.

A briefing was held with the Sydney Central City Planning Panel ("Panel") on 16 April 2020.

Additional information in response to Council's letter dated 27 February 2020 was submitted by the applicant on 1 May 2020.

Applicant's response to issues raised by the Panel received on 15 May 2020.

A further letter was sent to the applicant on 10 June 2020 forwarding Council's Landscape Assessment Officer's comments as a result of the review of submitted additional tree and landscaping information. An e-mail was received from the applicant on 12 July 2020 in response to these landscaping comments.

A letter was sent to the applicant on 15 July 2020 forwarding Council's Subdivision Engineer and Parks Assets Officer's comments.

Further landscaping issues forwarded to the applicant by e-mail on 17 August 2020 in response to the submitted additional information.

Email sent by Council's Subdivision Engineer to the applicant's stormwater engineer on 22 September 2020 providing Council's on site detention design and calculation requirements.

Additional engineering and landscaping information was received from the applicant in two parts on 9 and 14 October 2020.

An e-mail was sent to the applicant on 26 October 2020 forwarding Council's Landscape Assessment Officer's comments as a result of review of the submitted additional tree management and landscaping information.

Updated arborist report and additional landscaping information was received from the applicant on 28 October 2020.

DETAILS AND SUBMISSIONS

Owner:	Fady & Sarah Elghitany
Zoning:	R3 Medium Density Residential
Area:	2,789m ²
Existing Development:	Dwellings and ancillary structures
Section 7.12 Contribution	\$66,186.25
Exhibition:	Not required
Notice Adj Owners:	14 days
Number Advised:	145 property owners
Submissions Received:	7

PROPOSAL

The Development Application seeks consent for a Centre Based Child Care Facility pursuant to the provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. A centre-based child care facility is defined in the SEPP as follows:

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

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

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),”

The proposal is for the demolition of existing structures and construction of a 152-place centre-based child care facility over two levels with two levels of basement car parking containing 53 off-street car parking spaces. Twenty seven (27) of these car parking spaces are allocated for staff parking (in parking level 2) and twenty six (26) car parking spaces are allocated for visitor/parents parking (in parking level 1), including two (2) accessible parking spaces. Four (4) motorcycle parking spaces and a facility for the storage of five (5) bicycles are also proposed. A loading and unloading bay/waste collection bay is also provided on the ground level near the front of the site.

The proposal also includes a business identification sign measuring 1500mm x 515mm with wording “To be Me Early Learning” which is attached to the facade of the building on the upper level..

The proposal comprises of the following age groups:

- 0-2 years: 32 children
- 2-3 years: 40 children
- 3-4 years: 40 children

- 4-5 years: 40 children

There will be a maximum of twenty-four (24) full-time staff members, in addition to a director/manager and two floating staff at any given time.

The proposed hours of operation are Monday to Friday, 7am to 6pm. The centre will be closed during public holidays.

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). The site is located directly adjacent to the Baulkham Hills Town Centre Precinct and is in close proximity to public transport networks situated along Old Northern Road and Windsor Road.

A key objective within the Greater Sydney Region Plan which is relevant to the subject Development Application is 'Objective 6 Services and infrastructure meet communities' changing needs'. The Greater Sydney Region Plan highlights that Greater Sydney is growing at the same time as major demographic changes are occurring. Between 2016 and 2036 the number of infants aged 0–4 years is projected to increase by 85,000 and there are projected to be 333,000 more children and young people aged 5–19 than today.

These changing demographics will affect the types and distribution of services and infrastructure required in neighbourhoods and cities, which will be supported by the smaller working population. Services and infrastructure need to be tailored to meet the varying needs of population groups. Publicly owned land and social housing renewal may provide opportunities to co-locate social infrastructure and provide mixed uses at the heart of neighbourhoods. Improved health, public transport and accessibility outcomes can be achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed use places co-located with social infrastructure and local services. Good accessibility to local services for young people, older people and culturally and linguistically diverse communities is an important way of enabling people to age within their community. This contributes to improved mental and physical health and well-being outcomes.

To achieve this objective, planning for early education and child care facilities requires innovative approaches to the use of land and floor space, including co-location with compatible uses such as primary schools and office buildings, close to transport facilities. The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 has been formulated to make it easier for child care providers, schools, TAFEs and universities to build new facilities and improve existing facilities. It streamlines approval processes, recognising the need for additional educational infrastructure with a focus on good design. The accompanying Child Care Planning Guideline assists in matters such as site selection, location and building design to meet national requirements for child care.

The proposed development is considered to be consistent with this objective as it will assist in the delivery of the necessary facilities and services to meet people's changing needs

which requires integrated planning and collaboration amongst a broad range of stakeholders.

Central City District Plan

The Plan is a guide for implementing the Sydney Region Plan at a district level and is a bridge between regional and local planning. The plan requires integration of land use planning and transport to facilitate walkable 30-minute cities amongst the 34 strategic centres identified.

The relevant Planning Priority of the Central City District Plan is Priority C3 which seeks to provide services and social infrastructure to meet people's changing needs. As the District's population grows, major demographic changes are also occurring. Planning must recognise the changing composition of population groups in local places and provide services and social infrastructure that meet the changes in people's needs through different stages of life. Population projections up to year 2036 show an expected increase of 32,350 in children aged four years and younger, with 34 per cent of the growth anticipated in Parramatta, 32 per cent in Blacktown, 21 per cent in The Hills and 13 per cent in Cumberland local government areas. Planning for early education and child care facilities requires innovative approaches to the use of land and floor space, including co-location with compatible uses such as primary schools and office buildings, close to transport facilities.

The development proposal is considered to be consistent with the Central City District Plan.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Schedule 7 of SEPP (State and Regional Development) 2011 specifies the referral requirements to a Planning Panel:

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

The proposed centre-based child care facility has a Capital Investment Value of \$6,618,625.00 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

2. Compliance with SEPP No. 55 – Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

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

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

The site is not known to be associated with any potential environmental contaminants on the land, in the building or the general proximity. The application is accompanied by a geotechnical site investigation report prepared by EI Australia which concludes in their findings that the site is suitable for the proposed use, subject to the implementation of recommendations detailed in the report.

Council's Senior Environmental Health Officer has reviewed the proposal and the submitted contamination assessment, and raised no objection subject to a condition requiring the implementation of the recommendations detailed in the geotechnical investigation report. In this regard, the proposal is considered to be consistent with the provisions of SEPP No. 55 – Remediation of Land.

3. Compliance with the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposed centre-based child care facility has been assessed against the relevant provisions in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. A centre-based child care facility is partly defined in the SEPP as

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

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

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note. *An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided. but does not include—*

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*

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

The proposal has been assessed against the relevant provisions of the SEPP and fully complies as shown in the following table:

SECTION 1: SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017 – PART 3 – EARLY EDUCATION AND CARE FACILITIES – SPECIFIC DEVELOPMENT CONTROLS		
Clause 22 – Concurrence of the Regulatory Authority		
Requirement	Proposal	Compliance
<p>Is concurrence of the Regulatory Authority (the Secretary of the Department of Education) required under Clause 22 of the SEPP?</p> <p>Note: concurrence required where the indoor/outdoor space does not meet the requirements of the National Regulations (Clause 107 and 108). See Section 3 of Table of Compliance for requirements.</p>	<p>The total number of 152 children will need a minimum combined indoor and outdoor space of 1,558m² [i.e. 152 x 10.25m² (3.25m² indoor plus 7m² outdoor per child)].</p> <p>The proposal provides the following:</p> <p>Indoor space – 494m² Outdoor space – 1,070m²</p> <p>Total combined – 1,564m²</p>	<p>Yes, therefore concurrence of the Regulatory Authority is not required.</p>
If yes, has the proposal been forwarded to the Department of Education within 7 days of receiving the Development Application with the area requiring concurrence stipulated?	Not required.	N/A
If concurrence of the Regulatory Authority was required, the notice of determination is to be forwarded to them within 7 days.	N/A	N/A
Clause 23 – Matters for consideration by consent authorities		
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Assessment completed in Section 2 of this table.	See Section 2 of this table.
Clause 25 – Non-discretionary development standards		
The proposal cannot be refused on the following grounds (bold) if the standard is met:		
Location —the development may be located at any distance from an existing	Satisfactory	Yes

or proposed early education and care facility,		
<p>Indoor or outdoor space for development to which Regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies — the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, <u>or</u></p> <p>for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p>	Education and Care Services National Regulations applies and the proposal is compliant with the required unencumbered indoor and outdoor space areas.	Yes
Site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Satisfactory	Yes
Colour of building materials or shade structures - the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Satisfactory. The site is not identified as a heritage item or in a heritage conservation area.	Yes.
Clause 26 – Development Control Plans		
<p>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"> operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services, 	Satisfactory	Yes

<ul style="list-style-type: none"> proximity of facility to other early childhood education and care facilities; and <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <ul style="list-style-type: none"> the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 		
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SECTION 2: NATIONAL QUALITY FRAMEWORK ASSESSMENT CHECKLIST (PART 4 OF THE GUIDELINE)

NOTE: PART 4 OF THE CHILD CARE GUIDELINE INCLUDES DESIGN GUIDANCE FOR EACH CLAUSE THAT SHOULD ALSO BE CONSIDERED IN ADDITION TO THE BELOW.

CLAUSE	STANDARD	REQUIRED	PROPOSED	COMPLIANCE
104	Fencing or barrier that encloses outdoor spaces	<p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p> <p>Fencing height, materials and style to be shown on plans.</p>	Satisfactory	Yes
105	Furniture, materials and	Each child being educated and cared	Satisfactory	Yes

	equipment	for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.		
106	Laundry and hygiene facilities	The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children.	Satisfactory	Yes
107	Unencumbered indoor space	3.25 square metres of unencumbered indoor space for each child. Has the calculation of unencumbered space been undertaken in accordance with the Regulations? See excerpt of Clause 107 and 108 at the end of this table of compliance.	Provided.	Yes
108	Unencumbered outdoor space	7 square metres of unencumbered outdoor space for each child. Has the calculation of unencumbered space	Provided	Yes

		been undertaken in accordance with the Regulations?		
109	Toilet and hygiene facilities	<p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p> <p>Have the number of toilets and hand basins been shown on the plans?</p>	Provided	Yes
110	Ventilation and natural light	<p>The proposed development includes indoor spaces to be used by children that:</p> <ul style="list-style-type: none"> - will be well ventilated; and - will have adequate natural light; and - can be maintained at a temperature that ensures the safety and well-being of children. <p>Do the plans indicate how natural ventilation and lighting is achieved?</p>	Provided	Yes
111	Administrative space	The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the	Provided	Yes

		<p>service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation of unencumbered indoor space – see regulation 107</p> <p>Do the plans indicate suitable administrative space?</p>		
112	Nappy change facilities	<p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p> <p>Do the plans indicate nappy change facilities?</p>	Provided	Yes
113	Outdoor space – natural environment	<p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment. Is it adequately detailed on the plans?</p>	Provided	Yes

114	Outdoor space – shade	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Is the provision of shade adequately detailed on the plans?	Provided	Yes
115	Premises designed to facilitate supervision	The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	Provided	Yes

SECTION 4: CHILD CARE PLANNING GUIDELINE (PART 3)

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
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3.1 – Site Selection and Location

C1	<p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity 	<p>The acoustic and visual privacy on the adjoining residential properties has been considered in the acoustic assessment report submitted with the application.</p> <p>The setbacks are considered satisfactory.</p> <p>A traffic/parking report accompanies the Development Application.</p> <p>The proposal complies with the required amount of off-street parking spaces for</p>	Yes
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		centre-based child care facilities.	
	For proposed developments in commercial and industrial zones , consider: <ul style="list-style-type: none"> • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • the potential impact of the facility on the viability of existing commercial or industrial uses. 	N/A – site is zoned R3 Medium Density Residential	N/A
	For proposed developments in public or private recreation zones , consider: <ul style="list-style-type: none"> • the compatibility of the proposal with the operations and nature of the community or private recreational facilities • if the existing premises is licensed for alcohol or gambling • if the use requires permanent or casual occupation of the premises or site • the availability of onsite parking • compatibility of proposed hours of operation with surrounding uses, particularly residential uses • the availability of appropriate and dedicated sanitation facilities for the development. 	N/A - site is zoned R3 Medium Density Residential	N/A
	For proposed developments on school, TAFE or university sites in Special Purpose zones , consider: <ul style="list-style-type: none"> • the compatibility of the proposal with the operation of the institution and its users • the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling • proximity to sources of noise, such as places of entertainment or mechanical workshops • proximity to odours, particularly at agricultural institutions • previous uses of a premises such as scientific, medical or chemical 	N/A	N/A

	laboratories, storage areas and the like.		
C2	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>The site is environmentally safe. No significant risk of flooding, land slip, bushfire or coastal hazard. No potential environmental contaminants on the land, in the building or the general proximity.</p> <p>The characteristics of the site are suitable for the scale and type of development proposed.</p> <p>The site which has an area of 2,790m² is of a sufficient size and width to accommodate the proposed development.</p> <p>There is suitable off street parking.</p> <p>The site is not located in proximity to incompatible social activities.</p>	Yes
C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, 	<p>The site is directly adjacent to the Baulkham Hills Town Centre Precinct.</p> <p>The site is in very close proximity to the existing public transport networks</p>	Yes

	<p>town centres, business centres, shops</p> <ul style="list-style-type: none"> • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	located along Old Northern Road and Windsor Road.	
C4	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>The subject site is not located in an area with any adverse environmental conditions. The subject site has been utilised for residential purpose with no known potential contaminating activities being conducted on site.</p>	Yes

3.2 – Local Character, Streetscape and Public Domain Interface

C5	<p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to 	<p>The proposed facility has an appropriate and acceptable design that addresses its frontages and provides a suitable built form and landscape outcome that will complement the existing commercial development and medium density housing character within the immediate locality.</p>	Yes
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	<p>positively contribute to the streetscape and neighbouring amenity</p> <ul style="list-style-type: none"> • integrate car parking into the building and site landscaping design in residential areas. 	<p>The basement car parking provision satisfies the Child Care Planning Guideline. Basement car parking arrangement provides optimum use of the site area and minimises visual impacts.</p> <p>The design is considered to be compatible with the character of the locality, noting the transitions of built form from the commercial at the intersection of James Street and Railway Street to medium and low-density residential along James Street.</p>	
C6	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	<p>Clear transitions between the public and private realms, particularly along the James Street frontage, are evident as shown on the plans.</p> <p>Fencing along the north-western, south-eastern and rear boundaries have been provided to define the boundary of the site.</p>	Yes
C7	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>The proposal demonstrates clear and defined access pathways for pedestrians.</p>	Yes
C8	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting</p>	<p>The site adjoins a public reserve at the rear. The submitted landscape plan</p>	Yes

	<p>some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 	demonstrates the aesthetic transition between the private and public interface will be preserved.	
C9	Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The proposal does not include a front fence. The entry to the childcare facility is double gated and behind the building's front façade, providing beneficial functionality whilst preserving the amenity of the streetscape.	N/A
C10	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	N/A	N/A

3.3 – Building Orientation, envelope and design

C11	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties 	<p>The proposed design will ensure minimised noise and overlooking impacts on neighbouring properties.</p> <p>Increased side setbacks and adequate landscaping have been incorporated into the design to minimise any potential adverse impacts to adjoining properties.</p> <p>Play areas are centrally located and buffered acoustically</p>	Yes
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	<ul style="list-style-type: none"> • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>from adjoining properties by the primary building.</p> <p>The orientation of the structure and design of play areas allows adequate solar access within the site and adjoining properties. Refer shadow diagrams in Attachment 12.</p>	
C12	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<p>The proposal complies with the prescribed maximum building height of 9m. The development offers a complimentary transition from the commercial context to residential further along James Street.</p> <p>The proposal demonstrates the complimentary scale of the proposed built form. The structure presents as a two-storey building that is compatible with the scale of adjoining premises. Notable side setbacks of 3 metres to the boundary adjoining residential development have been provided. An additional 1.5m setback of the first-floor adjacent to the southern boundary is also noted. Combined with landscaping the presentation of built form to adjoining properties will be ameliorated and is deemed appropriate.</p> <p>Front setback has been provided that is marginally greater</p>	Yes

		<p>than the prevailing setbacks of James Street though this is deemed to be advantageous for the proposed development. The presentation of built form to the streetscape is envisaged to be an enhancement to the character of the locality.</p>	
C13	<p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>The proposed front setback of 15 metres is deemed suitable in the context of the locality. It provides adequate area for access as well as enhanced landscaping and streetscape presentation. The development will act as a transitioning element from the commercial development to the north-west and the residential development to the south-east.</p>	Yes
C14	<p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>DCP 2012 Part B Section 2 – Residential prescribes that the minimum side setback for a ‘dwelling house’ of up to three storeys is 1.5m. The proposal exceeds this requirement providing a 3m setback to adjoining properties. The proposal is also compliant with the setback to the north-western side boundary at 2.1m.</p> <p>The Residential DCP requires that the minimum rear setback</p>	Yes

		for a 'dwelling house' of up to three storeys is 6m. The applicable setback for single storey elements is 4m. The proposal provides the minimum 4m rear setback for the single-storey element and more than triple the minimum rear setback for the upper levels.	
C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>The proposed development respects and responds to the physical context of the site and the built form character of the locality. The proposed scale, colours and materials are compatible with desirable built form outcomes for the locality. It will present a clear and defined sense of place and is envisaged to receive a positive community response. Significant landscaping is proposed along the property boundaries.</p>	Yes
C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>A well-defined, secure and accessible pedestrian entry is provided off James Street.</p>	Yes
C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and 	<p>The proposal has been designed to be accessible to and</p>	Yes

	<p>within the building in accordance with all relevant legislation</p> <ul style="list-style-type: none"> • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>within the building in accordance with all relevant legislation, with direct equitable access provided off James Street.</p> <p>Lift is provided to access all levels from the basement level.</p> <p>The development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance via an access platform lift.</p>	
3.4 – Landscaping			
C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Appropriate plantings have been provided along boundaries. The proposed landscaping has been assessed by Council's Landscape Assessment Officer as satisfactory.</p>	Yes
C19	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback 	<p>Car parking provision is primarily below ground.</p> <p>Access to the car parking area has been ameliorated through the landscape design, and in particular the parking structure that protrudes above</p>	Yes

	<ul style="list-style-type: none"> • using low level landscaping to soften and screen parking areas. 	ground. The proposed basement parking has negligible impact to the streetscape.	
3.5 – Visual and Acoustic Privacy			
C20	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A	N/A
C21	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	The design of the facility is such that potential direct overlooking to or from primary areas has been mitigated.	Yes
C22	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>No adverse privacy impacts arise from the proposal. Suitable landscape screening is proposed along the side boundaries to maintain the privacy of adjoining properties.</p> <p>The pedestrian entry to the centre is located away from the common boundary with adjoining properties.</p> <p>The proposed has been designed to minimise any potential adverse impacts on adjoining properties. In particular, the layout of the structure, noting the central play areas and elliptical design, is such that no significant overlooking potential is envisaged.</p>	Yes
C23	A new development, or development that includes alterations to more than 50 per cent	The outdoor play areas are located in the centre of the	Yes

	<p>of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>building, facing away from the nearest residences. The building as designed will provide sufficient acoustic shielding from the operation of the outdoor play area. The AAAC Guideline for Child Care Centre Acoustic Assessment recommends a value of 55 dB(A) for the outdoor play area, the on-site measurements indicate that the existing level is 51-56 dB(A), however, this will be reduced by at least 10 dB(A) when the building is constructed around the play area. Council's Senior Environmental Health Officer has reviewed the submitted acoustic report and the building design and no objection is raised in this regard subject to conditions.</p>	
C24	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>An acoustic report has been submitted with the application which demonstrates that the development complies with the requirements of Council. The report has been reviewed by Council's Environmental Health team and is considered satisfactory subject to conditions.</p>	Yes
3.6 – Noise and Air Pollution			
C25	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise 	<p>As noted above an acoustic report has been provided and reviewed by Council's</p>	Yes

	<p>source</p> <ul style="list-style-type: none"> • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	Environmental Health team as satisfactory subject to conditions.	
C26	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 	Acoustic report has been provided and referred to Council's Environmental Health team. No objection is raised subject to conditions.	Yes
C27	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	Satisfactory. Acoustic report provided and referred to Council's Environmental Health team. No objection is raised subject to conditions.	Yes
C28	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation</p>	The subject site is not located near a major road or industrial development.	Yes

	<p>and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 		
3.7 – Hours of Operation			
C29	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation will be 7am to 6pm Monday to Friday.	Yes
C30	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	N/A	N/A
3.8 – Traffic, parking and pedestrian circulation			
C31	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Council's Parking DCP (Part C Section 1) requires off-street parking is to be provided at the rate of 1 parking space per 6 children and 1 parking space per staff. In this case, the facility is required to provide 14 staff parking spaces (for</p>	<p>The development provides a total of 53 off-street car parking spaces which complies with Council's parking requirement for centre-based child care centre.</p> <p>The application is accompanied by a traffic report and</p>	Yes

	14 staff) plus 15 parent/visitor spaces (for 90 children enrolled), a total of 29 spaces.	reviewed by Council's Traffic Engineer which concludes that the proposed development is satisfactory on traffic and parking grounds.	
C32	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Site not located on a commercial or industrial zone.	N/A
C33	A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	N/A – proposal provides compliant and adequate parking.	N/A
C34	Alternate vehicular access should be provided where child care facilities are on sites fronting: <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	The site does not front a classified road.	N/A
C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	N/A	N/A

C36	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities <ul style="list-style-type: none"> • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	<p>The proposal provides clear separate pedestrian access points. The primary pedestrian access is provided from James Street.</p> <p>Clearly defined vehicular access is also provided from James Street.</p> <p>Within the car parking areas, clear and marked pedestrian pathways have been provided to ensure safe traversing of these areas. It is envisaged that vehicles will be able to enter and leave the site in a forward direction.</p>	Yes
C37	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site <p>parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</p>	N/A	N/A
C38	<p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas 	The proposed parking facilities are suitably separated from the building entrance and	Yes

	<ul style="list-style-type: none"> • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	play areas. Two accessible parking spaces are provided immediately adjacent to the entry points to the facility from the upper parking level.	
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4. Compliance with The Hills Local Environmental Plan 2019

i). Permissibility

The land is zoned R3 Medium Density Residential under The Hills Local Environmental Plan 2019. The proposed centre-based child care centre is permissible with consent in the R3 zone.

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

The proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will provide for the needs of the community through the provision of a child care centre and is in keeping with the scale and bulk of the adjoining and surrounding commercial and residential development.

(ii) Development Standards

Clause 4.3 of The Hills LEP 2019 prescribes that the maximum height for the site and surrounding properties within the immediate locality is 9 metres. The proposed development complies with the maximum building height requirement.

5. Compliance with The Hills Development Control Plan

The proposal has been assessed against the provisions of The Hills Development Control Plan 2012 (THDCP 2012) particularly:-

- Part B Section 6 – Business – Clause 2.34 Centre-Based Child Care Facilities – Additional Controls
- Part C Section 1 – Parking
- Part C Section 2 - Signage
- Part C Section 3 - Landscaping

The proposed development achieves compliance with the relevant requirements of the above development controls. The table below shows the proposal's compliance with the specific controls for centre based child care centres prescribed under Clause 2.34 in Part B Section 6 – Business in DCP 2012:

Clause 2.34 Centre-Based Child Care Facilities

Part B Section 6 – Business – Clause 2.34 - Centre-Based Child Care Facilities – Additional Controls	Proposed	Compliance															
<p>Setbacks</p> <p>Other relevant Sections of the DCP (i.e. Part B Section 2 – Residential) should be consulted with regards to setbacks, depending on the nature and location of the development.</p> <p>Primary Road Frontage Setback (James Street): 10m</p> <p>Minimum Side Boundary Setback:</p> <table><tr><th>Height of building</th><th>Distance of wall to boundary line</th><th>Distance of eave to boundary line</th></tr><tr><td>1 or 2 storeys</td><td>900mm</td><td>675mm</td></tr><tr><td>3 storey</td><td>1500mm</td><td>1175mm</td></tr></table> <p>Minimum Rear Boundary Setback</p> <table><tr><th>Height of building</th><th>Setback</th></tr><tr><td>1 storey element of dwelling</td><td>4 metres</td></tr><tr><td>2-3 storey elements of dwelling</td><td>6 metres</td></tr></table> <p>1-2 storeys</p> <p>Single Storey Components:</p> <ul style="list-style-type: none">- 5 metre portion of the unit:1.5 metres- Remainder of the single storey component: 4.5 metres <p>Second Storey Components:</p> <p>6 metres</p>	Height of building	Distance of wall to boundary line	Distance of eave to boundary line	1 or 2 storeys	900mm	675mm	3 storey	1500mm	1175mm	Height of building	Setback	1 storey element of dwelling	4 metres	2-3 storey elements of dwelling	6 metres	<p><u>Front setback:</u></p> <p>The proposed front setback is 15m which exceeds the 10m front setback requirement to James Street.</p> <p><u>Side setback:</u></p> <p>The ground and first floor setbacks on the south-eastern side vary between 3m to 4.9m and on the north-western side between 2m to 3m.</p> <p><u>Rear setback:</u></p> <p>Basement car park: 4.1m to 5m</p> <p>Upper levels: 23.74m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Height of building	Distance of wall to boundary line	Distance of eave to boundary line															
1 or 2 storeys	900mm	675mm															
3 storey	1500mm	1175mm															
Height of building	Setback																
1 storey element of dwelling	4 metres																
2-3 storey elements of dwelling	6 metres																
<p>External Play Area</p> <p>The location of external child play areas in the front setback area is</p>	<p>External play areas are not located in the front setback.</p>	<p>Yes</p>															

not permitted.		
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6. Issues Raised in Submissions

The Development Application was notified to adjoining and surrounding property owners (total of 145 property owners) for 14 days and 7 submissions were received during the notification period. The issues raised in the submissions are summarised and addressed in the table below:

ISSUE/OBJECTION	COMMENT	OUTCOME
Another business in this area will add further traffic congestion in James Street as it is already full of parked cars during business hours due its proximity to bus stops along Windsor Road. It is already dangerous exiting their driveway onto James Street as visibility is poor due to the cars parked on the street and cars constantly travelling along James Street in both directions. The street is too narrow for garbage trucks and cars to pass, and unsafe for motorists to overtake. Child care centres will need drop off and pick up areas, and the road is simply too narrow and too crowded to safely achieve this.	<p>The proposal does not rely on on-street parking provision and complies with Council's off-street parking requirements for this type of development. The driveway location of the proposed development provides acceptable sight distances for vehicles exiting the premises.</p> <p>Council's Traffic Engineer has assessed the application and accompanying traffic and parking assessment report and raised no objection on traffic grounds.</p>	Issue addressed.
Their apartment unit faces James Street, and the master bedroom window faces the street. They are health care workers and work in variable hours and shift basis and the noise to be generated by this development will impact on their sleep, peace and quiet, and will be detrimental to the quality of life of neighbours.	Traffic noise calculations have been estimated in the acoustic assessment report based on the existing number of vehicles at morning and afternoon peak hours at James Street. Pick-up and drop-off times are not expected to be within the existing peak-hours however peak-hour traffic data has been used to represent the worst-case increase in traffic noise. The NSW Road Noise Policy states that an increase in traffic noise up to 2dB represents a minor impact that is considered barely perceptible to the average person. The projected increase in traffic is not expected to increase background noise due to traffic by more than 2dB, and therefore will comply with the RNP criteria.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>Council's Senior Environmental Health Officer has assessed the application and raised no objection to the proposal on acoustic grounds subject to conditions.</p>	
<p>During weekday mornings, people drive and park along James Street and take bus to the city for work, since it is located in close proximity to the bus stop in Windsor Road near Railway Street which is the second last stop before the M2 junctions. The Torrs Street commuter car park gets filled quickly in the morning which leads to commuters finding alternative parking spaces such as on James Street.</p> <p>On-street parking is already affecting local residents even without the proposed childcare centre which is depicted on the photos attached in the traffic report.</p> <p>The traffic and parking assessment report is unrealistic as it assumes that only 1 in 6 parents will park the car on site and 5 in 6 will be a drop off parent. It also highlights the convenient bus network from Windsor Road and Cook Street. Parents taking their child for childcare could take advantage of the convenience and that likely there will be more than 1 in 6 parents who will take advantage of the full day parking on James Street and take the bus out of the area.</p> <p>As noted above, a lot of people park in James Street to take advantage of the full day parking and with the addition of a childcare centre,</p>	<p>A minimum parking rate of 1 space per 6 children for visitors and parent parking has been derived from Council's DCP. The proposal does not rely on on-street parking provision and complies with off-street parking provision required as per Council's DCP.</p> <p>The 152-place child care centre will result in an additional 122 vehicles during the AM peak period (7am-9am). Splitting these trips 50% to the east (Cook Street) and 50% to the West (Railway Street) will see approximately 61 vehicles approaching and dispersing from the development over the course of two hours. Per hour, this would indicate 30 vehicles to be approaching Cook Street/Orchard Street roundabout. Assuming a 50:50 split of traffic to the north and south (towards Windsor Road intersection), this will result in 15 cars approaching the Cook Street/Windsor Road intersection. This represents a traffic increase of 1 vehicle per 4 minutes which is not expected to have unacceptable implications on the road network, namely the intersection of Cook Street/Windsor Road. It should be further noted that the peak hours of operation of the childcare centre typically occur outside of the traffic peak periods.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>it is unlikely that the proposed 1 out of 6 parents will park on site is realistic.</p> <p>The traffic and parking assessment report indicates that the North East leg on Cook Street and intersection of Windsor Road/Cook Street is currently at capacity of level service F which has flow on effects onto James Street, frequently causing downward traffic issues, especially when garbage trucks coupled with high number of parked cars already causing congestion. With a childcare centre, this would be further exacerbated.</p> <p>The traffic report assumes that 40% of the traffic departing to the east towards Cook Street will go north and 40% towards Windsor Road. This assumption is unrealistic as based on current data actually 60% will go towards Windsor Road, not 40%, exacerbating an already congested situation. Traffic on Cook Street going to Windsor Road is already congested as far as Park Road and this overflows onto Orchard Street, making it difficult to turn right at the roundabout towards Windsor Road.</p> <p>These traffic and parking problems are anticipated when the childcare centre is in operation but not during the construction period. Construction will take at least 6-12 months and the increase in traffic during this period cannot be ignored.</p>		
<p>Although noise mitigation will be put in place to accommodate for the noise from 150+ children, they would also like to know what</p>	<p>There will not be 150+ cars expected to access the facility.</p> <p>Traffic noise calculations have been estimated in the acoustic</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>noise mitigation there will be for the 150+ cars expected to enter and exit the facility given that the driveway is adjacent to front of the townhouse complex next door.</p> <p>The facility will require substantial air-conditioning and external air conditioners should be in a location that will not cause noise impact to neighbouring residential properties.</p>	<p>assessment report based on the existing number of vehicles at morning and afternoon peak hours at James Street. Pick-up and drop-off times are not expected to be within the existing peak-hours however peak-hour traffic data has been used to represent the worst-case increase in traffic noise. The NSW Road Noise Policy (RNP) states that an increase in traffic noise up to 2dB represents a minor impact that is considered barely perceptible to the average person. The projected increase in traffic is not expected to increase background noise due to traffic by more than 2dB, and therefore will comply with the RNP criteria.</p> <p>The acoustic assessment report submitted with the application provides a statement of compliance with the relevant statutory criteria for the proposed development within the vicinity of the nearest potentially affected receivers and recommendations for noise mitigation measures for the proposed development for compliance with the relevant criteria.</p> <p>It is anticipated for the mechanical plant that noise can be controlled using standard engineering control measures for this project.</p> <p>The outdoor play areas are located in the centre of the building, facing away from the nearest residences. The building has been designed to provide sufficient acoustic shielding from the operation of the outdoor play area. The AAAC Guideline for Child Care Centre Acoustic Assessment recommends a value of 55 dB(A) for the outdoor play area, the on-site measurements indicate that the existing level is 51-56 dB(A),</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>however this will be reduced by at least 10 dB(A) when the building is constructed around the play area.</p> <p>Council's Senior Environmental Health Officer has assessed the application and raised no objection to the proposal on acoustic grounds subject to conditions.</p>	
<p>The 2 storey childcare facility will impact on the privacy of the adjoining residential complex which is on the downslope side of James Street.</p>	<p>The proposed building setbacks on the side boundaries will ensure overlooking impacts on neighbouring residential development are minimised. Increased side setbacks, provision of vertical timber louvre blade screening device in front of windows and significant landscaping have been incorporated into the building design to minimise any potential privacy impacts on adjoining properties. Play areas are centrally located and buffered acoustically from adjoining properties by the primary building. The orientation of the structure and design of play areas is such that solar access is optimised.</p>	<p>Issue addressed.</p>
<p>Concern is raised that the normal sunlight received by the adjoining residential complex will be reduced or blocked. This will impact on the use of the garden, plants and grass and drying clothes in the natural sunlight.</p>	<p>Submitted shadow diagrams show that reasonable levels of solar amenity for the adjoining residential complex will be maintained and preserved. As shown on the diagrams it is nearly 1pm at mid-winter before any notable shadows from the proposed structure will cast on the adjoining site.</p>	<p>Issue addressed.</p>
<p>Soiled nappies and discarded food for 150+ children will amount to a fair bit of waste. Will the child care facility have regular and adequate waste removal to ensure that this does not cause unnecessary odour and environmental</p>	<p>An operational waste management plan has been submitted with the application. It is expected that the contract cleaners appointed by the childcare centre will remove bagged waste and separated recycling from the allocated</p>	<p>Issue addressed. Condition applied – see Condition No. 82.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>hazard and damage the frontage of James Street? Also, will the fencing be adequately high to ensure that rubbish and toys are not thrown over the fence into the neighbouring complex backyards?</p>	<p>waste areas and deposit into the corresponding bins in the waste room. Dedicated waste bins are to be allocated for sorting and storage of general waste and disposable nappies.</p> <p>Council's Resource Recovery Project Officer has assessed the proposal and no objection is raised on waste management grounds subject to conditions including a condition that 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 and that garbage and recycling bins must not be placed on public property for collection without the previous written approval of Council.</p>	
<p>The calculations in the traffic and parking assessment report suggest that only vehicles dropping off and picking up children are included, not the additional 24+ staff vehicles which would amount to additional traffic on James Street. According to the document provided, the current traffic in James Street is approximately 166 (Eastbound) / 96 (Westbound) in the peak morning hours and 119 (Eastbound) / 119 (Westbound) in the peak afternoon hours. This appears to be Level of Service A for urban roads. With the additional morning (122 +~ 24 staff) and afternoon (106 +~24 staff) cars, this is a substantial increase in the traffic in this narrow residential street.</p>	<p>Council's Traffic Engineer has assessed the application and accompanying traffic and parking assessment report. It is advised that the increase in traffic is not expected to adversely affect the operational performance and LOS of James Street.</p> <p><i>A Residential Development and Traffic Study</i> was undertaken by TAR Technologies in August 2005 on behalf of Council to guide the establishment of acceptable residential development levels within existing residential zones areas of The Hills Shire Council from a traffic and transport perspective. These studies have been used to determine the environmental capacity of the road network and to calculate acceptable ranges of development for streets within the study area. The environmental capacity is affected by Traffic Characteristics (volume, vehicle speed), Road characteristics (road width,</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>number of traffic lanes, road surface conditions) and habitat characteristics (distance from carriageway to property boundary, setback of building from property boundary). The study yields James Street which performs a local collector function to have an Environmental Capacity of 401 veh/hr. The proposed development does not exceed the environmental capacity figure of 401 veh/hr reported by Tar Technologies in 2005, even during peak times. Therefore the development is not considered to be detrimental to the local traffic environment.</p>	
<p>Will parents be advised not to park on the street and how will this be enforced?</p>	<p>Off-street parking provided particularly for parents and visitors is considered to be adequate for the proposed development and in accordance with Council's parking requirements. A condition is recommended that drop-off and pick up of children must only occur within the basement car park under strict supervision by a designated staff.</p>	<p>Issue addressed. Condition applied – see Condition No. 83.</p>
<p>Given that a depth of up to 10m will be excavated close to the adjacent residential complex, can the developers assure these neighbours that there will be no erosion and damage to the adjacent townhouses? Should there be any damage, such as cracks appearing in the walls of the townhouses, who would be responsible and undertake the necessary repairs?</p>	<p>Should the application be approved, it is recommended that a dilapidation report will be required at pre-construction and post-construction stages to ensure the stability of adjoining properties is maintained and protected as a result of the proposed excavation for the basement car park.</p>	<p>Issue addressed. Conditions applied – see Condition Nos. 39 and 69.</p>
<p>The observation of the current traffic volume was conducted only for one day (28 August 2019). Based on their experience, the two parking lanes of James Street were almost always fully occupied</p>	<p>The 152-place child care centre will result in an additional 122 vehicles during the AM peak period (7am-9am). Splitting these trips 50% to the east (Cook Street) and 50% to the West (Railway Street) will see</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>by commuters' cars from 7am till 7pm, leaving only one lane on each direction for travel. The traffic situation will definitely be adversely impacted by an increase of 152 cars (not even counting the staff) during peak hours.</p>	<p>approximately 61 vehicles approaching and dispersing from the development over the course of two hours. Therefore, the DA represents traffic to increase by 1 vehicle per 2 minutes and this is not expected to adversely affect the operational performance of James Street. Furthermore, despite two parking lanes being generally occupied on James Street, there is still approx. 5.8m of roadway width. This will allow for free flowing travel in both directions.</p>	
<p>The proposed two-level car park provides only 53 parking spaces out of which 26 are allocated for parents. How would it be sufficient for 152 families while most of them dropping off before 8am and picking up between 4pm to 5pm?</p>	<p>The amount of off-street parking provision complies with Council's parking requirements prescribed in DCP 2012 Part B Section 1 – Parking.</p>	<p>Issue addressed.</p>
<p>They are working professionals who work from home every now and then. Given 152 children playing right across the street, they wonder if there is any effective control of noise. Also there will be events nights which would last till 9 or 10pm with cars in and out, and light sleepers would suffer.</p>	<p>A condition is recommended that the facility shall not be used for functions or similar activities outside of the approved hours of operation.</p> <p>Council's Senior Environmental Health Officer has assessed the application and accompanying acoustic assessment report and raised no objection to the proposal on acoustic grounds subject to conditions.</p>	<p>Issue addressed. Condition applied – see Condition No. 71.</p>
<p>The Executive Committee of SP54159 (6-10 James Street) commenced a program in 2018 to upgrade the property fences in stages. To date, the bottom fence line between the townhouse complex and Council reserve on Windsor Road and also all externally gated fences for units have been replaced.</p> <p>They are currently working on</p>	<p>A 1800mm high lapped and capped treated pine perimeter fencing is proposed. A condition is recommended that the applicant is to consult with the Executive Committee of SP54159 prior to erection of the proposed perimeter fencing.</p>	<p>Issue addressed. Condition applied – see Condition No. 20.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>as the next stage to replace the existing boundary fence between their complex and No. 4 James Street. Their complex is not secured unlike other nearby townhouse complexes.</p> <p>With the new child care facility they will have more issues with people parking within their complex all day to catch public transport. They are now considering how to secure their property to stop people parking within the boundaries of their complex. This means their plan to replace the next section of fencing may have to be delayed.</p> <p>If the boundary fence between their property and the new development in 2-4 James Street is part of the development, they would request that the same material or at least colour is used on our boundary.</p>		
<p>There are already two child care centres on the same road in the area: Happy Home Day Care at 6 James Street and Milestone Early Learning at 1 Orchard Street. Allowing another child care centre to be developed in the same street at such a close location would cause major traffic issues up and down James Street during drop off and pick up times.</p>	<p>Clause 25(2)(a) of the SEPP provides as a non-discretionary development standard that in terms of location the development may be located at any distance from an existing or proposed early education and care facility,</p>	<p>Issue addressed.</p>
<p>The size of development is not in keeping with the mostly residential area of James Street.</p>	<p>The proposed development is considered appropriate for the site of this size and is deemed to be compatible with the character of the locality, noting the transitions of built form from the commercial at the intersection of James Street and Railway Street</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>to low and medium-density residential along James Street.</p> <p>The scale of the development is compatible with desired built form outcomes for the locality.</p>	

OPEN SPACE & RECREATION COMMENTS

The application has been referred to Open Space & Recreation Team due to the proposed connection of stormwater infrastructure to an existing pipe within Railway Street Reserve.

The connection is proposed within lot 983 DP 823985 of which Council has been identified as the Crown Land Manager.

The works for the connection will see the existing pipe replaced from the point of connection to the southern border of Lot 983.

The works and connection are considered reasonable and the need for the creation of an easement is not warranted on this occasion. No objection is raised to the proposed works subject to a condition that the developer is to obtain relevant Permit to Enter approval from Council prior to the commencement of works.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions. The development is proposed to drain private stormwater through a State Government property (Lot 983 DP 823985) known as Railway Street Reserve. Council has been identified as the Crown Land Manager. A condition is recommended that stormwater drainage work will require separate construction approval from Council beforehand, under Section 68 of the Local Government Act 1993.

TRAFFIC ENGINEERING COMMENTS

i) Existing Traffic Environment

- This application proposes the demolition of existing structures and the construction a childcare centre accommodating up to 152 children.
- James Street operates as a minor collector road with a road carriageway width of approximately 9 meters. It provides one lane of travel in both directions with parking provided on either side.
- The applicant has undertaken an intersection count which notes James Road to service 250 vehicles during peak periods which likely represents 2500 vehicles a day.

ii) Proposed Development - Traffic Generation

The applicant has undertaken a survey onsite to determine existing trip rates based on the proposed 152 children. Application of '*RMS Guide To Traffic Generating Development – 2002*' to the 152 place child care centre results in an additional 122 vehicles during the AM peak and 107 vehicles in the PM peak period. This is not expected to have a notable impact on the wider network.

iii) Need for Traffic Improvements in the Locality

As acknowledged by the applicant in the report, the consultant has identified a current LOS F during peak times at the intersection of Cook St and Orchard St and Cook St/Windsor Road. However the proposed child care centre is not expected to have a notable impact in terms of its traffic generation potential to these intersections.

iv) Ingress/Egress requirements

The driveway crossing is proposed to be located towards the north-west corner of the site and provides a separate one-way 'Entry' only vehicular access for heavy vehicles (up to SRV truck) including the waste collection vehicle (private waste contractor), while the driveway crossing to be located towards the south-east corner of the site provides two-way entry and exit vehicular access for both light vehicles and exit access for heavy vehicles.

The driveway location of the proposed development suggests the sight distances for vehicles exiting the premises to be within acceptable limits.

v) Parking

While assessment of on-site parking is a matter for the Subdivisions Team, it is noted that the proposed development provides 53 car parking spaces which complies with council's DCP parking requirements.

No objection is raised to the proposal on traffic grounds.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

An acoustic report has been submitted with the application and assessed by Council's Senior Environmental Health Officer who has deemed the projected noise level from the use of the child care centre acceptable. The design of the centre has also provided for a building between the outdoor play area and all neighbouring properties, thereby limiting any potential acoustic impact that the centre would have on neighbouring properties. The circular design has also meant that this centre is not overly dependent on noise management practices implemented by staff to meet the project specific noise levels. Nonetheless, conditions of consent are recommended to ensure ongoing operation noise level limits for the site are defined and met by the applicant. Furthermore, conditions of consent are also recommended to ensure that there is no amplified music or speakers external to the building and to ensure that all mechanical plant does not create offensive noise in accordance with the operational noise limits.

It is also recommended that a condition be imposed in any consent which requires the applicant to submit within three months from the issue of an Occupation Certificate, an acoustical compliance assessment which is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council. Further, a Noise Management Plan is to be established and approved by Council prior to the issue of an Occupation Certificate.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Child Care Planning Guideline, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

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

Approval is recommended subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
DA000A	Calculations	-	A	10/12/2019
DA100B	Site Analysis	-	B	31/03/2020
DA101B	First Floor Plan Street Access	-	B	31/03/2020
DA102B	Ground Floor Plan	-	B	31/03/2020
DA103C	Parking Level 1 Plan	-	C	25/06/2020
DA104B	Parking Level 2 Plan	-	C	25/06/2020
DA105B	Roof Plan	-	B	31/03/2020
DA106B	Demolition Plan	-	B	31/03/2020
DA107	Ground Floor Slab Plan	-	-	May 2020
DA108	First Floor Slab Plan	-	-	May 2020
DA109	Children's Area Outlines	-	-	May 2020
DA201A	Elevations	-	A	10/12/2019
DA202B	Elevations	-	B	28/06/2020
DA301A	Sections	-	A	10/12/2019
DA302A	Section B-B	-	A	10/12/2019

DA303A	Section C-C	-	A	10/12/2019
DA401A	Kitchen Details	-	A	10/12/2019
DA402A	Fence Details	-	A	10/12/2019
DA403A	Signage Details	-	A	10/12/2019
1155	Ground Floor	L-01	E	30/09/2020
1155	First Floor	L-02	E	30/09/2020
1155	Planting Schedule & Details	L-03	E	30/09/2020

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

2. Construction Certificate

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

3. Building Work to be in Accordance with BCA

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

4. External Finishes

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

5. Demolition Notification

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

6. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team. Fees apply and are to be paid prior to or at the time of booking the inspection. The Development Certification Team can be contacted to book and pay for inspections on 9843 0431.

7. 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 Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

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

8. Protection of Public Infrastructure

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

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

9. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

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. Minor Engineering Works

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

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

The proposed driveways must be built to Council's medium duty standard.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

Specifically, unless additional driveway crossings are clearly shown on the approved plans, only one driveway crossing is approved/ permitted.

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

b) Disused Layback/ Driveway Removal

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

c) Site Stormwater Drainage

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

d) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the Earthworks plan prepared by Northrop Revision 4. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

e) Reconstruction of Public Drainage Requirements

The design and reconstruction of the piped public stormwater drainage work within lot 983 DP 823985 as detailed on the stormwater plans prepared by Northrop, drawing numbers listed on the drawing schedule Revision 6 dated 23 September 2020 must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

This stormwater drainage work requires separate construction approval from Council beforehand, under Section 68 of the Local Government Act 1993.

Once the reconstruction of the piped public stormwater drainage work is complete a works as executed plan must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval. The works as executed plans must be prepared by a civil engineer or registered surveyor.

12. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Northrop Pty Ltd, referenced as SY192067-AUR01, dated 8th October 2019 and submitted as part of the Development Application are to be implemented as part of this approval. In addition, there shall be no amplified music or speakers external to the building.

13. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Eiaustralia Pty Ltd, referenced as E24301.E01_Rev0, dated 25 November 2019 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- A hazardous Materials Survey should be completed by a suitably qualified and experienced consultant prior to commencement of demolition works;
- Following demolition a Clearance Inspection and Certificate should be prepared by a suitably qualified and experienced consultant;
- Removal of the shallow soil profile to ensure any impacted soils are removed from the site; and

- Should unexpected contamination be identified during redevelopment, all works should cease and a suitably qualified environmental consultant engaged to suitably address the issue.

14. 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.

15. Management of Construction and 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.

16. 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.

17. 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 3 x 660 litre mobile garbage bins.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- All doors of the waste storage area, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the Child Care Centre.
- 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)

18. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2:2018 for the standard 6.4m long Small Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to

the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.

- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of small rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.

19. Waste and Recycling Collection Contract

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

20. Perimeter Fencing

The applicant is to consult with the Executive Committee of SP54159 prior to erection of the proposed perimeter fencing.

21. Irrigation

An automatic watering system to be installed as a minimum to all podium/raised planter boxes. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

22. Tree Removal on Public Land

Approval is granted for the removal of three (3) trees numbered 1, 41, and 42 in the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20 located on the Council nature strip that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

23. Retention of Trees

All neighbouring trees, and any trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20 and the following addition Council requirements:

- Any excavation within the TPZ of Tree 24, 25, and 29 required for the re-routing of the Sewer Line is to be undertaken by hand-digging and be supervised by the Project Arborist. If the proposed location of the Sewer Line is to change, the Project Arborist is to recommend appropriate tree sensitive trenching recommendations where required, and supervise any trenching works within the TPZs of any trees on site or in adjacent properties.

24. Tree Removal

Approval is granted for the removal of twenty two (22) trees numbered 1, 6, 7, 18, 19, 22, 23, 26, 27, 28, 30-38, 40, 41, and 42 and located on Tree Location plan in Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20.

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

25. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs and ground covers are to be in pot sizes as indicated in Planting Schedule and Details of Landscape Plan Prepared by Site Design Studios Revision F dated 27/10/20.

First Floor planter boxes are to be a minimum 400mm depth, and are to be installed in accordance with First Floor Planter Box Detail provided in Planting Schedule and Details of Landscape Plan Prepared by Site Design Studios Revision F dated 27/10/20.

For all planting on slab and planter boxes the following minimum soil depths must be provided:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and not the overall depth of the planter.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

26. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifier, 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. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$66,186.25** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate.

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

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

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

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

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

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

29. Stormwater Management – Upper Parramatta River Catchment Area

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.

The stormwater concept plans prepared by Northrop as listed on the drawing schedule Revision 6 dated 23/09/2020 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

1. The weep holes within the Discharge Control Pit (DCP) are to be removed. The base of the DCP is to be concrete benched to the invert of the orifice plate.

Water sensitive urban design elements, consisting of pit inserts and stormfilter Cartridge are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative

longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

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

- Design/ construction plans prepared by a hydraulic engineer.
- 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.

30. Works on Adjoining Land

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

31. 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 \$113,620 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side 130 metres multiplied by the width of the road 9.5 metres.

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

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

PRIOR TO WORK COMMENCING ON THE SITE

32. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

33. Details and Signage - Principal Contractor and Principal Certifier

Details

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

No later than two days before work commences, Council is to have received written details of the Principal Certifier 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 Principal Certifier 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.

34. 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.

35. Consultation with Service Authorities

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

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

36. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

37. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

38. Erosion and Sediment Control/ Soil and Water Management

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

39. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures within the likely zone of influence from any excavation, dewatering or construction induced vibration.

40. 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.

41. 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.

42. 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.

43. Site Water Management Plan

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

44. Erosion & Sediment Control Plan Kept on Site

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

45. 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.

46. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service

are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

47. Engagement of a Project Arborist

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

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

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

48. 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.

49. 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.

50. Trenching and 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.

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

The front pedestrian access ramp falls within the TPZs of neighbouring *Eucalyptus microcorys* (Tallowwood) trees numbered 2, 3, and 4 located in the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20. The path must be constructed using pier and beam construction under the supervision of the Project Arborist. The retaining wall under the ramp is to be located to the eastern side of the path as located in red on First Floor plan of Landscape Plan Prepared by Site Design Studios Revision F dated 27/10/20 and detailed within the Planting Schedule and Details. No changes of existing levels are permitted between the ramp retaining wall and the western neighbouring boundary. The ramped path is to be constructed above grade for the full extent of the path extending from the front boundary to the front door of the centre.

The following site specific trenching conditions are imposed, and must be undertaken at all times under the supervision of the Project Arborist:

- The installation of Stormwater drainage pipes within the neighbouring reserve is to be bored to prevent root damage to trees to be retained numbered 24 and 25 located in Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20. The location of the section of piping which must be bored is to be in accordance with the grey hatched section indicated on Concept Stormwater Management Plan – Ground Floor prepared by Northrop drawing no. DAC04.01 Revision 5 dated 23/09/20 and the Arboricultural Impact Assessment. Boring must

commence outside of the TPZ of neighbouring tree 25 – *Eucalyptus microcorys* (Tallowwood) and be a minimum of 600mm below ground level measured to the top of the pipe. Any disused stormwater piping within the TPZ of tree is to be retained to minimise any further disturbance within the TPZ.

- As the installation of a re-routed Sewer Line as located on Architectural Plan – Parking Level 1 prepared by Scott and Ryland and James Tonkin Architects drawing DA 104B falls within the TPZs of trees numbered 24, 25, and 29, the excavation for the sewer must only be excavated using either of the following tree sensitive excavation techniques under the supervision of the Project Arborist:
 - Hand-digging
 - Sucker/vacuum truck

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.

51. 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. The location of fencing and ground protection shall be strictly in accordance with the Tree Protection Plan within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 13/10/20. The installation of ground protection and tree protection fencing is to be certified to be in accordance with the Tree Protection Plan by the Project Arborist.

The erection of a minimum 1.8m high 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.

DURING CONSTRUCTION

52. 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.

53. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

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

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier 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 Principal Certifier is not carried out. Inspections can only be carried out by the Principal Certifier unless agreed to by the Principal Certifier beforehand and subject to that person being an accredited certifier.

55. 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.

56. 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, autoclaved aerated concrete or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
 - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
 - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

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

57. Construction Noise

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

58. 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.

59. 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.

60. Project Arborist

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

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

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

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

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

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

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

62. 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.

63. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a 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;

- Records of inspections; and
- An approved operations and maintenance plan.

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

64. 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.

65. 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.

66. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Baulkham Hills Childcare Centre 2-4 James Street, Baulkham Hills NSW 2153 prepared by Northrop Pty Ltd dated 8th October 2019. Certification is to be provided.

67. 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.

68. 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.

69. Property Condition Report – Private Assets

Before an Occupation Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

THE USE OF THE SITE

70. Hours of Operation

The hours of operation being restricted to the following: -

Monday to Friday 7:00am to 6:00pm

All operations undertaken on the site in conjunction with the child care centre are to take place in the hours nominated above with the exception of maintenance work, which may take place on a Saturday between 9am-5pm.

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

71. Use of the Child Care Centre Facility

The child care centre facility shall not be used for functions or similar activities outside of the approved hours of operation.

72. Centre Management Plan

The centre management plan submitted with the application shall be complied with at all times when the centre is in operation subject to the following amendment:

- Drop-off and pick-up of children must only occur within the basement car park under strict supervision by a designated staff.

73. Acoustic – Maintenance

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

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

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

Delivery of goods shall be restricted to the following times;

Monday to Friday – 7.00am to 6.00pm

75. Noise Management Plan to be kept on site

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

76. 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*.

77. Final Acoustic Report

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

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

Location	Day (7:00am – 6:00pm)
At the property boundary of the childcare centre	51dB(A)Leq (15min)

78. Offensive Noise - Acoustic Report

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

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

79. Noise Management Signage

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

80. Operational Noise Level Limits

The Operational Noise Limits for the Development shall be in accordance with the noise limits as outlined in the Acoustic Report, prepared by Northrop, report titled Baulkham Hills Childcare Centre 2-4 James Street, Baulkham Hills NSW 2153 and dated 8th October 2019. These noise limits are:

Location	Day (7:00am – 6:00pm)
At the property boundary of the childcare centre	51dB(A)Leq (15min)

81. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premise, all garbage and recyclable materials emanating from the premise must be stored in the designated waste storage area, which must include provision for the storage of all waste generated on the premise between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. The waste storage areas 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.

82. Waste and Recycling Management

All waste generated on the site must be removed at regular intervals to minimise odour impact. The collection of waste and recycling must not cause nuisance or interference 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.

83. Drop-off and Pick-up of Children

Drop-off and pick up of children must only occur within the basement car park. This requirement must be incorporated in the Centre Management Plan.

ATTACHMENTS

1. Locality Plan
2. Aerial Map
3. Zoning Map
4. Site Plan
5. Basement Parking Plans (2 pages)
6. Ground Floor Plan
7. First Floor Plan
8. Roof Plan
9. Elevations
10. Sections
11. Signage
12. Existing & Proposed Shadow Diagrams (2 pages)
13. Perspectives
14. Landscaping Plans

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

ATTACHMENT 2 – AERIAL MAP



SUBJECT SITE

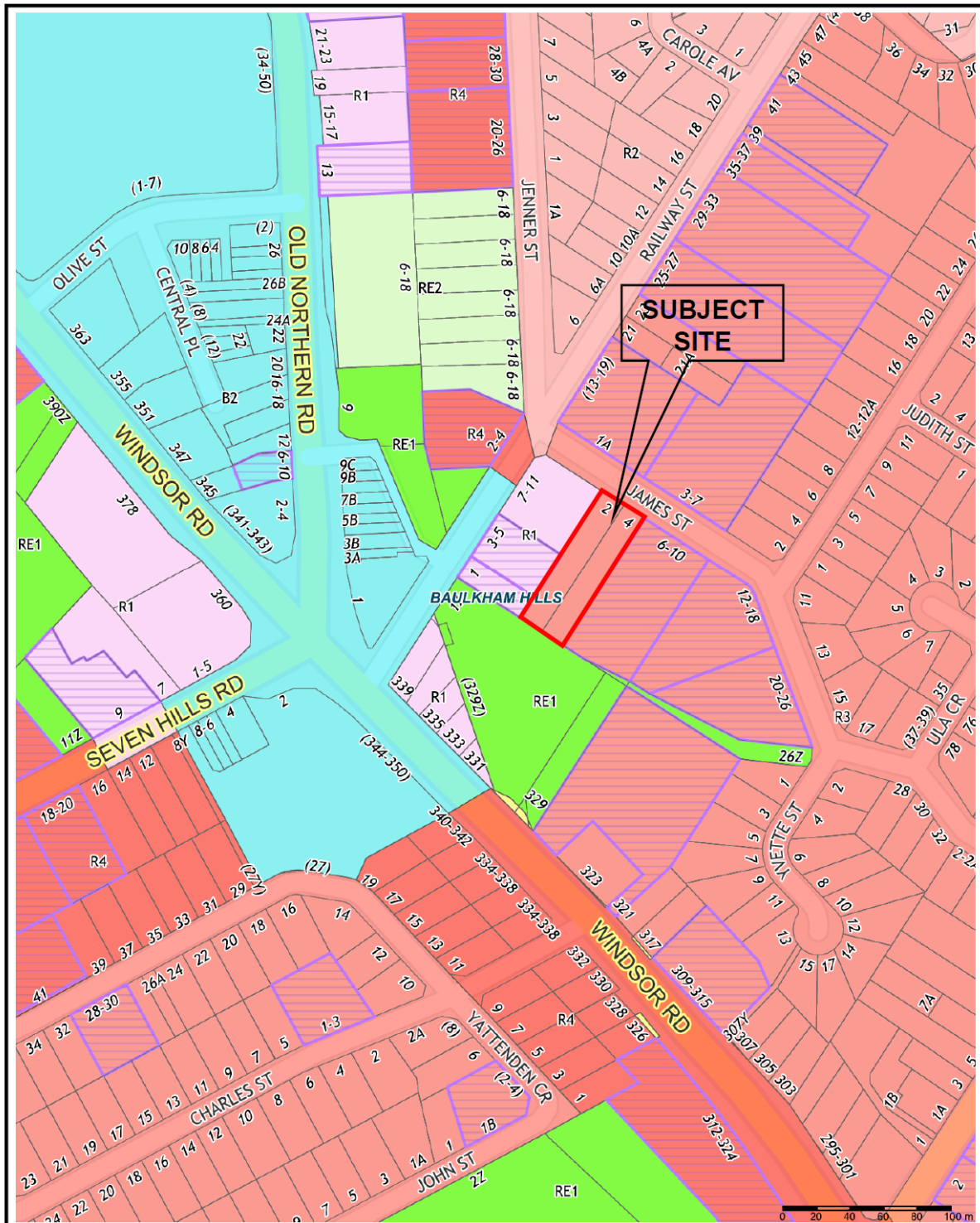
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 3 – ZONING MAP



THE HILLS
Sydney's Garden Shire

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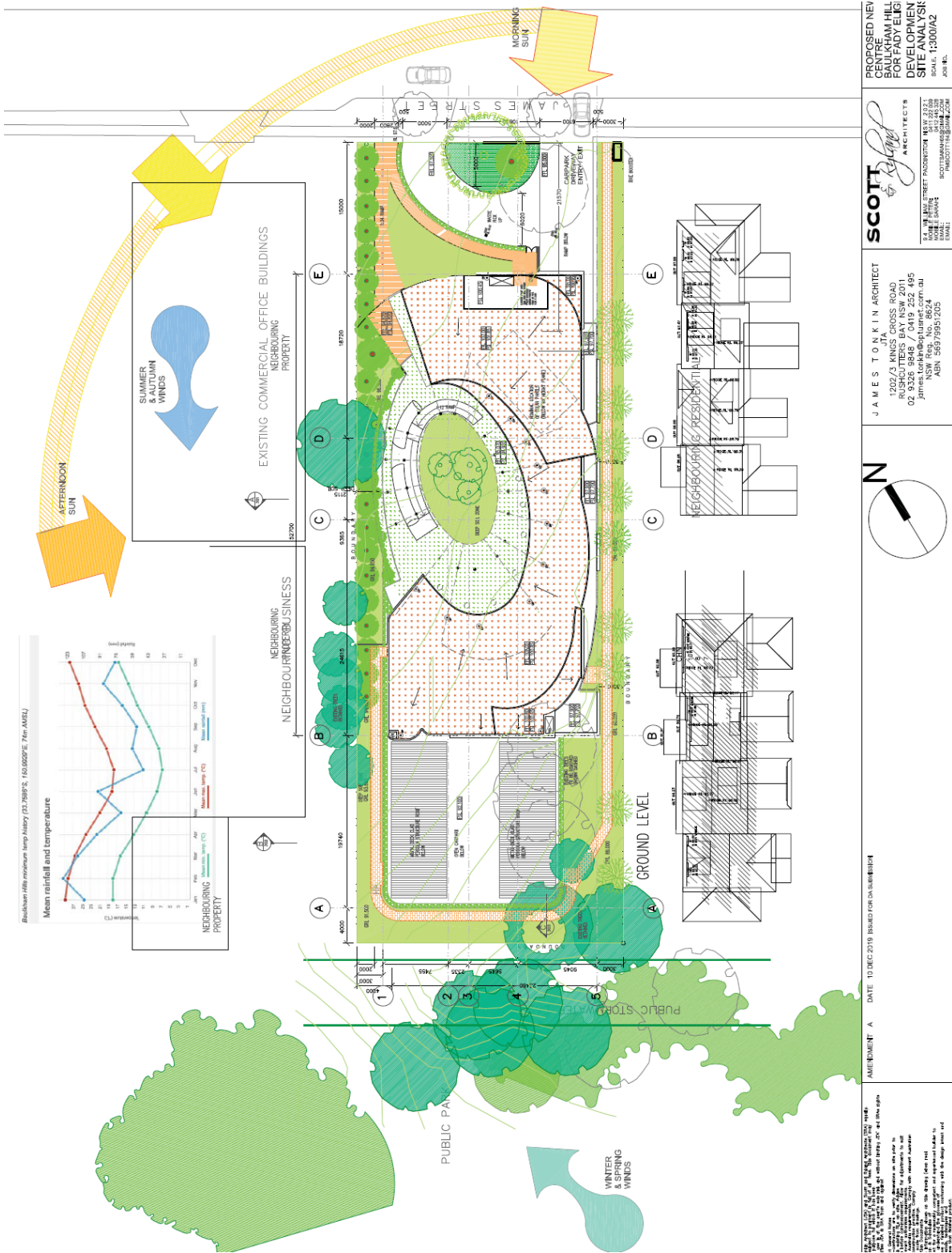
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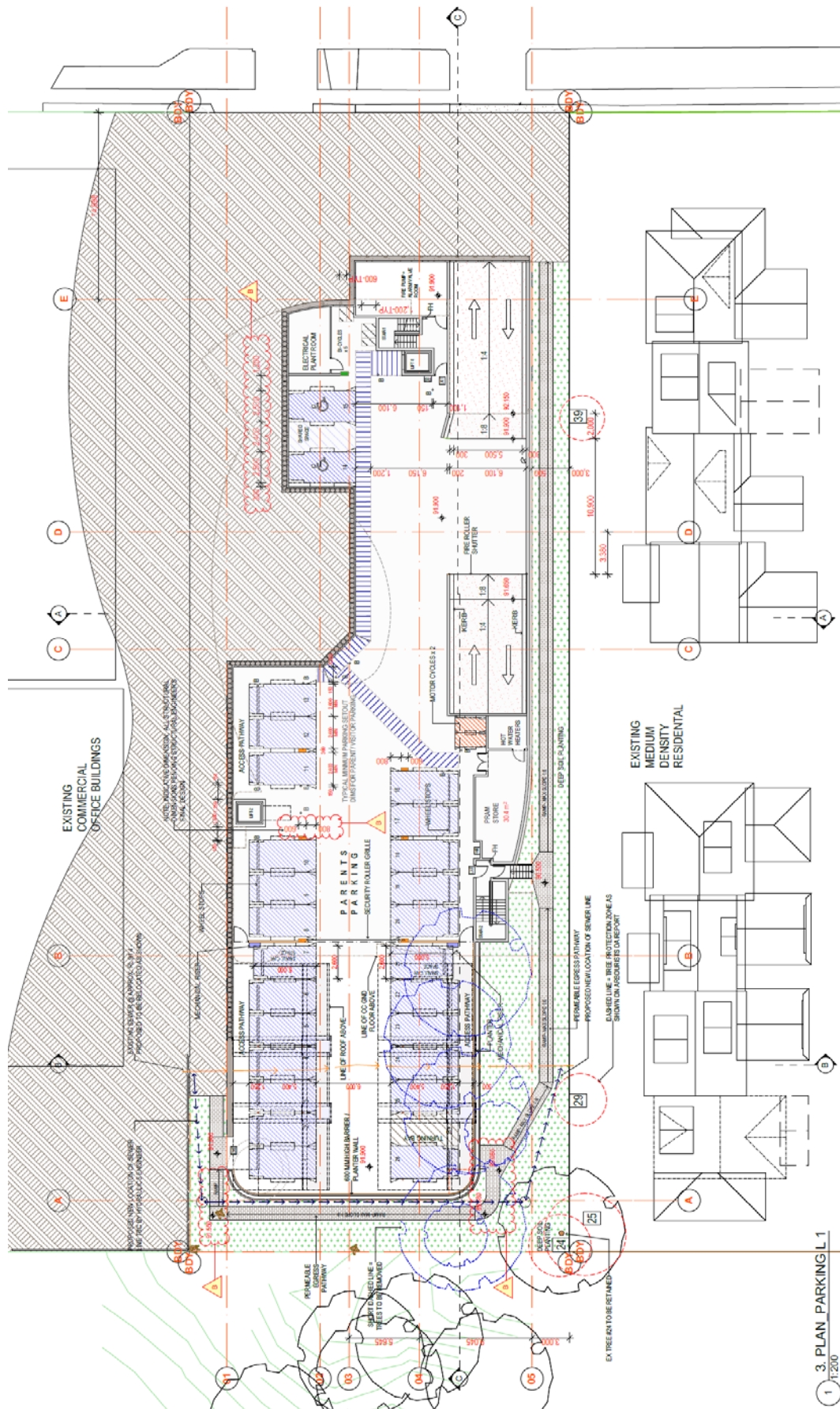
Scale (A4): 1:3072
Date: 10/21/2020
Prepared by: Claro Patag

ATTACHMENT 4 – SITE PLAN

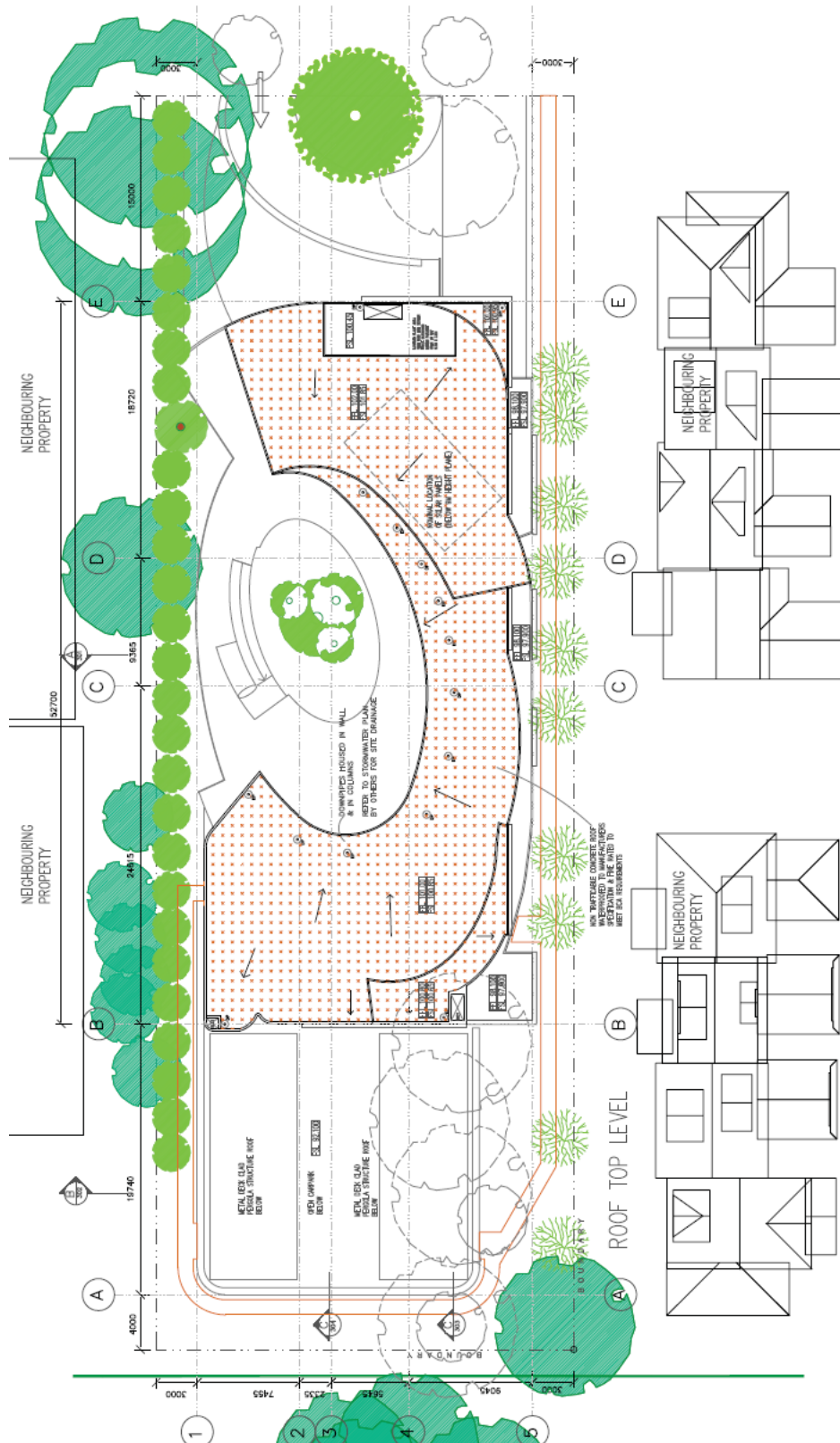


DATE: 10 DEC 2016 DRAWN BY: DAVID MURPHY CHECKED BY: JAMES TONKIN SCALE: 1:500	AMENDMENT: A	DATE: 10 DEC 2016 DRAWN BY: DAVID MURPHY CHECKED BY: JAMES TONKIN SCALE: 1:500	JAMES TONKIN ARCHITECT 1202/3 KINGS CROSS ROAD RUSKUTTERS BAY NSW 2011 02 9326 9848 / 0419 252 495 james@james-tonkin.com.au NSW Reg. No. 8624 ABN 56979951205	SCOTT & SYDNEY ARCHITECTS 1/111 MARKET STREET PARRAMATTA NSW 2150 02 9639 1234 scott@scottandsydney.com.au NSW Reg. No. 8624 ABN 56979951205	PROPOSED NEW CENTRE BAULKHAM HILL FOR FADY ELGI DEVELOPMENT SITE ANALYSIS SCALE: 1:500 DATE: 10 DEC 2016

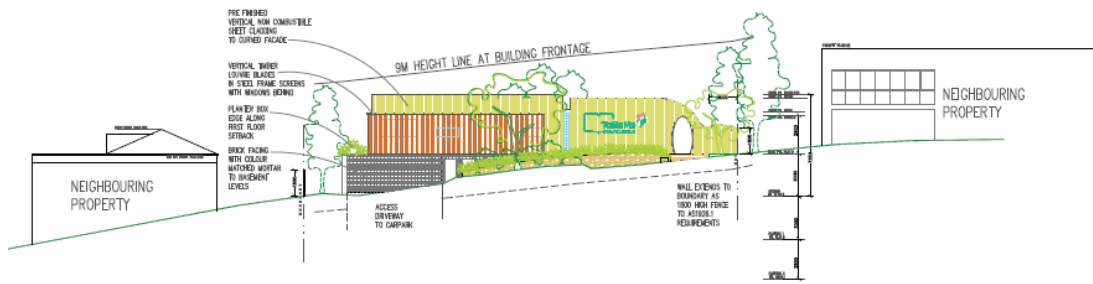
ATTACHMENT 5 –BASEMENT PARKING PLANS (2 PAGES)



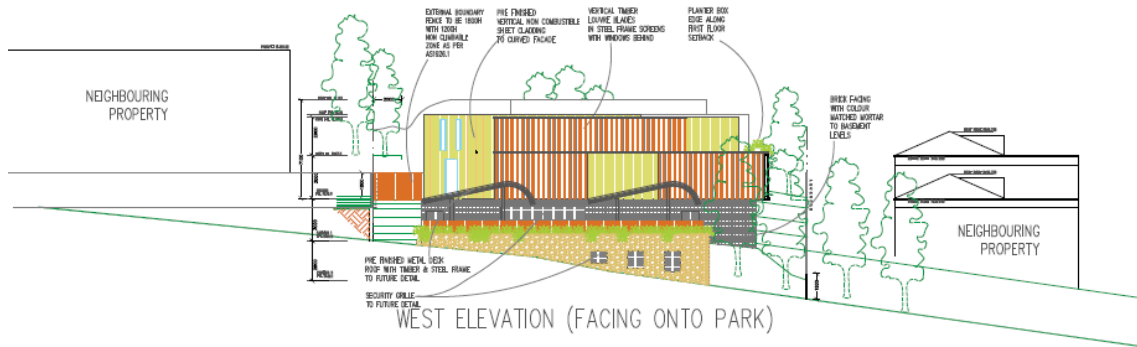
ATTACHMENT 8 –ROOF PLAN



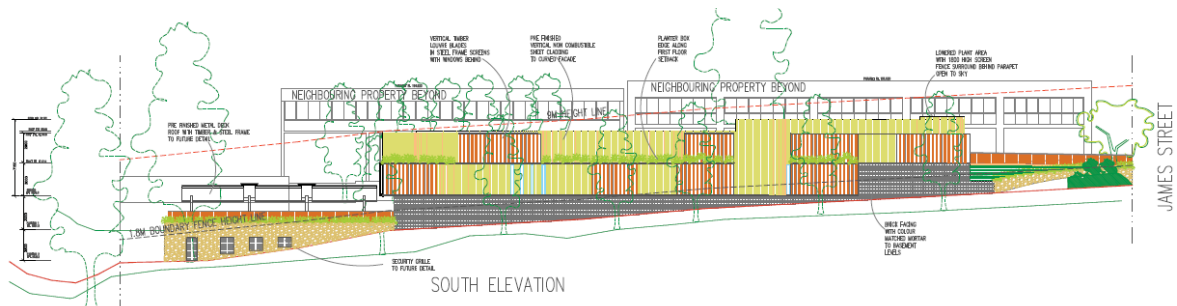
ATTACHMENT 9 –ELEVATIONS



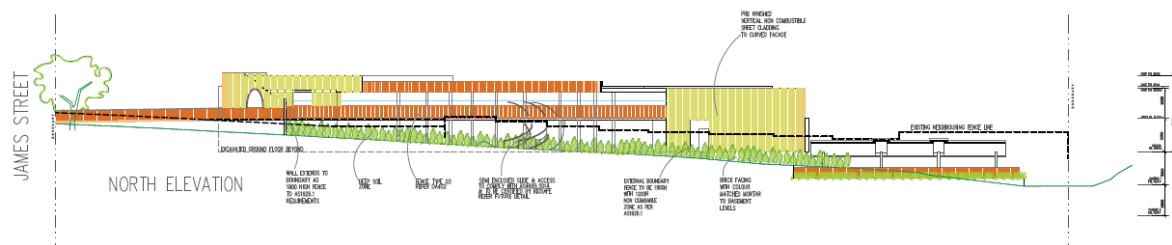
JAMES ST (EAST) ELEVATION



WEST ELEVATION (FACING ONTO PARK)



SOUTH ELEVATION

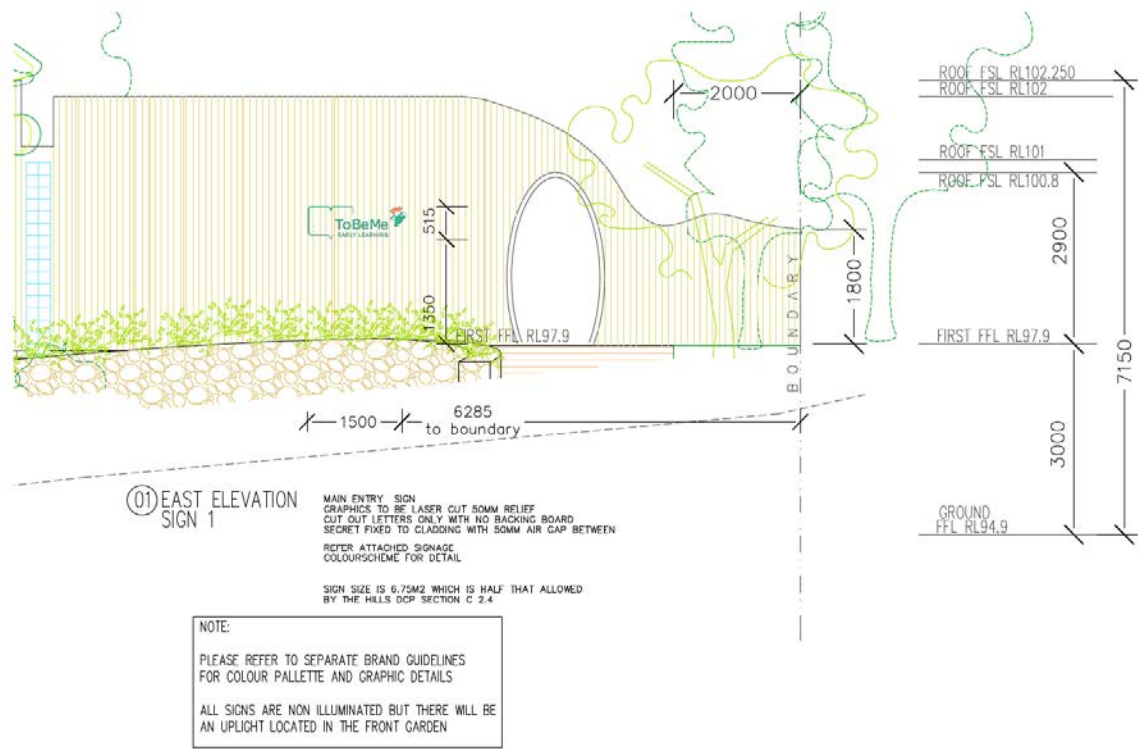


NORTH ELEVATION

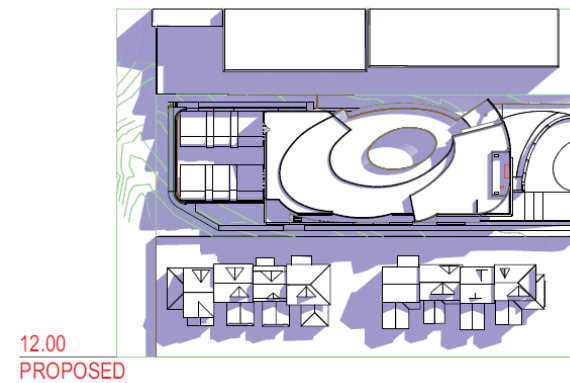
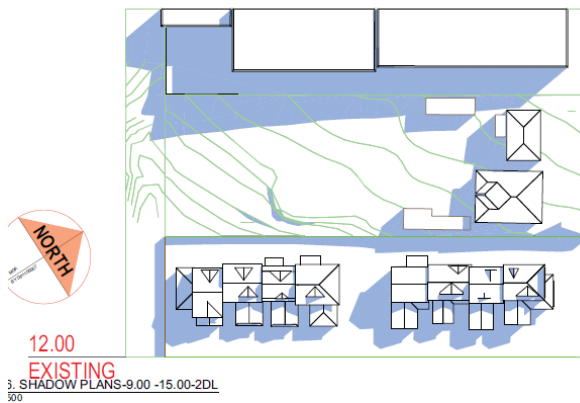
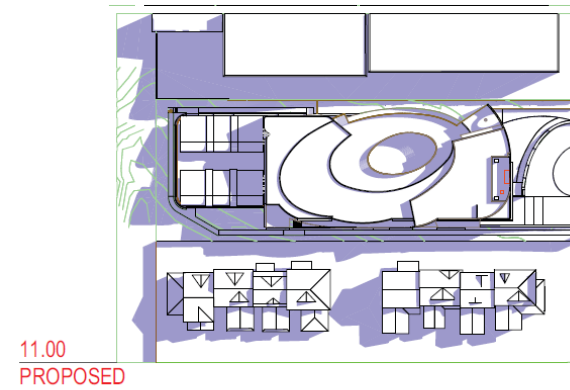
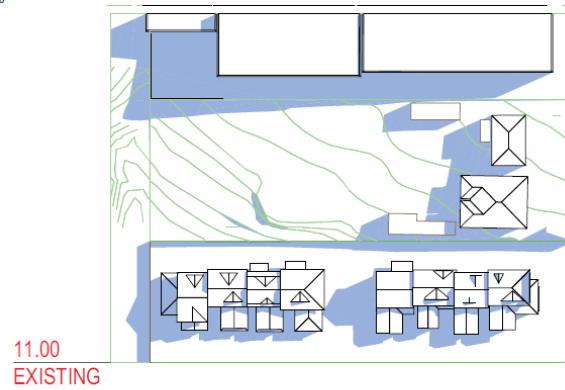
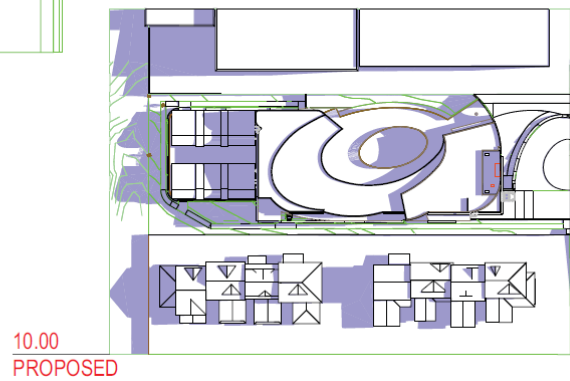
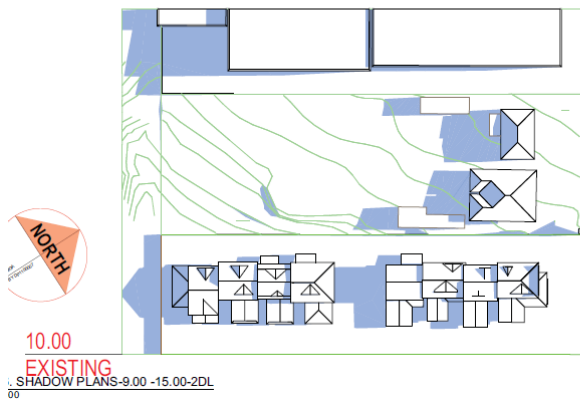
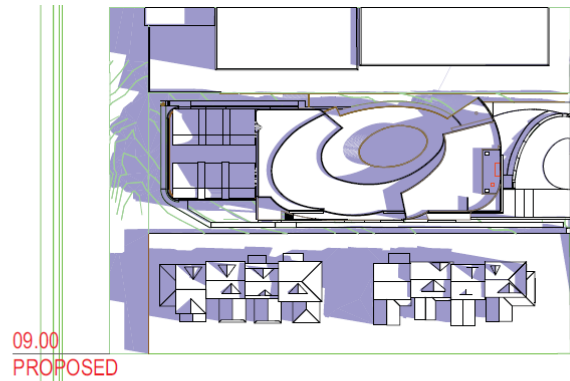
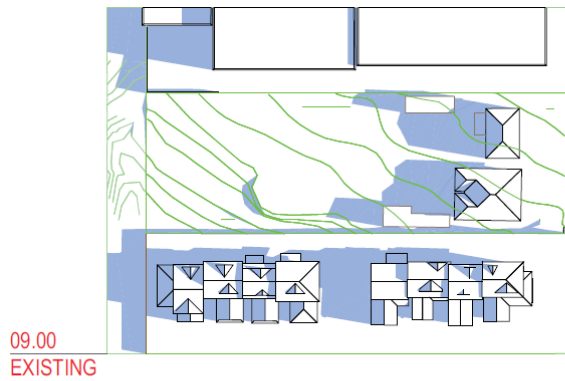
ATTACHMENT 10 –SECTIONS

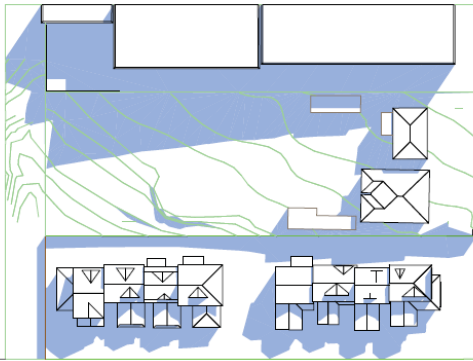


ATTACHMENT 11 –SIGNAGE

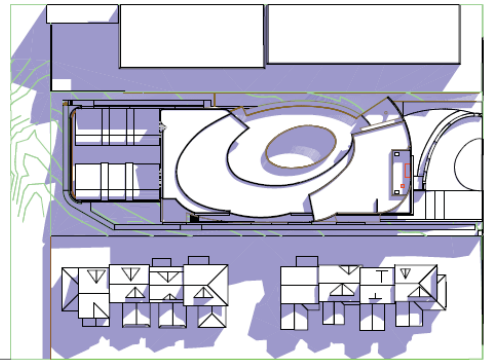


ATTACHMENT 12 –EXISTING & PROPOSED SHADOW DIAGRAMS (2 PAGES)

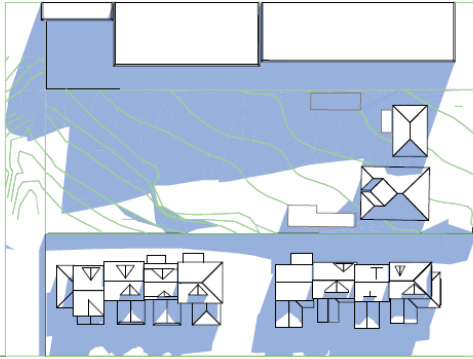




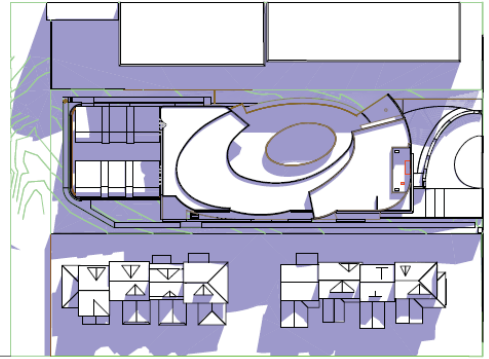
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EXISTING



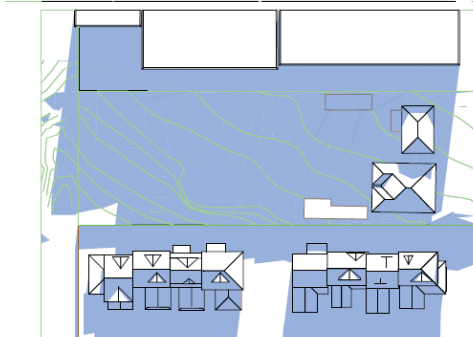
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PROPOSED



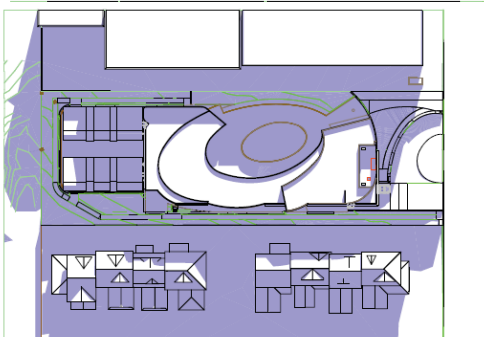
14.00
EXISTING
SHADOW PLANS-9.00 -15.00-2DL



14.00
PROPOSED



15.00
EXISTING
16. SHADOW PLANS-9.00 -15.00-2DL
1:500



15.00
PROPOSED

ATTACHMENT 13—PERSPECTIVES



2-4 JAMES STREET BAULKHAM HILLS STREET VIEW

7th NOVEMBER 2019



2-4 JAMES STREET BAULKHAM HILLS VIEW FROM PARK

7th NOVEMBER 2019

ATTACHMENT 14-LANDSCAPING PLANS

