



PREPARED FOR MULPHA NORWEST PTY LTD
DECEMBER 2015
X14311
PLANNING

**Master Plan and Stage 1 Seniors Housing Development
Statement of Environmental Effects
Lot 701 DP 1198639, Nobrik Drive, Bella Vista**

COMMERCIAL IN CONFIDENCE

All intellectual property rights, including copyright, in designs developed and documents created by Calibre Consulting (NSW) Pty Ltd remain the property of this company. Any use made of such design or document without the prior written approval of Calibre Consulting (NSW) Pty Ltd will constitute an infringement of the rights of the company which reserves all legal rights and remedies in respect of any such infringement.

The information, including any intellectual property, contained in this proposal is confidential and proprietary to the Company. It may only be used by the person to whom it is provided for the stated purpose for which it is provided and must not be imparted to any third person without the prior written approval of the Company. The Company reserves all legal rights and remedies in relation to any infringement of its rights in respect of its confidential information.

Calibre Consulting
Level 2, Burbank Place
NORWEST BUSINESS PARK NSW 2153

Ph: (02) 8808 5000
© 2015

DOCUMENT CONTROL

H:\X14\X14311 - CIRCA PRECINCT REMASTERPLANNING\DOCUMENTS\REPORTS\MASTERPLAN & STG 1\SEEFINAL SEE MASTER PLAN & STG 1 DA SENIORS LIVING CIRCA.DOCX

Issue	Date	Issue Details	Author	Checked	Approved
A	27/11/2015	DRAFT SEE	EK	PL	
B	7/12/2015	FINAL SEE	EK	PL	PL
C	17/12/2015	SUBMISSION TO NORWEST	EK	PL	PL

TABLE OF CONTENTS

1	INTRODUCTION	1
2	THE SITE	3
2.1	Site Detail & Context	3
2.2	Easements	4
2.3	Background	5
3	PROPOSED DEVELOPMENT	6
3.1	Masterplan	6
3.2	Stage 1 – Buildings A & B	7
4	STATUTORY PLANNING CONTROLS & COMPLIANCE	9
4.1	Building Height & Floor Space Ratio Development Standards	9
4.2	The Hills Local Environmental Plan 2012	10
4.2.1	Clause 4.6 Exception to Development Standards	12
4.3	The Hills Development Control Plan 2012	13
4.4	SEPP(Housing for Seniors Or People with a Disability) 2004.....	15
5	SECTION 79C ASSESMENT	21
5.1	Matters for Consideration.....	21
5.2	Any Other Matters for Consideration.....	34
6	CONCLUSION	35

TABLES

Table 4-1: Proposed height and FSR	9
Table 4-2: Comparison of proposed height and compliance with LEP standards	11
Table 4-3: Part B Section 6 – Business Compliance	13
Table 4-4: SEPP(Housing for Seniors or People with a Disability)2004 Compliance Table....	15
Table 5-1: Apartment Design Guide – Design Objectives & Design Criteria Assessment	24
Table 5-2: Part B Section 5 – Residential Flat Buildings Compliance	28

FIGURES

Figure 2-1: Aerial Photo of the site (Near Maps)	3
Figure 2-2: Excerpt of Council's Vegetation Mapping.....	4
Figure 2-3: Easements applying to Lot 701	4
Figure 3-1: Seniors Housing Masterplan layout (Source: Architectural Plans).....	6
Figure 3-2: Proposed setbacks and building heights (Source: Architectural plans)	7
Figure 3-3: Stage 1 Development (Source: Architectural Plans)	7
Figure 4-1: Excerpt from Architectural Plans showing scale of proposed masterplan.....	9
Figure 4-2: The Hills LEP height of buildings map and view corridors plan.....	10

APPENDICES

APPENDIX A	SURVEY PLAN
APPENDIX B	ARCHITECTURAL PLANS & DESIGN STATEMENT
APPENDIX C	LANDSCAPE PLAN
APPENDIX D	STORMWATER MANAGEMENT PLAN
APPENDIX E	ACOUSTIC REPORT
APPENDIX F	TRAFFIC & PARKING ASSESSMENT
APPENDIX G	ACCESSIBILITY REPORT
APPENDIX H	WASTE MANAGEMENT PLAN

APPENDIX I	BCA REPORT
APPENDIX J	BASIX REPORT
APPENDIX K	WIND REPORT
APPENDIX L	HERITAGE IMPACT REPORT
APPENDIX M	QUANTITY SURVEYORS REPORT
APPENDIX N	AVEO CAR PARKING STATEMENT
APPENDIX O	PRELIMINARY CONTAMINATION REPORT

1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Calibre Consulting (NSW) Pty Ltd for Mulpha Norwest Pty Ltd in support of a Development Application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This DA seeks consent for a Seniors Housing development Master Plan on Lots 701 DP 1168639 and Lots 1 & 2 DP 1195652, Northbrik Drive, Bella Vista (subject site) for a landmark retirement precinct which will also deliver significant employment generation. The Master Plan development for seniors housing will be carried out in 6 stages and comprises of the following:

- 10 buildings including 449 retirement Independent living units;
- 144 bed residential aged care facility;
- Central Piazza with retail and restaurants;
- Common area facilities including a multi-function centre, library, wellness centre with swimming pool, gym and rehabilitation centre, and multipurpose rooms for a range of activities;
- 1 level of continuous basement connecting all buildings and including a central loading dock and waste store, localised waste set-down and collection points, resident storage and services plant, 702 car spaces and 20 at grade car spaces;
- Easement for public access through the Site. This easement is to provide public access from the local road network to the south of the Site (Prestige Ave) to the Circa shopping centre;
- Leasing system for car parking as outlined in the car parking statement. This system will lease 1 or 2 spaces per unit and if/when the resident doesn't need the car spaces they can be returned to the pool of car spaces; and,
- Amalgamation of Lots 701 DP 1168639 & Lots 1 and 2 DP 1195652.

This application also seeks consent for the Stage 1 development on Lot 701. Stage 1 of the development incorporates the delivery of Buildings A and B together with associated landscaping and driveways as shown in the master plan. Buildings A and B include the following works.

Building A comprises of:

- 64 residential units (7x 1 bedroom units, 23x 2 bedroom units, 15x 2+ bedroom units, 15x 3 bedroom units, 4x 3 bedroom penthouse units)
- 5 accessible carpark bays
- 98 standard carpark bays
- 2 office tenancy 169m² and 196m²
- Residential facilities consisting of:
 - Residential dining and associated kitchen
 - Residents café
 - Village lounge
 - Function centre
 - Administration

Building B comprises of:

- 67 residential units (10x 1 bedroom units, 24x 2 bedroom units, 14x 2+bedroom units, 15x3 bedroom units, 4x3 bedroom penthouse units)
- 5 accessible carpark bay
- 82 standard carpark bay
- Underground carpark
- Library 239m²

Mulpha Norwest Pty Ltd is the applicant for this development and Aveo Retirement Homes Limited is the intended developer of the site. A copy of the Owners Consent for the submission of the DA has been provided under a separate cover.

This Development Application should not need to be referred to the NSW Office of Water as an early works development application is currently before Council for drainage basin works which has been referred to the Office of Water and Dam Safety Committee.

The following documents are submitted in support of this application:

- Appendix A: Survey Plan (Masterplan & Stage 1)
- Appendix B: Architectural Plans and Design Statement (Masterplan & Stage 1)
- Appendix C: Landscape Plan (Masterplan & Stage 1)
- Appendix D: Stormwater Management Plan (Masterplan & Stage 1)
- Appendix E: Acoustic Report (Masterplan & Stage 1)
- Appendix F: Traffic and Parking Assessment (Masterplan & Stage 1)
- Appendix G: Accessibility report (Stage 1)
- Appendix H: Waste Management Plan (Stage 1)
- Appendix I: BCA Report (Stage 1)
- Appendix J: BASIX Report (Stage 1)
- Appendix K: Wind Report (Stage 1)
- Appendix L: Heritage Impact Report (Masterplan & Stage 1)
- Appendix M: Quantity Surveyors Report (Stage 1)
- Appendix N: Aveo Car Parking Statement (Masterplan & Stage 1)
- Appendix O: Preliminary Contamination Report (Masterplan & Stage 1)

The application has been assessed against the relevant statutory planning framework, including *The Hills Local Environmental Plan (LEP) 2012*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, The Hills Shire Council's Development Control Plan, and the relevant heads of consideration under Section 79C of the *EP&A Act 1979*.

As this development cost is over \$20 million, the DA will be determined by the Joint Regional Planning Panel.

2 THE SITE

2.1 SITE DETAIL & CONTEXT

The site consists of three parcels of land, Lot 701 DP 1198639 and Lots 1 and 2 DP 1195652, and has frontage to Old Windsor Road and Norbrik Drive. The site is undeveloped as shown in Figure 2-1, however was formerly used as a quarry and has been the subject of land fill. The site also contains a dry detention known as the Norbrik Detention Pond being the commencement of Lalor Creek, with several easements on the Site (see Section 2.2 Easements of this SEE for details) to allow water to drain into Council's stormwater infrastructure as annotated in Figure 2-3.

The Site is bordered by Old Windsor Road to the west, low density residential areas to the south, Lot 3 adjoining the eastern Site boundary is currently being developed for a 5-8 storey building accommodating serviced apartments, two ancillary retail tenancies and car parking for 94 vehicles and to the north is the Norwest Circa Shopping Centre containing Woolworths and Norwest Private Hospital.



Figure 2-1: Aerial Photo of the site (Near Maps)

The site has minimal vegetation identified as gardens/ modified vegetation communities as shown in Figure 2-2 being an excerpt from Council's Vegetation Classification mapping.

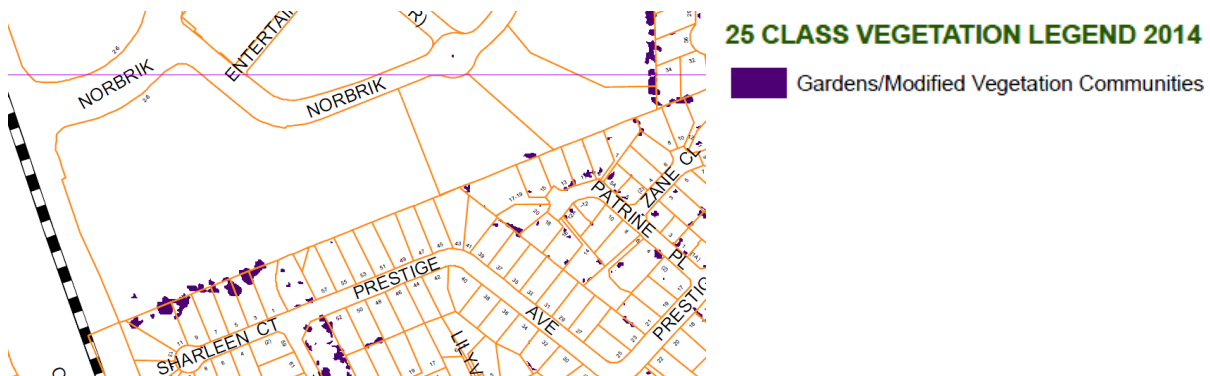


Figure 2-2: Excerpt of Council's Vegetation Mapping

On a wider context, the Site is located in the southern extent in the Norwest Business Park, and the State Heritage listed Bella Vista Farm Park located to the north-west. In respect of future planning for the area, the Site is located within the Bella Vista Station Structure Plan with this area currently undergoing detailed studies and planning to support the Bella Vista Station once construction has completed.

2.2 EASEMENTS

As mentioned under Section 2.1, the Site contains several easements as shown in Figure 2-3 below. These include drainage easements, 20m wide landscape easement (fronting Old Windsor Road), 10m wide landscaping, easement for signage and flagpoles. These easements will be reviewed with the development applications submitted to Council.

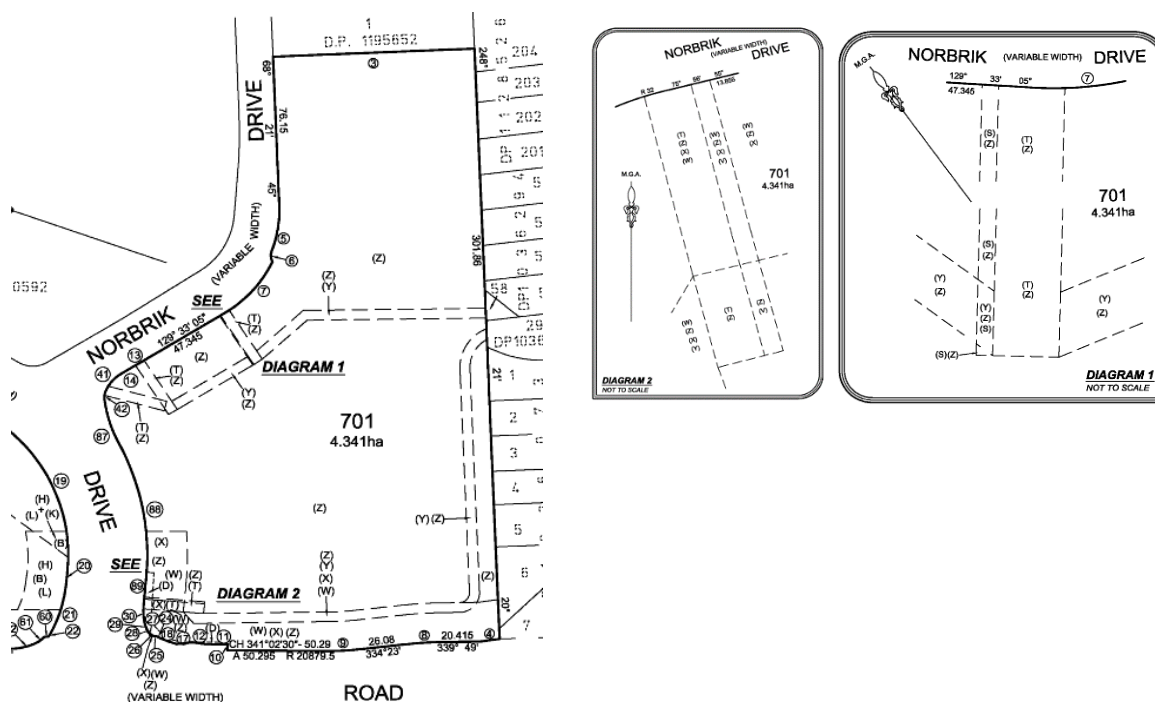


Figure 2-3: Easements applying to Lot 701

2.3 BACKGROUND

The Site is subject to a Development Application and two Planning Proposals including the following:

- DA 900/2009/HA – Construction of a Dry Detention Basin and Rock Lined Channel, Norbrik Drive, Bella Vista. Consent was granted by The Hills Shire Council on 25 March 2009.
- 15/2015/PLP – Circa Precinct Seniors Living – 26-30 Norbrik Drive, Bella Vista. This application includes the Site and seeks an additional use 'seniors living'. This Planning Proposal was supported at Council's Ordinary Meeting on the 28 July 2015 to be forwarded to the Department of Planning and Environment for Gateway Determination. Council resolved to support the following resolution: "A planning proposal to amend Schedule 1 Additional Permitted Uses of The Hills Local Environmental Plan 2012 to permit a '*seniors housing*' at 26, 28 and 30 Norbrik Avenue, Bella Vista (Lots 1 and 2 DP 1195652 and Lot 701 DP 1198639) be forwarded to the Department of Planning and Environment for Gateway Determination". The Planning Proposal was approved at Gateway with conditions on 19 November 2015.
- 19/2015/PLP – Circa Precinct Commercial – Norbrik Drive, Elizabeth Macarthur Drive, Circa Boulevard, Bella Vista. This application seeks to increase the height of buildings and floor space ratio. This Planning Proposal is under assessment by Council officers.
- DA 485/2016/HC – Construction of a permanent wet detention basin (in the form of a 30 Norbrik Drive, Bella Vista NSW 2153 lake). This application is part of an early works package to reshape the detention basin in readiness for the proposed development. This DA is currently under assessment and has been referred to the NSW Office of Water and Dam Safety Committee.

3 PROPOSED DEVELOPMENT

This Development Application seeks consent from Council and the JRPP as the works exceed \$20 million for a Seniors Housing development Master Plan on Lots 701 DP 1168639 & Lots 1 and 2 DP 1195652, Norbrik Drive, Bella Vista (subject site) for a landmark retirement precinct.

3.1 MASTERPLAN

The Master Plan seniors housing development will be carried out in 6 stages and comprises of the following:

- 10 buildings including 449 retirement Independent living units;
- 144 bed residential aged care facility;
- Central Piazza with retail and restaurants;
- Common area facilities including a multi-function centre, library, wellness centre with swimming pool, gym and rehabilitation centre, and multipurpose rooms for a range of activities;
- 1 level of continuous basement connecting all buildings and including a central loading dock and waste store, localised waste set-down and collection points, resident storage and services plant, 702 car spaces and 20 at grade car spaces;
- Easement for public access through the Site. This easement is to provide public access from the local road network to the south of the Site (Prestige Ave) to the Circa shopping centre;
- Leasing system for car parking as outlined in the car parking statement. This system will lease 1 or 2 spaces per unit and if/when the resident doesn't need the car spaces they can be returned to the pool of car spaces; and,
- Amalgamation of Lots 701 DP 1168639 & Lots 1 and 2 DP 1195652.

Figure 3-1 shows the layout of the masterplan and is an excerpt of the architectural drawings.

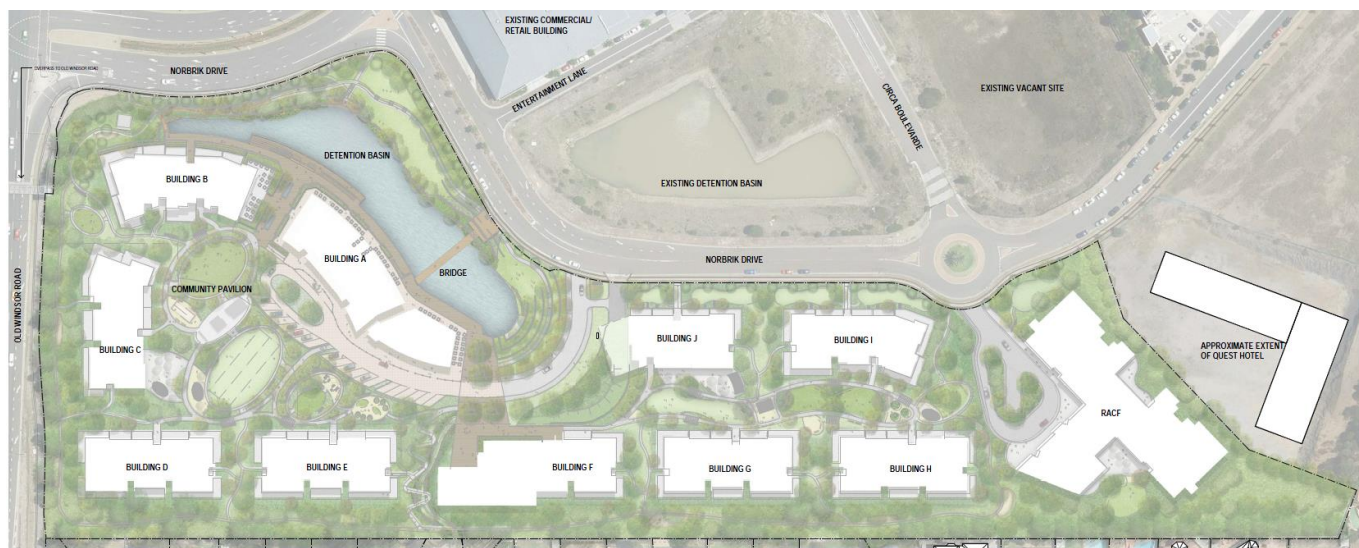


Figure 3-1: Seniors Housing Masterplan layout (Source: Architectural Plans)

The proposed development is generally setback 15m from the adjoining residential development to the south as shown in Figure 3-2 with a minor encroachment into this setback from the wellness centre and is located opposite the drainage channel. The building height ranges from 4-10 storey development with the 4 storey development concentrated at the rear of the Site that borders the low density residential areas.

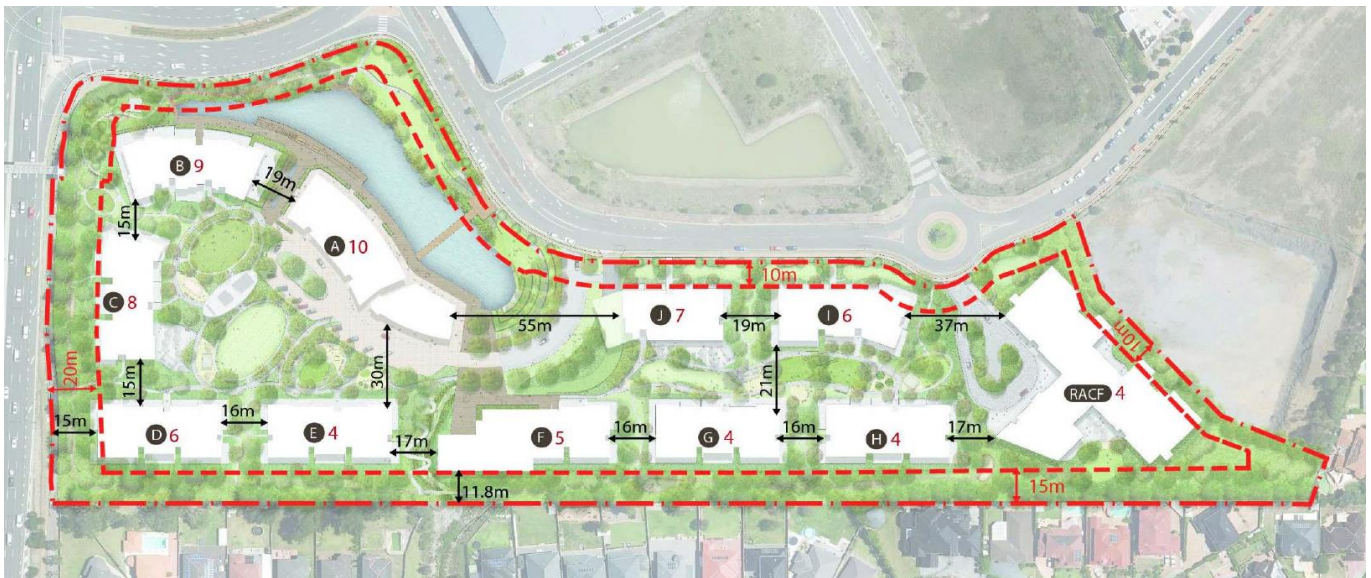


Figure 3-2: Proposed setbacks and building heights (Source: Architectural plans)

3.2 STAGE 1 – BUILDINGS A & B

This application also seeks consent for the Stage 1 development on Lot 701. Stage 1 of the development incorporates the delivery of Buildings A and B with associated landscaping and driveways of the master plan as shown in Figure 3-3 below.

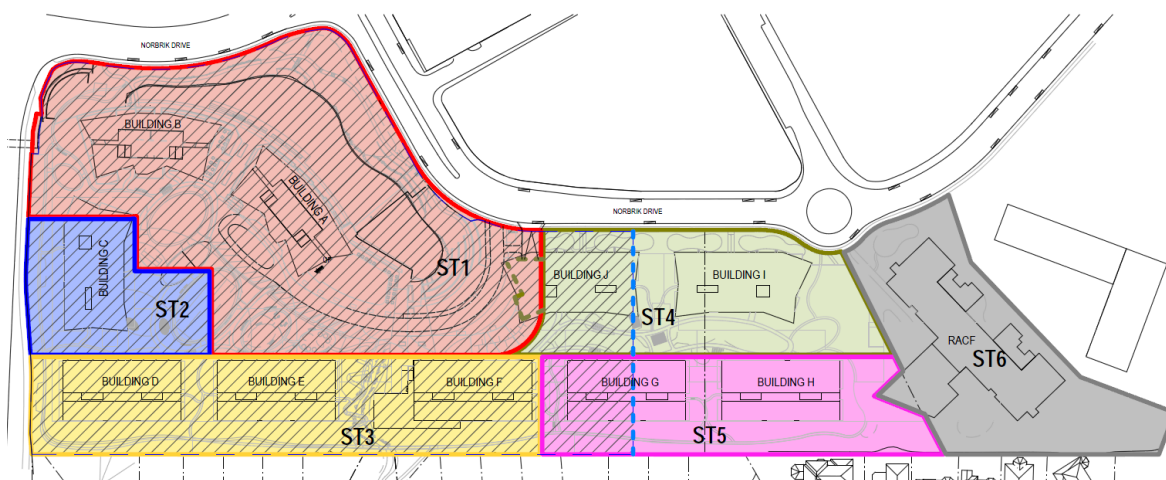


Figure 3-3: Stage 1 Development (Source: Architectural Plans)

Buildings A and B include the following works. Building A comprises of:

- 64 residential units (7x 1 bedroom units, 23x 2 bedroom units, 15x 2+ bedroom units, 15x 3 bedroom units, 4x 3 bedroom penthouse units)
- 5 accessible carpark bays
- 98 standard carpark bays
- 2 office tenancy 169m² and 196m²
- Residential facilities consisting of:
 - Residential dining and associated kitchen
 - Residents café
 - Village lounge
 - Function centre
 - Administration

Building B comprises of:

- 67 residential units (10x 1 bedroom units, 24x 2 bedroom units, 14x 2+bedroom units, 15x3 bedroom units, 4x3 bedroom penthouse units)
- 5 accessible carpark bay
- 82 standard carpark bay
- Underground carpark
- Library 239m²

The following documentation supports this DA:

- Appendix A: Survey Plan
- Appendix B: Architectural Plans
- Appendix C: Landscape Plan
- Appendix D: Stormwater Management Plan
- Appendix E: Acoustic Report
- Appendix F: Traffic and Parking Assessment
- Appendix G: Accessibility report
- Appendix H: Waste Management Plan
- Appendix I: BCA Report
- Appendix J: BASIX Reports
- Appendix K: Wind Report
- Appendix L: Heritage Impact Report
- Appendix M: Quantity Surveyors Report
- Appendix N: Aveo Car Parking Statement
- Appendix O: Preliminary Contamination Assessment

The application will be determined by the Joint Regional Planning Panel as the cost of works are over \$20 million as demonstrated in the Quantity Surveyors Report.

4 STATUTORY PLANNING CONTROLS & COMPLIANCE

This application seeks consent for seniors housing development and the mandatory matters for consideration are the development standards contained in *The Hills Local Environmental Plan (LEP) 2012*, the *State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004* and The Hills Shire Council's Development Control Plan. This application is seeking consent under the *SEPP (Housing for Seniors or People with a Disability)* but applying the building height and floor space ratio provisions under *The Hills LEP 2012*.

4.1 BUILDING HEIGHT & FLOOR SPACE RATIO DEVELOPMENT STANDARDS

The proposed seniors housing development is seeking consent under the *SEPP (Housing for Seniors or People with a Disability) 2004*, however as the site is zoned B7 Business Park under *The Hills LEP 2012* the height and floor space ratio controls are applied to this development. The justification for this approach is this development in terms of character, bulk and scale will be commensurate with what that of a commercial development that could be developed on the Site and the locality would expect in a business park. Figure 4-1 is a concept showing the scale of the proposed masterplan.



Figure 4-1: Excerpt from Architectural Plans showing scale of proposed masterplan

Table 4-1 identifies the proposed height and FSR. An assessment of the development against the applicable development standards is contained in Section 4.2 of this SEE.

Table 4-1: Proposed height and FSR

Building	Proposed Height (RL)	Proposed FSR
Building A (Stage 1)	109.490 (minor variation)	1.10:1
Building B (Stage 1)	105.630	
Building C	100.600 (minor variation)	
Building D	92.7	
Building E	86.100	
Building F	91.600	
Building G	88.900	
Building H	91.100	
Building I	98.7	
Building J	100.3	
RACF	93.2	

4.2 THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

The site is zoned B7 Business Park under *The Hills LEP 2012*. As discussed in Section 2.3, a Gateway Approval has been issued for Seniors Living as an additional permitted use on the subject site.

The proposed development is consistent with the following definition:

“Seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.”

The proposed development meets the following relevant B7 Business Park land use zone objectives:

- To encourage employment opportunities
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area

Comment: The proposed development includes entertainment facilities for the seniors housing residents and two small tenancies which will provide employment opportunities for people within the locality. This development also provides facilities and services to meet the day to day needs of the residents.

The following *The Hills LEP 2012* clauses are examined:

- Clause 4.3 Height of buildings – the objective of this clause is to ensure the height of buildings does not adversely affect adjoining development and the overall streetscape, and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. The LEP identifies a split building height for the site with the majority being RL 108 as shown in Figure 4-2 below. The height of the buildings in the masterplan ranges as demonstrated in Table 4-2.

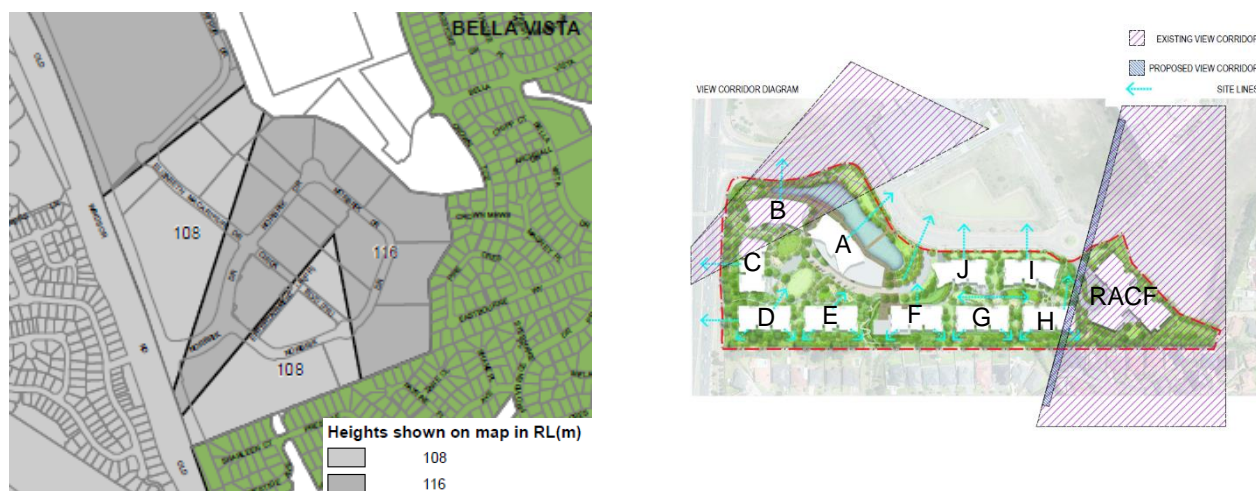


Figure 4-2: The Hills LEP height of buildings map and view corridors plan

Figure 4-1 includes The Hills LEP maximum height of buildings map and an excerpt from the Architectural Plans that shown the approximate location of the different maximum building height areas as these are in accordance with the heritage view corridors. Table 4-2 is a compliance table identifying which proposed buildings comply with the building heights. As demonstrated in the table, there are two minor variations sought in this application. This will be addressed under a Clause 4.6 exceptions to minimum development standards within this section of the SEE. In addition, this is supported by the Heritage Report which addresses the building height.

Table 4-2: Comparison of proposed height and compliance with LEP standards

Building	Proposed Height (RL)	Maximum LEP height (RL)	Compliance
Building A (Stage 1)	109.490	108	No.
Building B (Stage 1)	105.630	116	Yes
Building C	100.600	split RL 116 and 108	No.
Building D	92.7	108	Yes
Building E	86.100	108	Yes
Building F	91.600	108	Yes
Building G	88.900	108	Yes
Building H	91.100	split RL 116 and RL 108	Yes
Building I	98.7	108	Yes
Building J	100.3	108	Yes
RACF	93.2	116	Yes

- Clause 4.4 Floor Space Ratio (FSR) – the objective of this clause is to ensure development is compatible with the bulk, scale and character of existing and future surrounding development. The site has a maximum FSR of 1:1. The proposed development has a FSR of 1.10:1 which seeks a minor variation to the LEP standard.
- Clause 5.9 Preservation of trees or vegetation – the objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. There is sparse vegetation located on the site, with a concentration on the western and southern boundaries. A Landscape Plan is included within this application identifying landscaped areas associated with the masterplan. This Landscape Plan also includes comments on the vegetation present on the Site and the condition of trees.
- Clause 5.10 Heritage Conservation – the relevant objectives of this clause to the proposed development are to conserve the environmental heritage of The Hills, conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. A Heritage Impact Assessment supports this application as the Site is within the vicinity of:
 - “Bella Vista” which is listed as a heritage item on the State Heritage Register (SHR No.00754). “Bella Vista” and outbuildings and Bunya Bunya Pines, lot 2, DP 584274, Old Windsor Road (opposite Meurant’s Lane)” are listed in Schedule 1 Items of the environmental heritage to Deemed State Environmental Planning Policy Sydney Regional Environmental Plan No 19—Rouse Hill Development Area (Deemed SEPP). Further, “Bella Vista Homestead Complex” is listed as a Heritage Conservation Area (C2) and as being of State Significance in Schedule 5 of The Hills Local Environmental Plan 2012 (the LEP).
 - “Original section of road and culvert” within the road reserve of Old Windsor Road, identified as an archaeological site (A2) in the LEP. The Roads and Maritime Services (RMS) Section 170 Heritage and Conservation Register (the Register) identifies as heritage items the “Old Windsor Road and Windsor Road Heritage Precincts” and the “Sandstone Culvert, Approx 200M South of Meurants Lane”.

The following commentary is an excerpt from the Heritage Report:

“Clause 5.10(5)(c) of the LEP applies because it is development “on land that is within the vicinity” of a heritage item or heritage conservation area. The proposed development will have no impact on the heritage significance of “Bella Vista” and the archaeological site “Original section of road and culvert”, located in the “within the vicinity” of the site.

The proposed development has been formulated to provide a site layout that is in a form and scale appropriate within its context and setting and its relationship to “Bella Vista”. It is considered that the level of design of the respective built elements has resulted in a practical and appropriate resolution of heritage conservation and architectural and landscape design matters. Key view cones are proposed to be established for views and vistas to and from Bella Vista Farm and the Pearce Family Cemetery.

The proposed development is located some 50m to the east of the old section of Old Windsor Road and the culvert which is situated about 200m south of Meurants Lane and 600m north of the site. In relation to that heritage item, it is important to note that the construction of the new alignment of the Old Windsor Road is a significant intervention in the landscape and the relationship between the two heritage items which has actually constructed and thus contributed to the isolation of these sites from and within their original context and setting.

Further, the HIA has assessed the proposed development against the provisions of The Hills DCP – Part B Section 6 B4 Business Clause 2.24 Heritage Objectives and Part C Section 4 C4 Heritage Clause 3.5 and concludes that the proposed development satisfies those matters and does not impact on the heritage significance of “Bella Vista” and “Original section of road and culvert” (p.1-2).

4.2.1 CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This application is seeking minor variations to the maximum building height and floor space ratio LEP controls as follows:

- Building Height:
 - Part of Building A seeks a minor variation to the RL108, with a proposed height of RL109.4 and a variation of RL1.4.
 - Part of Building C seeks a minor variation to the RL108, with a proposed height of RL 100.6 and a variation of RL 2.6.
- Floor Space Ratio – the masterplan seeks a minor variation to the 1:1 FSR, with a proposed FSR of 1.10:1 and variation of 0.10 which is within 10% of the development standard.

The objective of Clause 4.6 variation is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for development by allowing this flexibility in particular circumstances. Compliance with the development standard is unnecessary in the circumstances of this case as demonstrated below.

The proposed development will be in the public interest as it is consistent with the objectives of both the building height and FSR development standard. In terms of building height, the proposed development will be compatible with that of adjoining development and the overall streetscape as the proposed variation is only minor and borders land that has a maximum height of RL116. The proposed height variations to RL108 are considerably below the maximum RL116. The two variations sought are to buildings that front Old Windsor Road and Norbrik Drive, with no overshadowing impacts on the existing adjoining neighbours to the south as a result of the variation. As the variations sought are minor, there would be negligible adverse overshadowing impacts to the remainder of the development as a result of the variation. In respect of visual impact, the variations are minor that there would be negligible impact as a result.

The variations would not result in a loss of privacy on adjoining properties as the buildings seeking the minor variation face Old Windsor Road and Norbrik Drive. The loss of privacy for units within the masterplan would be negligible as the variation is very minor.

The proposed development is consistent with the objectives relating to the floor space ratio development standards as the development will result in built form that is commensurate with the bulk, scale and character to development permissible in the business park. The impact of the minor variation on the bulk, scale and character would be negligible.

As discussed above, the proposed development meets the following relevant B7 Business Park land use zone objectives:

- *To encourage employment opportunities*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area*

The proposed development includes entertainment facilities for the seniors housing residents and two small tenancies which will provide employment opportunities for people within the locality. This development also provides facilities and services to meet the day to day needs of the residents.

It should also be noted that the Heritage Impact Assessment Report concludes that the proposed development does not impact on the heritage significance of 'Bella Vista'. The report identifies the existing view corridors and the proposed view corridors between Bella Vista and Pearce Family Cemetery. The variations to the building height are not within the proposed view corridor as shown in the Heritage Impact Assessment Report.

The contravention of this development standard will not raise any matter for State or regional environmental planning. There is no public benefit of maintaining the development standards. There are sufficient environmental planning grounds to justify the contravening these development standards as discussed above.

4.3 THE HILLS DEVELOPMENT CONTROL PLAN 2012

The Hills Shire Council has a consolidated Development Control Plan (DCP) for development within The Hills Shire Local Government Area. This application assesses the proposed development against the following provisions of The Hills DCP 2012:

- Part B Section 6 – Business
- Part C Section 3 – Landscaping

Table 4-3 outlines the compliance of the proposed development with the controls contains in Part B Section 6 – Business which include Part C Section 3 – Landscaping.

Table 4-3: Part B Section 6 – Business Compliance

Clause	Control	Comments	Compliance
2.3	Development Sites	Maximum site coverage 50% Adequate provision should be made for water, sewerage, energy supply, telecommunications and stormwater drainage to the satisfaction of relevant authorities.	Complies. Refer to architectural plans. Adequate arrangements will be made.
2.5	Setbacks	Building setback to all public roads is 20m. A minor variation is sought in the masterplan with Building D and Building C encroaching into the 20m setback from Old Windsor Road for a maximum of 5m. This encroachment is minor with extensive	Generally complies. Minor variation.

Clause	Control	Comments	Compliance
		landscaping provided. There will be no adverse impact on the streetscape and no neighbouring properties impacted.	
		Side setback is 10m for adjoining business uses. This control applies to the eastern property boundary which borders with land zoned B7. The RACF is proposed in this location and seeks a minor variation to the 10m setback. This is extensively landscaped with the height of the RACF being RL93. This would not have a significant adverse impact on the adjoining property	Generally complies. Minor variation
		Side setback is 15m when adjoining residential and shall be exclusively used for landscaping. The southern property boundary borders low density residential dwellings. A 15m setback is adhered to except for the location of the Wellness Centre in Building F which encroaches into the setback by 3.2m (11.8m setback). This encroachment is opposite the drainage channel and would not have a significant adverse impact on the adjoining neighbouring properties because of its location and supporting landscaping. The 15m setback is extensively landscaped incorporating a pedestrian pathway.	Generally complies.
2.7	Building Design & Materials	All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. BCA report supports this application. The design of the development considers the privacy of adjoining residential development with horizontal louvres to bedrooms/bathrooms to ensure that overlooking to existing dwellings is restricted but allows district views. Design features and landscaping ensure the development considers the privacy of the neighbouring dwellings. The following factors have been considered in selecting materials: <ul style="list-style-type: none"> • Suitability for the purpose. • Durability. • Long term appearance. • Local environmental impacts. • Broader and longer term environmental impacts. • The quantity of material required. • Life cycle assessment. The roof colour of any built structure to be located south of Norwest Boulevard, and which will be easily viewed from the Bella Vista Farm conservation area shall be of a dark, non-reflective colour.	See external materials. Complies. Complies. See external materials and Architectural Design Statement. See external materials.

Clause	Control	Comments	Compliance
		The design of the buildings and landscaping will ensure natural surveillance of pathways and open space setback areas. Building design ensures that building entrances are visible and discourages entrapment. Appropriate lighting and way finding is used to promote use of safe access routes.	Complies
2.10	Energy Efficiency	The roof can accommodate solar panels and/or other relevant equipment. Passive solar design principles such as solar access and ventilation are incorporated into the design. A BASIX report supports this application.	Complies. Complies. Complies.
2.12	Erosion & Sediment Control	DA 485/2016/HC sought consent for the construction of a detention basin and earthworks to support this DA. Refer to previous DA for erosion and sediment control plan.	Complies.
2.13	Fencing, Landscaping and Tree Preservation	Grassed embankments not to exceed a 1:6 slope, while vegetated embankments planted with soil stabilising species may be as steep as 1:3	See Landscape Plan. Complies.
2.15	Vehicular Access	Vehicular access is via Norbrik Drive. Adequate vehicular entry and exit from the development is provided in a safe environment for both pedestrians and vehicles. The masterplan proposes two vehicular entries, a driveway to service the RACF and a driveway to service the independent living unit buildings and function centre.	
2.18	Loading Facilities	Loading docks are located in the basement level and will not be visible from adjoining residential areas nor transmit excessive noise to adjoining residential areas.	Complies.
2.19	Pedestrian Access & Movement	The car parking spaces and layout is designed to accommodate the limited mobility needs of visitors. See accessibility report for details.	Complies.

4.4 SEPP(HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

This application is seeking consent under *SEPP(Housing for Seniors or People with a Disability)2004*. Table 4-4 assesses the compliance of the development against the provisions of the SEPP.

Table 4-4: SEPP(Housing for Seniors or People with a Disability)2004 Compliance Table

Clause	Control	Comments	Compliance
4	Land to which Policy applies	This Policy applies as B7 Business Park permits hospitals on this Site under The Hills LEP 2012. As such Seniors Housing is permissible	Yes
6	Land to which Policy does not apply	The land described in Schedule 1 (Environmentally sensitive land) refers to land identified in another environmental planning instrument as floodway or high flooding hazard. There are no environmental	N/a

Clause	Control	Comments	Compliance
		<p>planning instruments that identify the Site as a floodway or high flooding hazard.</p> <p>The site is not flood affected or designated as a floodway because of the proposed treatment of the detention basin under DA 485/2016/HC.</p>	
11	Definition of 'residential care facility'	Residential accommodation for seniors or people with a disability that includes: <ul style="list-style-type: none"> a. meals and cleaning services, and b. personal care or nursing care, or both, and c. appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care not being a dwelling, hostel, hospital or psychiatric facility.	Complies
13	Definition of self-contained dwelling	Is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.	Complies
19	Use of seniors housing in commercial zones	Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes	Complies. The Site is subject to a Planning Proposal that has a Gateway Approval for Seniors Living development to address the whole development as seniors housing within a B7 Business Park land use zone being a commercial zone.
26	Location and access to facilities	<p>Future residents will have access to shops, bank service providers and other retail and commercial services that residents reasonably require as Circa shopping centre is approximately 25m north from the most northern point of Lot 701. It will be accessible by a reasonable gradient in accordance with the SEPP. This shopping centre features a range of retail uses including Woolworths supermarket and other uses such as a pharmacy, retail shops, cafes and ATMs. Norwest Private Hospital is located further north of Circa Shopping Centre.</p> <p>Recreation facilities and community services will be provided within the development.</p>	Complies
		The development will be in the vicinity of the Bella Vista station (under construction), Norwest station (under construction) and bus interchanges. A shuttle bus will be provided in accordance with the requirements of the SEPP to transport residents to the stations (when constructed), bus interchanges and facilities. It is noted under the Draft Bella Vista Station Precinct that a bus route connecting the site to the Bella Vista train station is proposed. In	Complies

Clause	Control	Comments	Compliance
		addition, the Site has access to the T-way buses along Old Windsor Road.	
28	Water and Sewer	Applications will be made to Sydney Water in relation to the provision of potable water and the removal of sewage. The surrounding area is serviced by Sydney Water.	Complies
30	Site Analysis	The survey plan identifies the site dimensions, easements and existing vegetation. The Landscape Plan addresses existing vegetation. The Architectural Plans show the location of adjoining residential dwellings, the relationship of overshadowing impacts of the development and the provision of open space within the development.	Complies
33	Neighbourhood amenity and streetscape	<p>The surrounding locality is undergoing re-development as a result of the new Bella Vista Station. The proposed development will contribute to the quality and identify of the area while remaining sensitive to the Bella Vista Heritage Farm Park, as supported by the Heritage Report (Appendix L).</p> <p>The proposed architectural design provides adequate setbacks to the street and adjoining development and together with design features (see architectural plans) to reduce bulk and overshadowing of the development. The building heights adopted are in accordance with The Hills LEP with this development commensurate with what the commercial developments would expect in a business park.</p> <p>The Landscape Plan demonstrates extensive planting throughout the masterplan.</p>	Complies
34	Visual & Acoustic Privacy	<p>The location and design of the windows and balconies consider preserving the privacy of the adjoining residential dwellings as shown in the architectural plans. Extensive landscaping is also provided.</p> <p>An Acoustic Report supports this application (Appendix E).</p>	Complies
35	Solar access and design for climate	Solar access has been considered in the design of the development. Solar access diagrams are included in the architectural plans. The solar access complies with the SEPP 65 provisions. Natural ventilation within the units is shown in the architectural plans.	Complies
36	Stormwater Management	A Stormwater Management Report supports this application (Appendix D). The report recommends water sensitive urban design measures including infiltration through subsoil drainage, open swales, trash bags within drainage pits, vegetated filter strips along footpaths and road ways and onsite stormwater detention. The construction of a detention basin is proposed under DA 485/2016/HC which is under assessment.	Complies
37	Crime Prevention	The proposed development ensures that units overlook the open spaces within the development ensuring casual surveillance of these areas.	Complies

Clause	Control	Comments	Compliance
38	Accessibility	The proposed development incorporates well defined pedestrian links that provide access to local facilities. The development separates the driveway entrances from pedestrian entrances to provide attractive yet safe environments for pedestrians and motorists.	Complies
39	Waste management	The proposed development provides waste facilities that encourage residents to recycle appropriate materials. A Waste Management Plan supports this application (Appendix H).	Complies
40	Development standards – minimum sizes and building height	<p>The size of the site exceeds 1,000m². The site frontage is at least 20m at the building line.</p> <p>The proposed height exceeds the 8m development standard. The proposed height is in accordance with the height as provided by The Hills LEP 2012. Clause 40(4)(a) <i>note</i> states that development consent cannot be refused on the ground of height if the proposed development is 8m or less. However, a consent authority can still consider proposed heights above 8m.</p> <p>Clause 40(4)(b) states that a building that is adjacent to a boundary of the site must be not more than 2 storeys in height. The note states that the purpose of the paragraph is to avoid an abrupt change in the scale of development in the streetscape. The proposed development is in accordance with the LEP height and the bulk and scale is something commensurate with what the adjoining neighbours would expect in a business park.</p>	<p>Complies</p> <p>Variation, see comments below table.</p> <p>Variation, see comments below table.</p>
48	Standards that cannot be used to refuse development consent for residential care facilities	<p>Clause 48 outlines standards that if a development is in accordance with, the consent authority must not refuse consent on those grounds which are:</p> <ul style="list-style-type: none"> - 8m height or less. The proposed development exceeds this height limit and is in accordance with the LEP. - FSR of 1:1 or less. The proposed development exceeds this and seeks a minor variation to the LEP standard. - Landscaped area of 25m² per bed or less. The masterplan provides a total of 25,286m² of private domain (see architectural plans). This is sufficient to accommodate the 3,600m² required for the RACF. - Parking for residents and visitors (1 space per 10 beds, 1 space for each 2 persons to be employed, 1 parking space suitable for an ambulance). 51 standard parking spaces are allocated to the RACF and 4 accessible spaces. This is sufficient for a 144 bed RACF. <p>A note associated with Clause 48 states that “<i>the provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant consent</i>”.</p>	Variation, see comments below table.

Clause	Control	Comments	Compliance
		<p>Given the above, a consent authority can assess developments that are above the standards identified in Clause 48. The proposed development is in accordance with the LEP building height provisions and seek a minor variation of the FSR provisions. As such the proposed development is in character with the development in the area with the bulk and scale commensurate with what the adjoining neighbours would expect in a business park.</p>	
50	Standards that cannot be used to refuse development consent for self-contained dwellings	<p>Clause 50 outlines standards that if a development is in accordance with, the consent authority must not refuse consent on those grounds which are:</p> <ul style="list-style-type: none"> - 8m height or less. The proposed development exceeds this height limit and is in accordance with the LEP. - FSR of 0.5:1 or less. The proposed development exceeds this and seeks a minor variation to the LEP standard. - 30% of the site is to be landscaped. Approximately 42% of the site is identified as private domain. This will meet the 30% requirement for landscaping. - 15% of the site is to be deep soil zones. As shown in the architectural plans, 34% of the site is deep soil. These areas are located bordering the property boundaries. - Solar access: minimum 70% of the dwellings are to receive 3 hours of direct sunlight between 9am and 3pm. As shown in the architectural plans, 87.61% of the units received direct sunlight with 75% receiving 2 hours of sunlight in accordance with SEPP 65. - Private open space: balconies are to be 10m² in area and is not less than 2m in length or depth. The smallest balcony is 14m². - Parking: 0.5 spaces for each bedroom. 476.5 spaces are required for Buildings A-J. The proposed development is providing 702 basement spaces and 20 at grade spaces. <p>A note associated with Clause 48 states that “<i>the provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant consent</i>”.</p> <p>Given the above, a consent authority can assess developments that are above the standards identified in Clause 48. The proposed development is in accordance with the LEP building height provisions and seek a minor variation of the FSR provisions. As such the proposed development is in character with the development in the area with the bulk and scale commensurate with what the adjoining neighbours would expect in a business park.</p>	Variation, see comments below table.

Justification to support the variations to Clauses 40, 48 and 50 are provided in summary below:

- Clause 40 – minimum building height and Clause 50 – standards that cannot be used to refuse development consent for self-contained dwellings

Clause 40 and 48 refer to an 8m building height or less that cannot be used as ground for refusal. This development standard does not exclude a building height greater than 8m which is argued as the merits of this application. The building height has had regard to the proposed LEP building height and setbacks to design a development that is commensurate with a commercial development built that could be accommodated on the Site.

- Clause 40 – minimum building height – 2 storey development standard

As shown in Figure 3-2, the proposed development exceeds the development standard that development adjoining a property boundary must not be more than 2 storeys in height. The proposed development exceeds this standard with 4-6 storeys adjoining the rear property boundary with a 15m landscaped setback. The proposed height and extensive landscaping is adequate treatment to address the relationship between the development and the adjoining low density residential area and minimise impacts on adjoining properties.

5 SECTION 79C ASSESSMENT

5.1 MATTERS FOR CONSIDERATION

In determining a development application, a consent authority must take into consideration the following matters:

- (a) The provisions of:
 - i. Any Environmental Planning Instrument

State & Regional Planning Policies

- State Environmental Planning Policy No.55 – Contaminated Land. This application seeks consent for the development of the Site for a form of residential accommodation. A Preliminary Contamination Report supports this report (Appendix O). The report concluded that the soil at sampling locations does not present a risk of harm to human health and the environment under the proposed residential (with minimal opportunities for soil access) land use condition. However, additional soil sampling and testing is required.
- State Environmental Planning Policy (Infrastructure) 2007 – this application will require concurrence from the Roads & Maritime Services (RMS) under *Clause 104 Traffic-generating development* as the proposed development includes ‘parking’ for over 200 vehicles which has access to a road. This application is supported by a Traffic Report (Appendix F).
- State Environmental Planning Policy BASIX – A BASIX certificate supports this application attached at Appendix J demonstrating compliance with water, energy and thermal comfort targets.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – This Development Application is seeking consent under the *SEPP(Housing for Seniors or People with a Disability)2004* and as such, an assessment under SEPP No.65 is for information purposes only as the development is in a form similar to a residential flat building. An Architectural Design Statement prepared by Jackson Teece supports this application, attached at Appendix B, and addresses the design quality principles.

SEPP No.65 – Design Quality of Residential Apartment Development

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide states that *“this clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*

- (a) *visual privacy*
- (b) *solar and daylight access*
- (c) *common circulation and spaces*
- (d) *apartment size and layout*
- (e) *ceiling heights*
- (f) *private open space and balconies*
- (g) *natural ventilation*
- (h) *storage*

If a development control plan contains provisions that specific requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect”.

Comment: This application is in accordance with the SEPP however is not in accordance with Council’s DCP for the following:

- Solar and daylight access
- Apartment size and layout

In accordance with the provisions of Clause 6A of the SEPP, Council's DCP cannot be inconsistent with SEPP provisions and the SEPP will override. This DA is seeking consent under *SEPP(Housing for Seniors or People with a Disability)2004* but complies with the solar and daylight access provisions under SEPP No.65 as the built form is a residential flat building.

Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that *"if a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:*

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide*
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide*

Comment: As the proposed seniors housing development is being assessed under the *SEPP(Housing for Seniors or People with a Disability)2004*, the development complies with the car parking provisions in the *SEPP(Housing for Seniors or People with a Disability)2004* and not under SEPP No.65. The internal areas proposed are above the recommended minimum internal areas under SEPP No.65 and the ceiling heights are greater than the recommended minimum ceiling heights in SEPP NO.65.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) the design quality principles, and*
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria".*

Schedule1 – Design Quality Principles

Jackson Teece's Architectural Design Statement attached at Appendix B responds to SEPP 65's Schedule 1 Design Quality Principles. This section provides a summary of their responses.

Principle 1: Context and neighbourhood character

The proposed development provides a high quality public realm with a focal point for social interaction between residents, staff, visitors and the wider community being accessible to people of all ages and disabilities. Landscaping is proposed throughout the Site enhancing the public realm. The public realm a boardwalk around a lake (detention basin proposed under DA 485/2016/HC), with the focus being the village plaza. Connections through the Site ensures components of the public realm are accessible to the public.

The design aims to provide a sympathetic response to the surrounding suburban context through the transition of building heights from 10 storeys to the north, facing the business precinct down to 5 and 4 storeys towards the residential precinct to the south. Expansive high quality landscaped zones form a privacy buffer and curtilage along the perimeter of the entire site, particularly to the low density residences adjoining the Site to the south. The landscaping also provides connectivity through the Site together with pedestrian and cycle paths linking the site to the surrounding infrastructure and suburbs.

Principle 2: Built form & scale

The development responds positively in height and scale to the diversity of its surrounding context. The height and proportion of the North-western buildings relating to the Old Windsor Road provide the necessary prominence at the main entry point to the Circa precinct. The proposed buildings will also be compatible with future development within the Business Park.

The height of the buildings along Norbrik Drive towards the east respond to the proposed building forms on the opposite side, whilst allowing views through to the landscaped heart of the development behind.

Massing, height and density of buildings are increased towards the shopping and business precinct to the North and are decreased towards the existing dwellings along the Southern boundary, allowing for solar access, view corridors and privacy. The setbacks within the development are adequate and are landscaped.

Principle 3: Density

The development proposes a higher density for the western part of the site relating to the business park and Old Windsor Road. The density of retirement dwellings is well catered for in the overall precinct, with shopping, business and healthcare connections within a short distance. This is in addition to the integration of commercial café tenancies within the public realm of the development. This area will enjoy a higher level of amenity with access to landscaped pathways, recreational areas and community hubs.

Principle 4: Sustainability

The focus of the masterplan is a central public space which encourages social interaction supported by public amenities around this space.

The building facades typically respond to their orientation to optimise natural lighting and ventilation. North facing facades consist of deep balconies to maximise solar access during winter and minimise solar access during summer. East and west facing facades consist of balconies and/or vertical shading devices to minimise direct afternoon sun light while maximising natural lighting during other times of the day. South facing façades will consist of balconies with louvered privacy devices, maximising natural light and views.

Principle 5: Landscape

Extensive landscaping is proposed within the masterplan, bordering the site's boundaries and within the development. The natural vegetated character along the site's street frontages and to the lakes edge are landscaped with reference to the predominant native plantings of the suburb. The Norbrik Road side of the detention lake is a grassy landscaped zone providing public amenity for nearby office workers. The area within the development also includes community buildings and facilities. The lawn adjacent to the bowling green provides a grassed area with shade trees to allow picnic and relaxation overlooking the adjacent sports activities.

Principle 6: Amenity

Social interaction is encouraged through a range of community amenities such as arestaurants, function rooms, wellness centre, swimming pool, library and community centres that are located at various points around the development.

Buildings are predominantly oriented towards the North. The southern row of buildings is offset from the one to the north, allowing sunlight and prevailing winds to reach open landscaped areas between the buildings and deep into the development providing good natural ventilation, solar access and amenity to internal and external spaces. Façade articulation aids this process and allows for privacy to be maintained, whilst achieving a high level of architectural expression.

The units are generously sized with optimal outlook and views. Apartment outlook is further aided by louvres and setbacks, allowing all residents visual and acoustic privacy. Building orientation to the north is maximised, façade articulation assists in encouraging natural ventilation. Communal spaces and apartments have been designed for present and future accessibility requirements to be achieved, allowing residents to alter their living environment to suit ongoing needs.

Principle 7: Safety

The development is design to provide a safe, secure living environment for all residents while encouraging public interaction in the main public realm. A central secure basement carpark will provide an accessible secure entry for residents and visitors, with direct secure access to all apartments.

Passive surveillance is also encouraged through a range of community amenities and oblique views to landscaped areas. Discreet secure fencing and access points will be integrated into landscaping, delineating the public and private spaces. Lighting will provide amenity in landscaped areas at night, further providing security for residents.

Principle 8: Housing diversity and social interaction

A mixture of 1, 2 and 3 bedroom apartments plus penthouses are provided throughout the development allowing for a diverse mix of residents. The buildings at the Northwest fronting the lake offer premium size apartments, with the remainder of the buildings offering a wider variety of apartment sizes.

Common lift lobbies to each residential floor allow interactions on a day to day basis, with ample outdoor amenities catering for further recreational interactions. Bowls green, activities lawns, yoga spaces and a variety of walking paths weaving throughout the site, promote a healthy active lifestyle and multiple social contact opportunities.

Principle 9: Aesthetics

The development positively contributes to the existing and future development within Norwest Business Park through the building forms, articulation, and materiality. The public realm around the detention lake provides a vibrant environment which is enhanced through surface articulation, amenity integration and structural resolution. Contrast of building facades also exists within the development allowing a variety of visual articulation for residents. The articulation of the facades provides visual interest, and when combined with the form and scale of the flagship buildings, it sets a street presence and character defining it in the precinct as a quality residential development.

Apartment Design Guide

An assessment against the relevant design principles contained in the residential flat design code can be found in Table 5-1 below. It should be noted that some of the design objectives and design criteria have been addressed within the DCP controls in Table 5-2.

Table 5-1: Apartment Design Guide – Design Objectives & Design Criteria Assessment

Design Principles		Proposed
Part 3 Siting the Development		
Part 3D Communal and Public Open Space	Design Criteria <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the Site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter) 	<p>Complies. Communal areas – private domain equates to 42.6% of the Site. Communal areas – public domain equates to 22.4% of the Site. See architectural plans M-DA-0006.</p> <p>Complies. The communal areas encompass a large amount of area so 50% of this will have direct sunlight for 2 hours between 9am and 3pm on 21 June. See architectural plans M-DA-0011.</p>
Part 3E Deep Soil Zones	Design Criteria Deep soil zones are to meet the following requirements:	<p>Complies. 34% of the site is deep soil zone. See architectural plans M-DA-0006.</p>

Design Principles		Proposed
	<ul style="list-style-type: none"> - Min. dimension of 6m - Deep soil zone 7% of site area 	
Part 3F Visual Privacy	<p>Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>Up to 12m (4 storeys)</p> <ul style="list-style-type: none"> - 6m between habitable rooms and balconies - 3m between non-habitable rooms <p>Up to 25m (5-8 storeys)</p> <ul style="list-style-type: none"> - 9m between habitable rooms and balconies - 4.5m between non-habitable rooms <p>Over 25m (9+ storeys)</p> <ul style="list-style-type: none"> - 12m between habitable rooms and balconies - 6m between non-habitable rooms 	Complies. See architectural plans setback and building separation diagram on M-DA-0004 and site analysis diagram sections on M-DA-0008.
Part 3J Bicycle & Car Parking	<p>Design Criteria The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.</p> <p>The car parking needs for a development must be provided off street</p>	Car parking complies with the <i>SEPP(Housing for Seniors or People with a Disability)2004</i> .
Part 4 Designing the Building		
Part 4A Solar & daylight access	<p>Design Criteria</p> <ol style="list-style-type: none"> 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter 	<p>Complies. The Masterplan overall complies with the solar access requirements with 75.44% of the units receiving 2 hours of direct sunlight. Refer to architectural schedules on M-DA-0011</p> <p>Complies. The Masterplan overall complies with 12.39% of units receiving no direct sunlight between 9am and 3pm at mid-winter.</p>

Design Principles		Proposed
Part 4B Natural Ventilation	Design Criteria 1. 60% of units should be naturally cross ventilated in the first nine storeys. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Complies. 100% of units are cross ventilated. Refer to architectural plans. Complies. Apart from Unit Type P1 which has a length of 18.07m. Minor variation. See architectural plans.
	Design Criteria Measured from finishing floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms: 2.7m Non-habitable rooms: 2.4m For 2 storey apartments : 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use	Complies. Apart from Level 01 Building A which seeks a minor variation with a ceiling height of 2.6m. See architectural plans.
Part 4D Apartment Size & Layout	Design Criteria Apartments are required to have the following minimum internal areas: 1 bedroom: 50m ² 2 bedroom: 70m ² 3 bedroom: 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Complies. The proposed masterplan includes the following unit sizes: 1 bed units: 58m ² , 59m ² , 69m ² 2 bed units: 83-86m ² , 89-90m ² 2+ bed units: 105-106m ² , 108-109m ² , 112m ² 3 bed units: 125-126 m ² , 128m ² , 132m ² , 138-139 m ² , 152m ²
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300. Refer to notes at the bottom the page

Design Principles		Proposed
	not be borrowed from other rooms.	
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300. Refer to notes at the bottom the page
	In an open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300.
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300.
	Living Rooms or combined living/dining rooms have a minimum width of: - 3.6m for 1 bedroom apartments - 4m for 2 and 3 bedroom apartments	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies. Refer to architectural plans, typical unit layouts on M-DA-6300.
Part 4E Private Open Space & Balconies	Design Criteria All apartments are required to have primary balconies as follows: <ul style="list-style-type: none"> • 1 bedroom: min 8m², min 2m depth • 2 bedroom: min 10m², min 2m depth • 3+ bedroom: min 12m², min 2.4m depth The minimum balcony depth contributing to the balcony area is 1m	Complies.
	For apartments on ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a min depth of 3m	Complies.
4F Common Circulation & Spaces	Design Criteria <ol style="list-style-type: none"> 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 	Complies.

Design Principles		Proposed
4G Storage	Design Criteria In addition to the storage in kitchens, bathrooms and bedrooms, the following storage is provided: 1 bedroom: 6m ³ 2 bedroom: 8m ³ 3+ bedroom: 10m ³ At least 50% of the required storage is to be located within the apartment.	Variation. See architectural plans.

Local Environmental Plan

The site is zoned B7 Business Park under *The Hills LEP 2012*. Seniors living development is permissible with consent subject to the Planning Proposal seeking a Schedule 1 – Additional Permitted Uses amendment to The Hills LEP 2012 to Lot 701 DP 1198639 and Lots 1 and 2 DP 1195652.

- i. Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority and that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments that have been the subject of public consultation that are relevant to the proposed development.

- ii. Any Development Control Plan

The Hills Shire Council has a consolidated DCP for development The Hills Development Control Plan 2012. This application addresses all relevant controls of the DCP in Section 4 Statutory Planning Controls and Compliance in this SEE. Table 5-2 is a compliance table for information purposes only comparing the proposed development to Council's Residential Flat Building DCP.

Table 5-2: Part B Section 5 – Residential Flat Buildings Compliance

Clause	Control	Comment	Compliance
Part 3: Objectives and Development Controls			
3.1	Site Requirements	Minimum road frontage meets the 30m DCP requirement. The proposed development amalgamates 3 lots and does not isolate adjoining land.	Complies Complies
3.2	Site Analysis	A Site Analysis plan is included within the Architectural Drawings package.	Complies
3.3	Setbacks – Building Zones	10m primary frontage setback 6m secondary frontage setback 6m side setback 8m rear setback	All generally comply. Building 1 encroaches into the 10m front setback. This is a minor variation. The

Clause	Control	Comment	Compliance
			location of the encroachment of Building I is opposite the roundabout and will not have an adverse impact on the streetscape.
3.4	Building Height	<p>Floor levels of residential rooms are not below natural ground level.</p> <p>No building shall contain more than 4 storeys above ground level.</p>	<p>Complies. This DA relies upon the levels proposed under the bulk earthworks DA485/2016/HC</p> <p>Height generally complies with LEP maximum building height</p>
3.5	Building Separation and Treatment	<p>Minimum separation between buildings is 12m.</p> <p>The spaces between buildings are landscaped with details shown in the architectural plans. A deep soil diagram is also provided showing deep soil locations adjoining the property boundaries.</p>	<p>Complies. See architectural plans.</p> <p>Complies</p>
3.6	Landscape Area	<p>A minimum of 50% of the Site is required to be landscaped. Such areas shall exclude building and driveway areas.</p> <p>All existing trees and vegetation will be removed due to the extent of redevelopment on the site. Landscaping plans support this application.</p>	<p>Variation sought. Landscaping proposed provides a satisfactory relationship between buildings and adjoining developments. The landscaping will contribute to an overall good visual amenity and character of the neighbourhood.</p>
3.7	Building Length	The maximum linear length of the residential flat building is 50 metres.	Complies
3.8	Building Design and Streetscape	<p>The design is in harmony in terms of form, mass, colour and structure with the existing and likely future development in the street.</p> <p>The siting and design of the buildings seeks to clearly define Norbrik Drive street edge. The building lines and landscaping reinforce street corners.</p> <p>The designs incorporate harmonious variations into the design features without being repetitive including verandas, entrances and facades.</p>	<p>Complies. See Architectural Design Statement for more details.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>

Clause	Control	Comment	Compliance																																	
		The siting and design of the dwellings take advantage of the views to open space.																																		
3.9	Urban Design Guidelines	The proposed development addresses the design requirements under SEPP No.65 Design Quality of Residential Flat Development and controls under The Hills DCP Part B Section 5 Residential Flat Building.	See Section 5 of this SEE.																																	
3.10	Density	The maximum population density permitted is 175 persons per hectare with a desirable range between 150-175 persons per hectare. The occupancy rates are as follows: 1 bedroom: 1.3 (1.3x66 = 85.8) 2 bedroom: 2.1 (2.1 x 271 = 569.1) 3 bedroom: 2.7 (2.7x115 = 310.5) (Excluding RACF) 965.4 persons/5.941ha = 162.49 persons per ha.	Complies																																	
3.11	Unit Layout and Design	<p>The DCP minimum unit areas as follows:</p> <table><tr><td>Type 1</td><td>Type 2</td><td>Type 3</td></tr><tr><td>1 Bed = 50m²</td><td>1 Bed = 65m²</td><td>1 Bed = 75m²</td></tr><tr><td>2 bed = 70m²</td><td>2 bed = 90m²</td><td>2 bed = 110m²</td></tr><tr><td>3 + bed = 95m²</td><td>3 + bed = 120m²</td><td>3 + bed = 135m²</td></tr></table> <p>The proposed masterplan includes the following unit sizes: 1 bed units: 58m², 59m², 69m² 2 bed units: 83-86m², 89-90m² 2+ bed units: 105-106m², 108-109m², 112m² 3 bed units: 125-126 m², 128m², 132m², 138-139 m², 152m²</p> <p>Stage 1 include the following unit sizes:</p> <table><tr><th></th><th>Building A</th><th>Building B</th></tr><tr><td>Lvl 00</td><td>-</td><td>1 bed x1 at 64m² 1 bed x1 at 66m² 1 bed x1 at 93m² 2 bed x2 at 89m² 3 bed x1 at 132m²</td></tr><tr><td>Lvl 1</td><td>2 bed x1 at 89m² 2+ bed x1 at 106m² 3 bed x 1 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 2</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 3</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 4</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 5</td><td>1 bed x1 at 69m²</td><td>1 bed x1 at 69m²</td></tr></table>	Type 1	Type 2	Type 3	1 Bed = 50m ²	1 Bed = 65m ²	1 Bed = 75m ²	2 bed = 70m ²	2 bed = 90m ²	2 bed = 110m ²	3 + bed = 95m ²	3 + bed = 120m ²	3 + bed = 135m ²		Building A	Building B	Lvl 00	-	1 bed x1 at 64m ² 1 bed x1 at 66m ² 1 bed x1 at 93m ² 2 bed x2 at 89m ² 3 bed x1 at 132m ²	Lvl 1	2 bed x1 at 89m ² 2+ bed x1 at 106m ² 3 bed x 1 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 2	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 3	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 4	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 5	1 bed x1 at 69m ²	1 bed x1 at 69m ²	Variation. As this is a seniors housing development, the needs of the population moving into this development
Type 1	Type 2	Type 3																																		
1 Bed = 50m ²	1 Bed = 65m ²	1 Bed = 75m ²																																		
2 bed = 70m ²	2 bed = 90m ²	2 bed = 110m ²																																		
3 + bed = 95m ²	3 + bed = 120m ²	3 + bed = 135m ²																																		
	Building A	Building B																																		
Lvl 00	-	1 bed x1 at 64m ² 1 bed x1 at 66m ² 1 bed x1 at 93m ² 2 bed x2 at 89m ² 3 bed x1 at 132m ²																																		
Lvl 1	2 bed x1 at 89m ² 2+ bed x1 at 106m ² 3 bed x 1 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																		
Lvl 2	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																		
Lvl 3	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																		
Lvl 4	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																		
Lvl 5	1 bed x1 at 69m ²	1 bed x1 at 69m ²																																		

Clause	Control	Comment	Compliance																																										
		<table><tr><td></td><td>2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 6</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 7</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td></tr><tr><td>Lvl 8</td><td>1 bed x1 at 69m² 2 bed x2 at 89m² 2 bed x1 at 90m² 2+ bed x1 at 106m² 2+ bed x1 at 112m² 3 bed x2 at 132m²</td><td>2 bed x1 at 90m² 3 bed x2 at 152m² 3 bed x2 at 138m²</td></tr><tr><td>Lvl 9</td><td>2 bed x1 at 90m² 3 bed x2 at 152m² 3 bed x2 at 138²</td><td>-</td></tr></table>		2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 6	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 7	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	Lvl 8	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	2 bed x1 at 90m ² 3 bed x2 at 152m ² 3 bed x2 at 138m ²	Lvl 9	2 bed x1 at 90m ² 3 bed x2 at 152m ² 3 bed x2 at 138 ²	-																												
	2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																											
Lvl 6	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																											
Lvl 7	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²																																											
Lvl 8	1 bed x1 at 69m ² 2 bed x2 at 89m ² 2 bed x1 at 90m ² 2+ bed x1 at 106m ² 2+ bed x1 at 112m ² 3 bed x2 at 132m ²	2 bed x1 at 90m ² 3 bed x2 at 152m ² 3 bed x2 at 138m ²																																											
Lvl 9	2 bed x1 at 90m ² 3 bed x2 at 152m ² 3 bed x2 at 138 ²	-																																											
		<p>A summary table is below</p> <table><tr><th>Unit types</th><th>Building A</th><th>Building B</th></tr><tr><td>1 bed at 64m²</td><td>-</td><td>1</td></tr><tr><td>1 bed at 66m²</td><td>-</td><td>2</td></tr><tr><td>1 bed at 69m²</td><td>7</td><td>7</td></tr><tr><td>1 bed at 93m²</td><td>-</td><td>1</td></tr><tr><td>2 bed at 89m²</td><td>15</td><td>16</td></tr><tr><td>2 bed at 90m²</td><td>8</td><td>8</td></tr><tr><td>2+ bed at 106m²</td><td>8</td><td>7</td></tr><tr><td>2+ bed at 112m²</td><td>7</td><td>7</td></tr><tr><td>3 bed at 132m²</td><td>15</td><td>15</td></tr><tr><td>3 bed at 138m²</td><td>2</td><td>2</td></tr><tr><td>3 bed at 152m²</td><td>2</td><td>2</td></tr><tr><td>SUB-TOTAL</td><td>64</td><td>67</td></tr><tr><td></td><td colspan="2">131 Units</td></tr></table>	Unit types	Building A	Building B	1 bed at 64m ²	-	1	1 bed at 66m ²	-	2	1 bed at 69m ²	7	7	1 bed at 93m ²	-	1	2 bed at 89m ²	15	16	2 bed at 90m ²	8	8	2+ bed at 106m ²	8	7	2+ bed at 112m ²	7	7	3 bed at 132m ²	15	15	3 bed at 138m ²	2	2	3 bed at 152m ²	2	2	SUB-TOTAL	64	67		131 Units		
Unit types	Building A	Building B																																											
1 bed at 64m ²	-	1																																											
1 bed at 66m ²	-	2																																											
1 bed at 69m ²	7	7																																											
1 bed at 93m ²	-	1																																											
2 bed at 89m ²	15	16																																											
2 bed at 90m ²	8	8																																											
2+ bed at 106m ²	8	7																																											
2+ bed at 112m ²	7	7																																											
3 bed at 132m ²	15	15																																											
3 bed at 138m ²	2	2																																											
3 bed at 152m ²	2	2																																											
SUB-TOTAL	64	67																																											
	131 Units																																												
		<p>Building A and B typical layouts are shown on M-DA-1310 Floor plan – residential building types</p> <p>No more than 25% of the dwelling yield is to be studios or 1 bedroom apartments.</p> <p>No less than 10% of the dwelling yield is to comprise apartments with 3 or more bedrooms.</p> <p>Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p>	<p>Complies. 1 bedroom apartments make up 15% of unit mix.</p> <p>N/a</p> <p>N/a</p> <p>N/a</p>																																										

Clause	Control	Comment	Compliance
		<p>All remaining apartments are to comply with the Type 3 apartment sizes.</p> <p>Unit layouts minimise corridors/circulation space and avoid dormant areas with little or no natural surveillance, permit sunlight access, achieve cross ventilation, protect the visual and acoustic privacy of residents.</p> <p>Double loaded floor plans and single aspect units must not be used unless 4 hours of sunlight is available for windows of primary living areas between 9am and 3pm on 21 June, and adequate ventilation can be achieved.</p>	<p>Complies</p> <p>Complies</p> <p>Variation.</p>
3.12	Building Materials	Building materials	See external materials and design statement
3.13	Open Space: Private	<p><u>At Ground Level</u> Dwellings with ground level access shall be provided with a minimum width of 4m and depth of 3m.</p> <p><u>Above Ground Level</u> Any balcony above ground level is to have a minimum area of 10m² and a minimum depth of 2.5m.</p>	Complies. Minimum balcony area of 14m ² .
3.13	Open Space: Common	<p>Common open space area is to be provided in a singular large parcel and provide opportunities for both active and passive recreation facilities (ie equipment such as seating, shade structures, BBQ and children's play equipment for passive recreational use).</p> <p>Open space must receive 4 hours of sunlight between 9am and 3pm on 21 June.</p> <p>The area provided shall be equivalent to the rate of 20m² per dwelling. The proposed development includes 449 apartments which equates to 8,980m² of common open space.</p>	<p>Complies. Common open space is provided as shown in the masterplan throughout the development within the community pavilion.</p> <p>Variation. Complies with SEPP No.65 requirements.</p> <p>Complies. 25,286m² of open space is provided within the masterplan (see architectural plans)</p>
3.14	Solar Access	<p>Orient and design buildings to maximize the number of dwellings with direct sunlight where possible.</p> <p>Buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.</p>	<p>Complies.</p> <p>Variation. Development complies with SEPP No.65 where only 2 hours of sunlight is required.</p>
3.15	Ventilation	Consider prevailing breezes in relation to building orientation, window design and internal circulation. Place windows to allow for cross ventilation and promote air circulation.	Complies. The proposed development utilises

Clause	Control	Comment	Compliance
			good sustainable design including the use of natural cross ventilation. Refer to Architectural Plan ref no. M-DA-0005.
3.16	Lighting	Appropriate lighting will be provided and installed to ensure the security and safety of residents and visitors in both private and common areas in accordance with the Building Code of Australia.	Complies
3.17	Stormwater Management	A Stormwater Management Plan supports this application.	Complies
3.18	Vehicular Access	<p>Access to the site is via one driveway for both delivery vehicles and residents/visitors. These are a minimum of 10m from side boundaries. Separate pedestrian entries are provided.</p> <p>The vehicular access together with the landscaping minimise the visual impact of hard paved areas.</p> <p>The driveways have a minimum width of 6m at the property boundary for a distance of 6m within the development to ensure easy entry/exit of vehicles.</p>	Complies. See Traffic Report.
3.19	Car Parking	<p>The DCP identifies the following rates: 1 bedroom = 1 space (66 spaces required) 2, 3 or 4 bedrooms = 2 spaces (383 units requires 776 spaces) 2 visitor spaces per 5 units (224.5 spaces required)</p> <p>Total: 1066.5 spaces required.</p> <p>Car parking is provided in secure basement parking.</p> <p>Pedestrian access from the street is separate from vehicle access.</p>	Variation. This application is seeking consent under SEPP(Housing for Seniors or People with a Disability). The proposed development complies with the car parking provisions under the SEPP.
3.20	Storage	10m ³ is to be provided for storage space per dwelling within a lockable garage (adjacent to a car space not overhead). This area is to have a minimum area of 5m ² with a minimum dimension of 2 metres required.	Variation.
3.21	Access & Adaptability	Access to units will be serviced by a lift and is accessible to the front door of each unit. 5% of units (equates to 23 units) are adaptable in accordance with the DCP.	See Accessibility Report.
3.22	Pedestrian/ Bicycle Links	Access to dwellings is direct and without unnecessary barriers. Pathway locations ensure natural surveillance of the pathway.	Complies.
3.23	Privacy – Visual and Acoustic	The layout of the units minimises direct overlooking of main internal living areas and private open spaces of dwellings within the development.	Complies.
3.24	Services	Adequate arrangements for the provision of services will be made available to service the proposed development.	Complies.
3.25	Waste Management – Storage and Facilities	Adequate waste collection facilities are provided for each dwelling and on-site storage and collection areas on the ground level in garage areas. These areas are easily accessible by garbage collection vehicles.	Complies.

Clause	Control	Comment	Compliance
3.26	Waste Management – Planning	No demolition is proposed. A Waste Management Plan supports this application.	Complies.
3.27	Fencing	The fencing proposed around the courtyards are privacy screens with landscaping and do not exceed 1.8m	Complies.

- iiia. Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F

There is no planning agreement applicable to the site or proposed development.

- iii. Any matters prescribed by the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no prescribed matters under the Regulations that may impact on the consideration of this application.

- (a) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Built Environment

The proposed masterplan and Stage 1 will act as the southern gateway to the Circa Precinct with landmark buildings to mark the entrance to Norbrik Drive. The proposed development will add visual interest to the Business Park with the bulk and scale commensurate to commercial development that is to be expected within the Business Park. The development includes landscaped setbacks to provide a buffer with the adjoining developments, particularly to the residential development to the south. The proposed height of the buildings within the masterplan ranges from 4-10 storeys, with 4 storey developments concentrated at the rear of the development to minimise overshadowing and privacy issues. Together with the architectural design of the units facing the southern boundary, an adequate relationship between the development and the adjoining dwellings has been established to minimise any adverse impacts.

Natural Environment

The proposed development will enhance the natural environment with extensive landscaping proposed within the masterplan. The Site currently contains minimal vegetation on the southern boundary being gardens/ modified vegetation communities with the proposed development improving amenity for future and existing residents.

Social and Economic Impact

The proposed development will have a positive economic impact with the future residents being in close proximity to Circa shopping centre. The seniors housing development also includes community facilities to cater for the future population.

5.2 ANY OTHER MATTERS FOR CONSIDERATION

A pre-lodgement meeting was held on 30 October 2015. Council issued pre-lodgement meeting notes providing comments on the documentation submitted. A summary of issues and the responses are as follows:

- Council has agreed to accept this Development Application prior to the exhibition of the Planning Proposal 15/2015/PLP seeking Seniors Living as an additional permitted use under The Hills LEP 2012 for the Site.

- As discussed in the meeting with Council officers on the 3 December 2015 the application will be lodged under SEPP(Housing for Seniors or People with a Disability)2004. An assessment against The Hills LEP and Business DCP are included as the relevant considerations. An assessment against the residential flat building DCP is provided for information purposes only.
- Embellished landscape setbacks provided in accordance with the landscape masterplan
- Acoustic Report supports this application
- Contact has been made with NBNC Co and an agreement in place

6 CONCLUSION

This Statement of Environmental Effects has addressed all the relevant matters for consideration in respect to the proposed Masterplan and Stage 1 seniors housing development. The proposed development is a landmark retirement living project for Seniors Housing.

The proposed development promotes the orderly and economic use of the site and is in accordance with the planning provisions under *SEPP(Housing for Seniors or People with a Disability) 2004*. The architectural design of the development is commensurate with commercial development under *The Hills LEP 2012* building height, FSR and setback controls. The proposed development complies with internal design standards for Seniors Housing and provides adequate car parking, in excess of Seniors living together with provision for a mini bus service. The proposed development is permissible with consent.

Council and JRPP is requested to issue the development consent to enable the proposed works to proceed.

APPENDICES

APPENDIX A SURVEY PLAN

APPENDIX B ARCHITECTURAL PLANS & DESIGN STATEMENT

APPENDIX C LANDSCAPE PLAN

APPENDIX D STORMWATER MANAGEMENT PLAN

APPENDIX E ACOUSTIC REPORT

APPENDIX F TRAFFIC & PARKING ASSESSMENT

APPENDIX G ACCESSIBILITY REPORT

APPENDIX H WASTE MANAGEMENT PLAN

APPENDIX I BCA REPORT

APPENDIX J BASIX REPORT

APPENDIX K WIND REPORT

APPENDIX L HERITAGE IMPACT REPORT

APPENDIX M QUANTITY SURVEYORS REPORT

APPENDIX N AVEO CAR PARKING STATEMENT

APPENDIX O PRELIMINARY CONTAMINATION REPORT