



planning consultants

17 March 2015
Our Ref: 6131N.30ER

The Secretary
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Amy Watson, Team Leader Metropolitan Projects

Dear Amy

**Section 75W modification of Project Approval issued for MP09_0180
34-36 Memorial Avenue, Kellyville
Modification of Clusters 1 and 5**

On 15 December 2014, DFP Planning lodged an application under the now repealed Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify the Project Approval issued in relation to MP09_0180 as it relates to Clusters 1 and 5 of the approved development. This application was lodged on behalf of BaptistCare NSW and ACT being the proponent and owner of the development.

As previously discussed (by email and telephone), as part of the design development for this project, the design of the Cluster 5 building has been further refined. The envelope of that building will vary slightly from that submitted on 15 December 2014. No changes to the modified layout of Cluster 1 as illustrated in the plans submitted on 15 December 2014 is proposed.

The changes to the modified Cluster 5 building include:

- A redesign of the basement level to reduce the size of the basement footprint. The car parking layout has been modified however a total of 41 car parking spaces will continue to be provided. The number of car parking spaces which are 3.8m wide (to comply with the provisions of Item 5 of Schedule 3 of SEPP Seniors) has been reduced from 7¹ (as shown on the plans submitted on 15 December 2014) to 5 however, overall, the number of 3.8m wide spaces for the entire development will exceed the minimum requirement of 46 spaces.
- The layout and floor plans of the apartments have been varied slightly to make more efficient use of space. The number of apartments proposed will be the same – (40) but the total amount of floor space per level will reduce from 980sqm to 897sqm – a reduction of 83sqm per level. This has been achieved through some internal reconfiguration of rooms and variations to the building footprint.

The most significant change has been in relation to new Apartment Type H (previously identified as Apartment Type G). The revision provides for an extension of this 'wing' of Cluster 5 building to the south however the building will not encroach beyond the boundary of the area identified as the Cumberland Plain Woodland reserve in the Section 88B restriction as to user that applies to the site and the development.

¹ The report submitted with the modification application dated 15 December 2014 erroneously identified that there were 6 car parking spaces within the redesigned basement of Cluster 5 that were 3.8m wide.



- The balcony areas have also been modified to provide additional and more useable areas for future residents.

On the ground floor level, additional semi-private spaces to Apartment Types A, C, D and H have been provided as paved spaces within the internal common courtyard.

Also on the ground floor level, on areas above the roof slab of the parking level, the private open space areas for apartments on this level have been increased rather than leaving areas of vacant unused space.

Along the Rutherford Avenue frontage the balconies have been staggered to provide interest and articulation to this elevation.

- On the upper levels, balconies have been enlarged and lengthened where possible to provide additional private open space.

An additional balcony has been provided to the northern elevation of Apartment Type A to improve solar access to the private open space of this apartment type. An additional balcony has been added to the eastern side of Apartment Type H to increase the private open space provision to this apartment type.

- Overall the building has been reduced in size and height.

Attachment A to this letter is a set of revised plans which identify the approved Cluster 5 development (blue dashed line) and also show the outline of the building as per the December 2014 modification submission (red dashed line). The reduction in the building height and increase in the setback to Rutherford Avenue is apparent in these drawings.

Attachment B to this letter is a set of revised plans which identify the modifications to the approved layout of Cluster 5.

Attachment C to this letter is a revised landscape plan to coincide with the revised architectural plans.

These revisions have arisen following detailed design considerations.

The changes to the balconies is seen as a positive and will ensure all apartments have large, useable spaces with good solar access. The proposed changes will not result in an increase in overlooking or loss of privacy.

The reduction in the overall height of the building is also seen as a positive. Notwithstanding that the building will still be more than the 16m height limit permitted by The Hills LEP 2012, the extent of non-compliance is less than previously considered by The Hills Shire Council and less than that of the exhibited modification proposal.

Overall it is considered that the revisions to Cluster 5 as illustrated in the attached plans are relatively minor when compared to the previously notified modification and will actually have less impact than that previously proposed. Therefore, it is considered that re-notification of these revised plans is not necessary.

Response to submission by The Hills Shire Council

In response to the notification of the proposed amendments to Clusters 1 and 5, The Hills Shire Council (THSC) provided a submission to Department of Planning and Environment by letter dated 27 February 2015.

In relation to Point 3 of the submission made by THSC, all car parking spaces within the parking level have been dimensioned and all spaces are a minimum of 5.5m in length.

In response to Point 4 of the submission made by THSC in relation to stormwater drainage, we can advise that MUSIC modelling is currently been undertaken and a Construction Certificate for the next stage of the development will not be able to be issued until such time as this modelling has been completed.

Modifications to Project Approval MP09_0180

In view of the above, the amendments to the Project Approval as noted in **Section 5** of the report submitted with the December 2014 modification request will need to be further amended to reflect the changes as noted in the attached plans.

The following changes to the previously requested amendments to the approval issued in relation to MP09_0180 are now sought. Where changes to the amendments requested in our December 2014 submission are required, these have been shown in **highlighted** text. Previously sought changes to conditions and Statements of Commitment where they are unchanged as a result of the revisions to Cluster 5 are still relevant to the modification request.

Project Description

The description of the approved Project as noted in Schedule 1 of the approval issued in relation to MP09_0180 to be amended to include reference to MOD 6 which provides for:

- Reconfiguration of Clusters 1 and 5 to provide buildings with a maximum height of 5 residential levels and one level of basement car parking.
- Adjustments to the footprints of Clusters 1 and 5.
- The provision of 40 self-contained seniors living apartments in each of Clusters 1 and 5.
- Adjustments to the layout of car parking in each basement of Clusters 1 and 5 to provide a total of 43 spaces (including 6 spaces at 3.8m width) in the basement of Cluster 1 and 41 spaces (including 5 spaces at 3.8m width) in the basement of Cluster 5.

Condition A1. Development Description

The description of the approved development as noted in condition A1 of Schedule 2 of the approval to be amended as follows:

Development approval is granted only to carrying out the development described in detail below:

- *Construction of Residential Aged Care Facility providing 160 beds (128 rooms), with associated resident facilities;*
- *7 Cluster buildings providing a total of ~~231-244~~ self-contained dwellings;*
- *Community Centre and Village Clubhouse and numerous community facilities;*
- *Basement car parking for ~~231-258~~ cars. 72 of the spaces to be provided within the basements of Clusters 1 and 5 are to have a minimum width of 3.2m and 11 spaces are to have a minimum width of 3.8m. For Clusters 2, 3, 4, 6 and 7, a minimum of 34 accessible spaces are to be provided and these spaces are to be provided ~~(including at least 46 accessible spaces being provided)~~ in accordance with AS2890.6-2009);*
- *At grade car parking for 59 cars (including 8 accessible spaces being provided in accordance with AS2890.6-2009); and*

- *Landscaping including provision of Open Space Park.*

Condition A2. Development in Accordance with Plans and Documentation

This condition lists all plans, reports and assessments which form part of the approved documentation for the approved Project. These plans have been modified as they relate to Clusters 1 and 5 and that part of the site occupied by those buildings.

It is requested that reference to our December 2014 report and this letter be included in paragraph one of Condition A2.

It is also requested that the architectural plans at **Appendix A** (with the exception of the shadow diagrams) of the report dated December 2014 in relation to Cluster 1 be included as approved plans in condition A2 and the plans at **Attachment B** to this letter in relation to Cluster 5 be included as approved plans in condition A2.

In addition, the landscape plans at **Appendix B** of the report dated December 2014 in relation to Cluster 1 and the plans at **Attachment C** to this letter in relation to Cluster 5 be included as approved plans.

As noted in our December 2014 report the revised stormwater plans at **Appendix C** of the report dated December 2014 will also need to be included as approved plans as they relate to Clusters 1 and 5 and that part of the site occupied by those buildings. No changes to the proposed method of stormwater management are required as a result of these minor amendments to the layout and footprint of Cluster 5.

Statements of Commitment

In addition to the previous amendments to the Statements of Commitment as noted in our December 2014 report, the requested amendment to Commitment No. 26 will need to be modified to reflect the changes to car parking for Cluster 5. The commitment will therefore need to read as follows:

- ~~BCS commits to providing a minimum of 231-258 CVU car parking spaces. 72 of the spaces to be provided within the basements of Clusters 1 and 5 will have a minimum width of 3.2m and 11 spaces will have a minimum width of 3.8m. For Clusters 2, 3, 4, 6 and 7, a total of 34 accessible spaces will be provided and these spaces will be provided in accordance with AS2890.6-2009; including 53 accessible spaces, underneath the CVUs. The accessible spaces will be designed to comply with AS 2890.6 (2009).~~

All other car parking areas ramps, grades, aisles and manoeuvring areas will be designed to comply with AS2890.1.



Should you have any questions regarding the proposed revisions to Cluster 5 as shown on the attached plans, please do not hesitate to contact Ellen Robertshaw of DFP on 9473 4903.

Yours faithfully
DFP PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'ER', is written over a light blue horizontal line.

ELLEN ROBERTSHAW
PARTNER

erobertshaw@dfplanning.com.au

Reviewed: _____

A handwritten signature in black ink, appearing to read 'P. Osborne', is written over a light blue horizontal line.

CC: Paul Osborne
Manager Development Assessment Services
The Hills Shire Council



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ATTACHMENT A

Do not scale off drawings.
Use figured dimensions only. Please verify queries.

Where applicable, shop drawings are to be
submitted for consultant review and co-ordination
prior to construction.



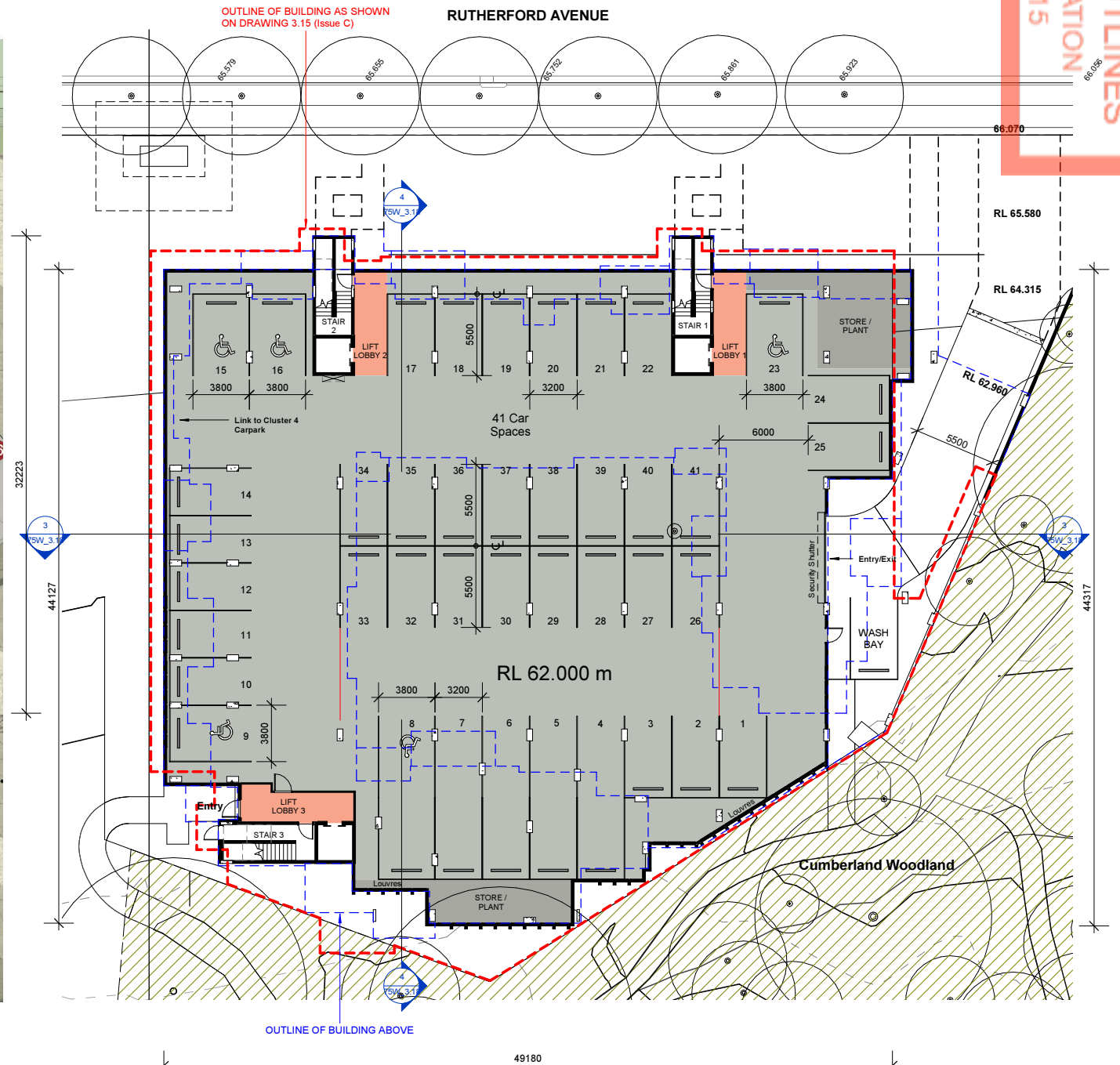
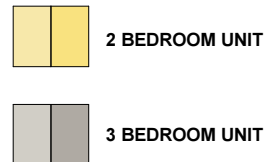
PREVIOUS OUTLINES
FOR INFORMATION
03/16/2015



cluster 5 ground floor plan
Scale 1 : 200

Typical Floor Unit Areas (Internal)			
Name	Number	Area Type	Area
Apartment A	9	Building Common Area	131 m ²
Apartment B	1	Building Common Area	132 m ²
Apartment C	2	Building Common Area	98 m ²
Apartment D	3	Building Common Area	90 m ²
Apartment E	5	Building Common Area	102 m ²
Apartment F	6	Building Common Area	103 m ²
Apartment G	7	Building Common Area	95 m ²
Apartment H	8	Building Common Area	146 m ²
Grand total: 8			897 m ²

Typical Floor Internal Areas = 980sqm



cluster 5 parking floor plans
Scale 1 : 200

D	Cluster 5 Amendments	11/03/15
C	Dept Of Planning Issue	11/12/14
B	Prelim Dept Of Planning Issue	28/11/14
A	Section 75 amendment	31/10/14

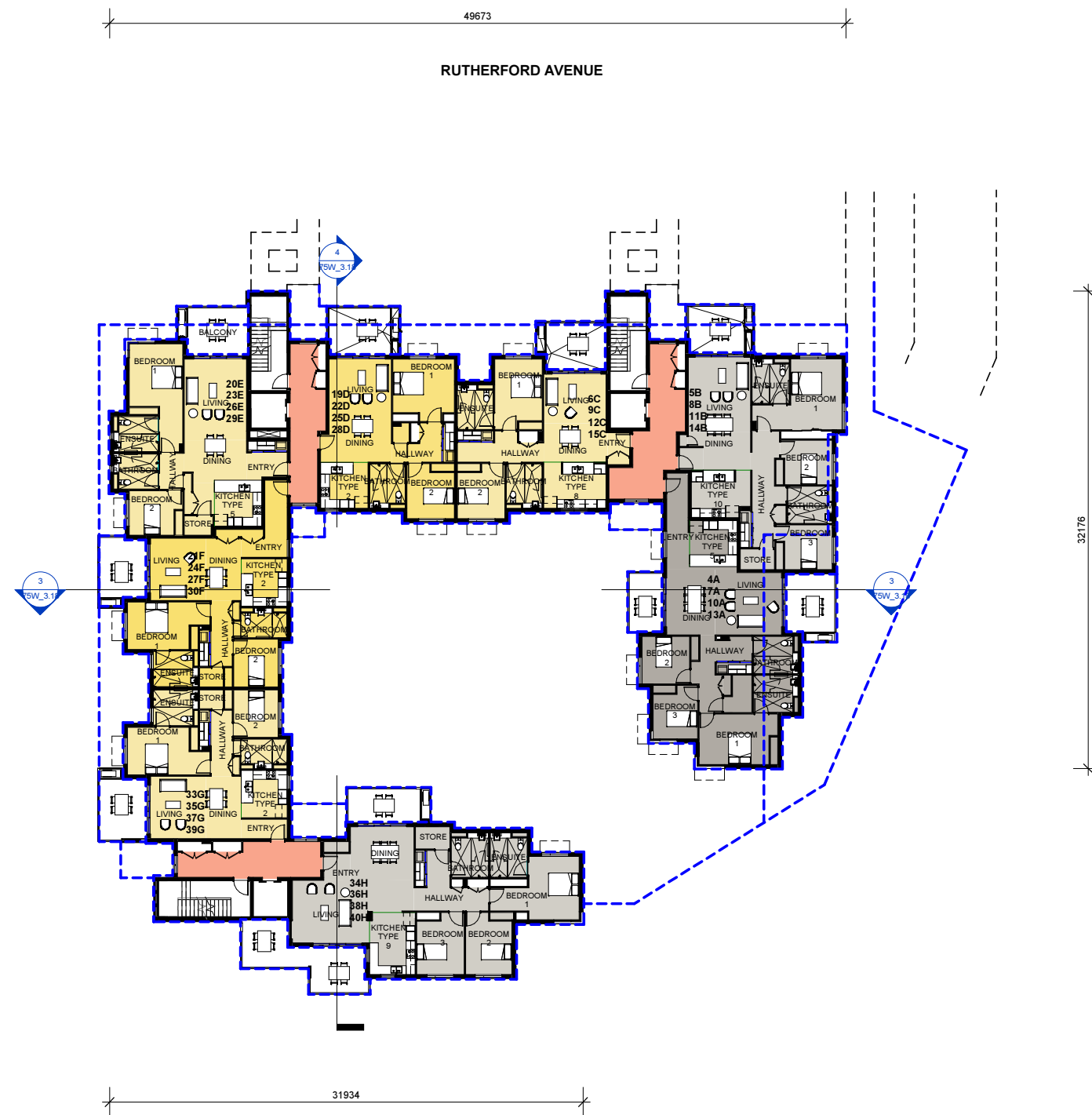
Rev: Amendment: Date:

Scale: @ A1 Date: Drawn: Checked:

As indicated 02/16/15 Author Checker

Project #: Drawing #: Rev. #:

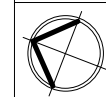
536C5_ DA_ 75W_3.15 D



cluster 5 typical floor plan Level 1-4
Scale 1 : 200

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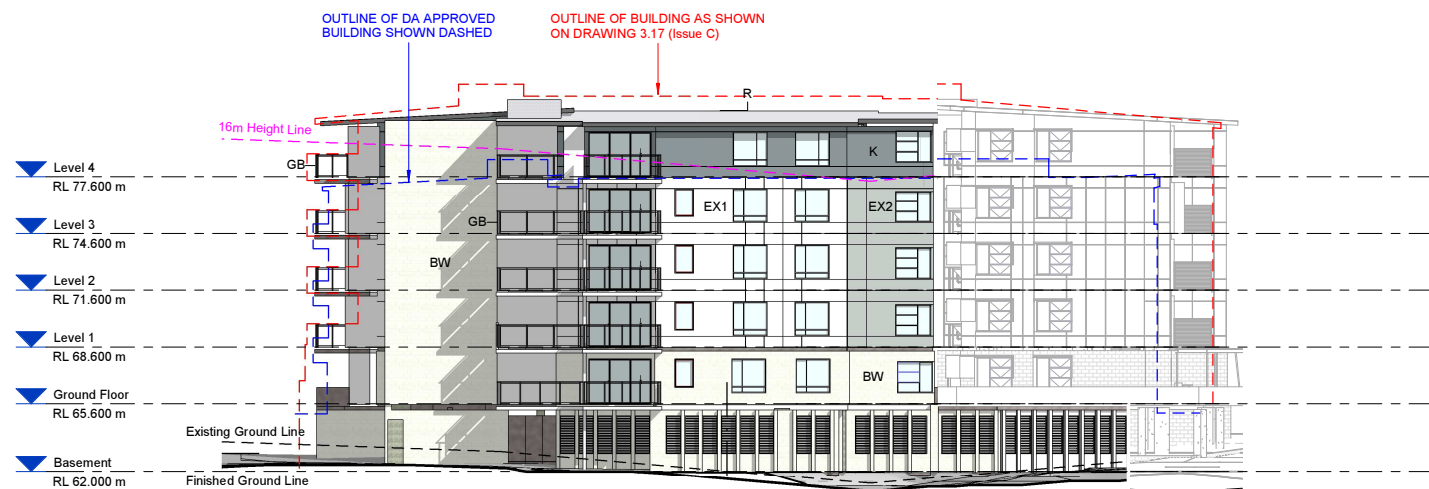
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03/16/2015

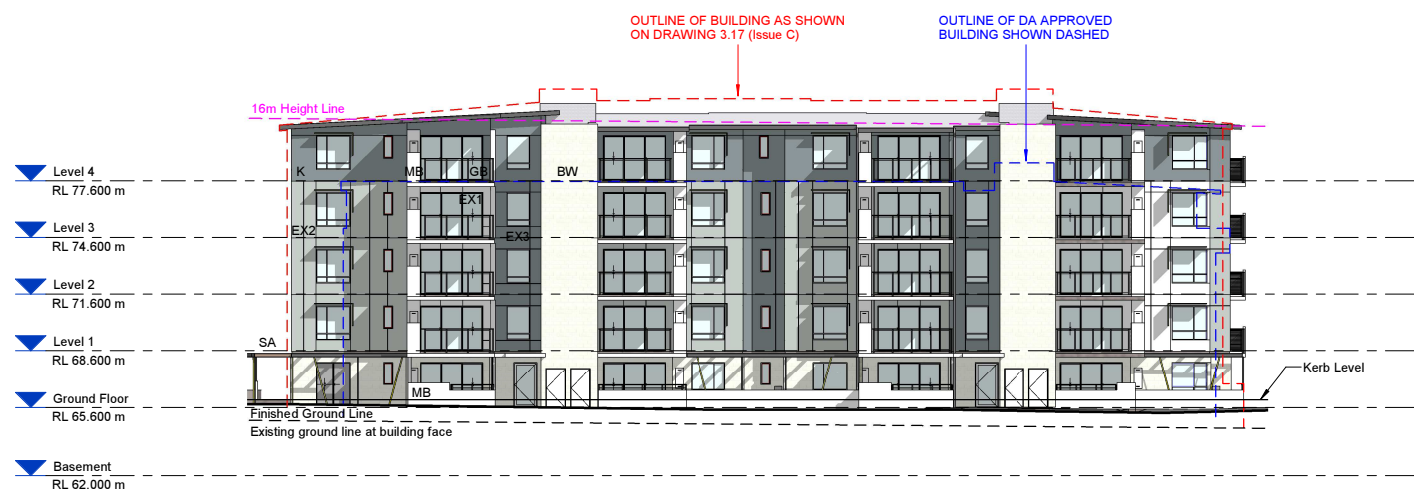
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Scale: @ A1	Date:	Drawn:
1 : 200	03/16/15	Author
Project #:	Drawing #:	Checker
536C5_	DA_ 75W_3.16	D



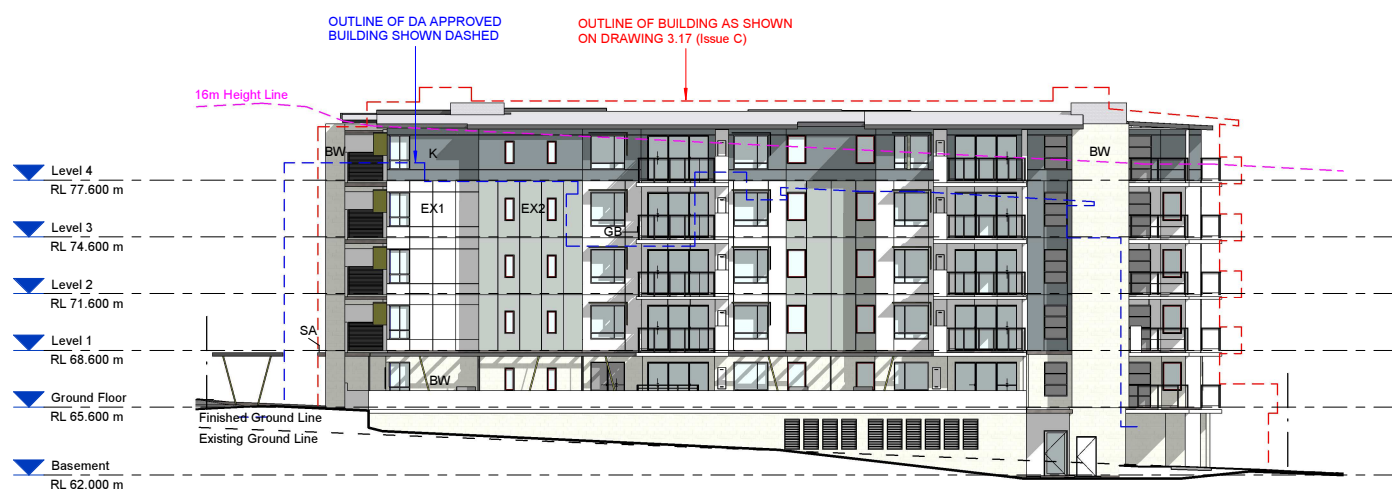
C5 West Elevation

Scale 1 : 200



C5 East Elevation

Scale 1 : 200



C5 North Elevation

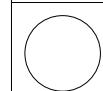
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MATERIALS/FINISHES LEGEND

BW	Boral "splitface" 90mm blockwork
EX1	Prefinished insulated facade panel LIGHT
EX2	Prefinished insulated facade panel DARK
EX3	Prefinished insulated facade panel EX DARK
GB	Glass balustrade
K	Prefinished facade panel
MB	Painted monolithic balustrade
R	Prefinished insulated ROOF panel
SA	Steel framed awning structures

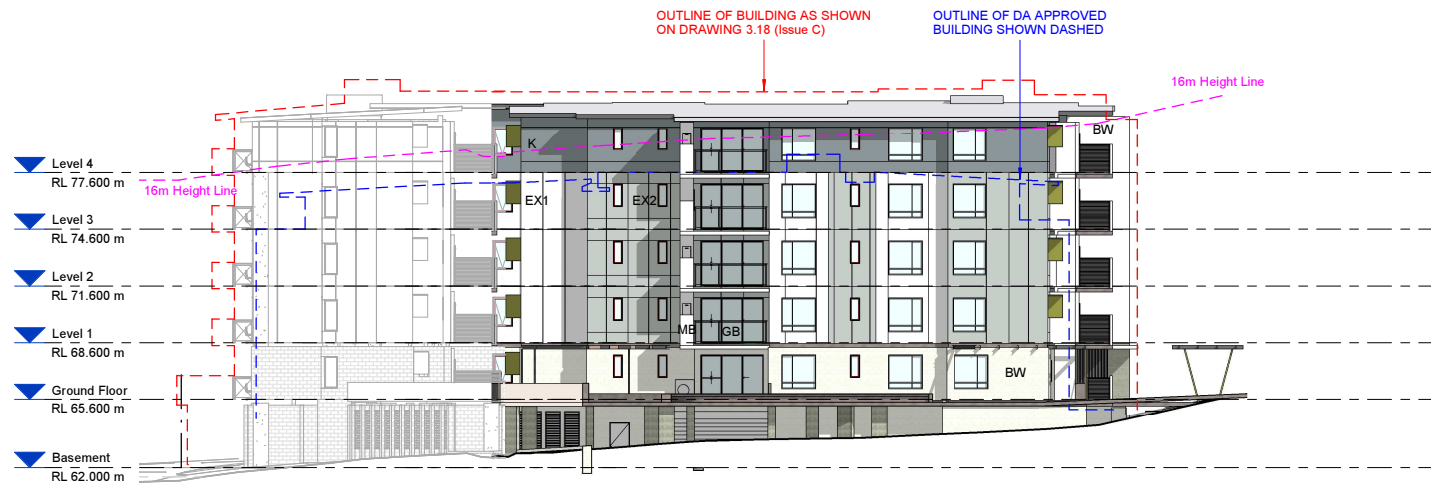
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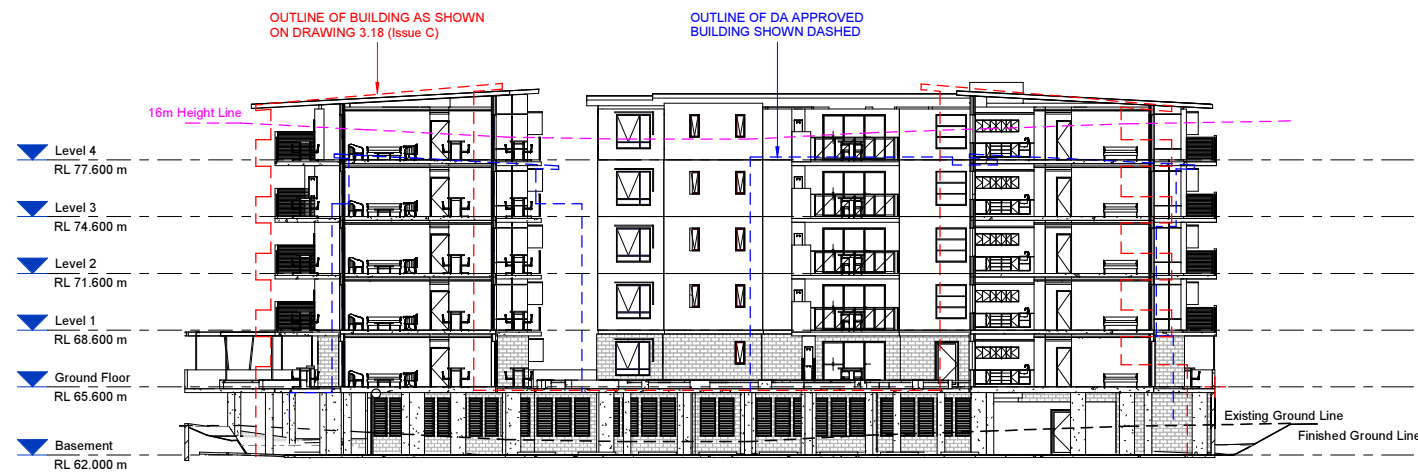
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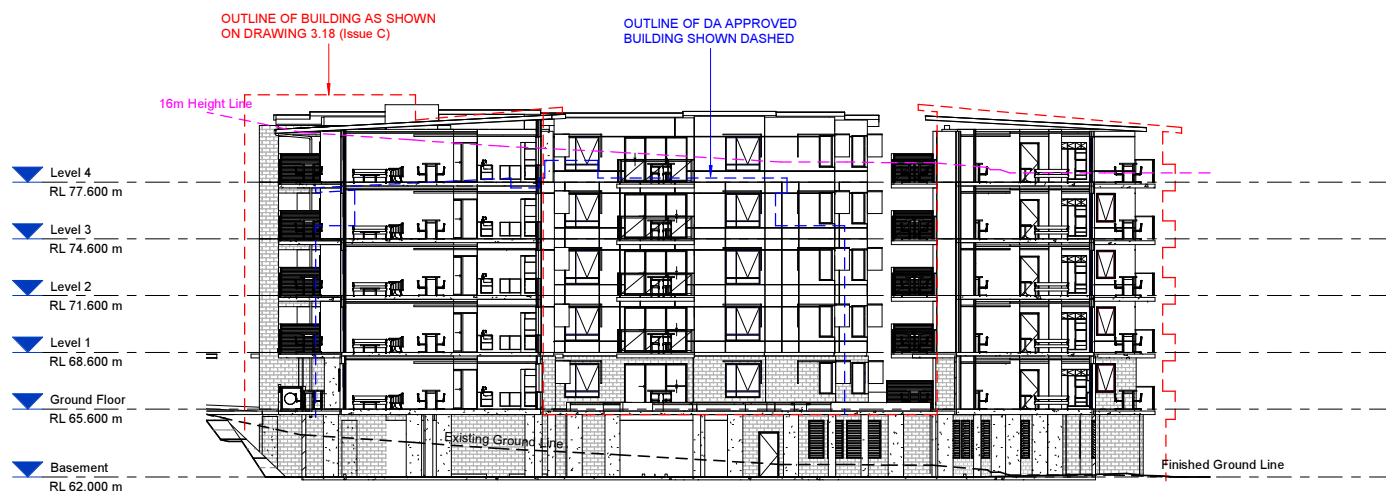
C5 South Elevation

Scale 1 : 200



C5 Courtyard East Elevation - Section

Scale 1 : 200



C5 Courtyard North Elevation-Section

Scale 1 : 200

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ATTACHMENT B

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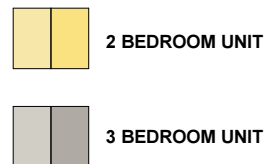


cluster 5 typical floor plan

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cluster 5 parking floor plans

Scale 1 : 200

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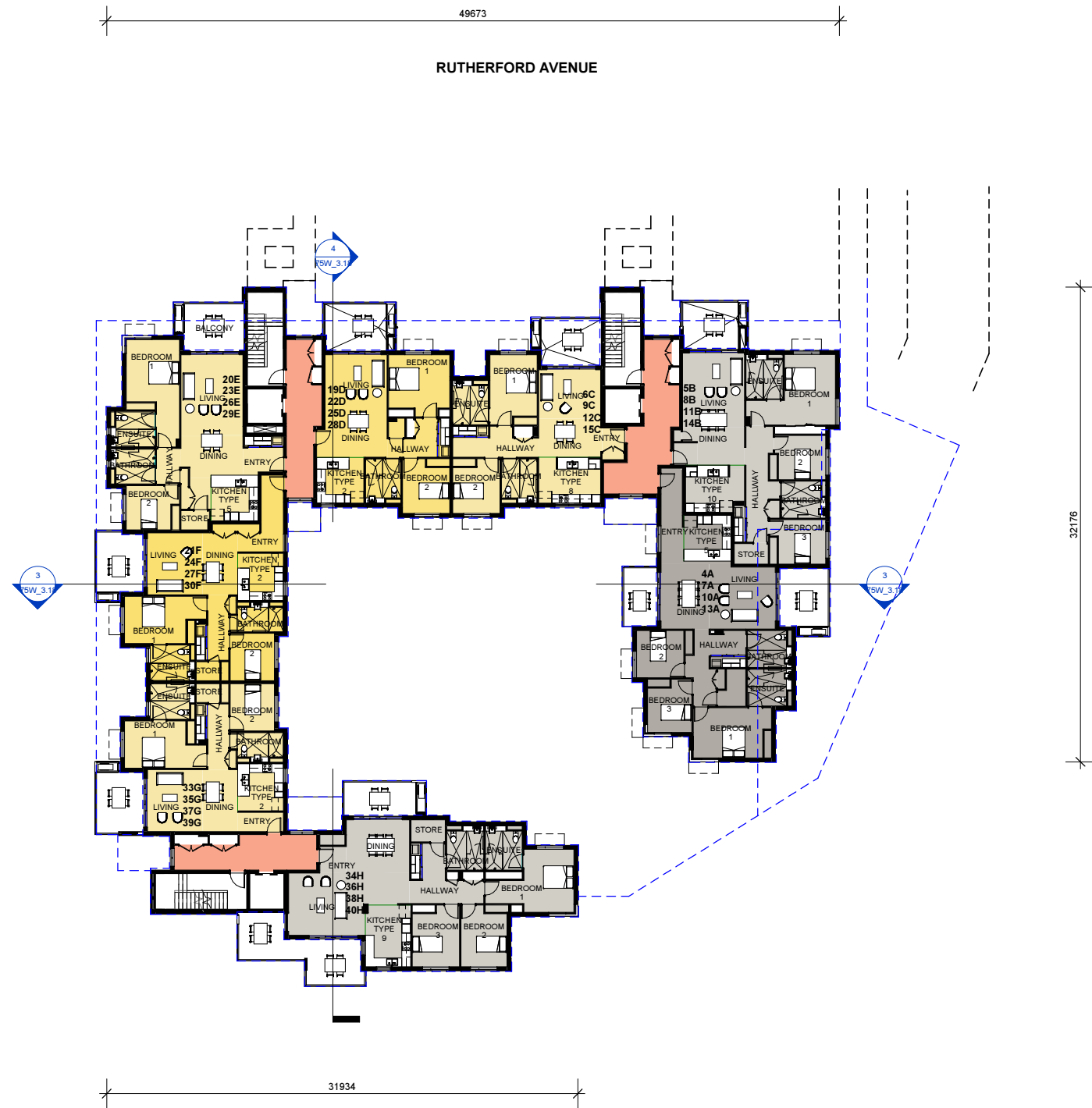
As indicated 02/16/15 Author Checker

Project #: Drawing #: Rev. #:

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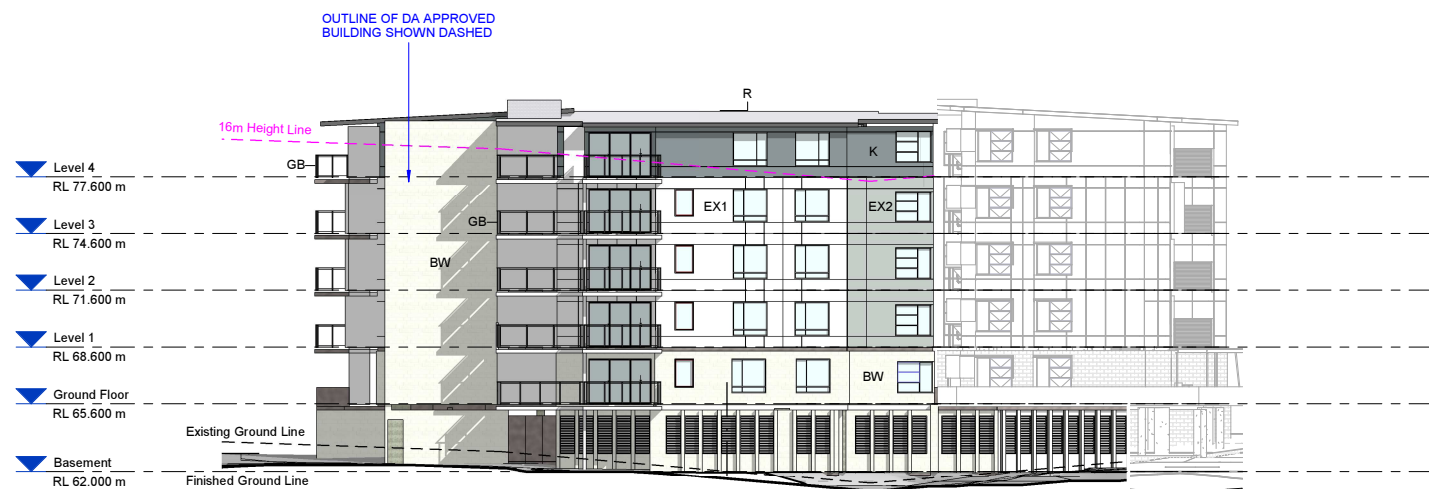


cluster 5 typical floor plan Level 1-4
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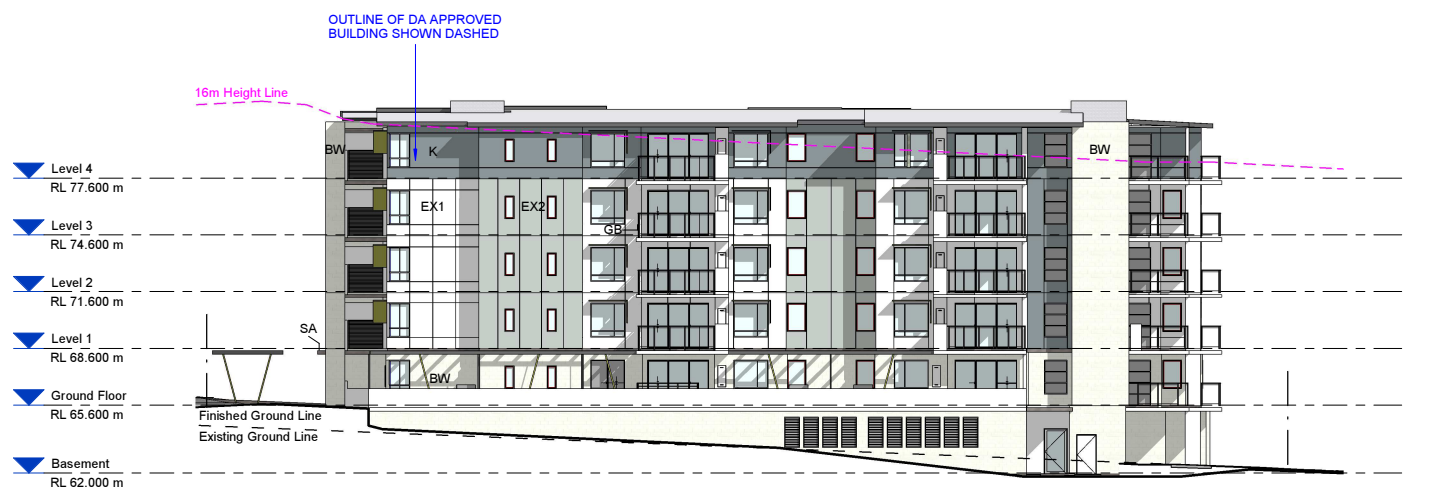
C5 West Elevation

Scale 1 : 200



C5 East Elevation

Scale 1 : 200



C5 North Elevation

Scale 1 : 200

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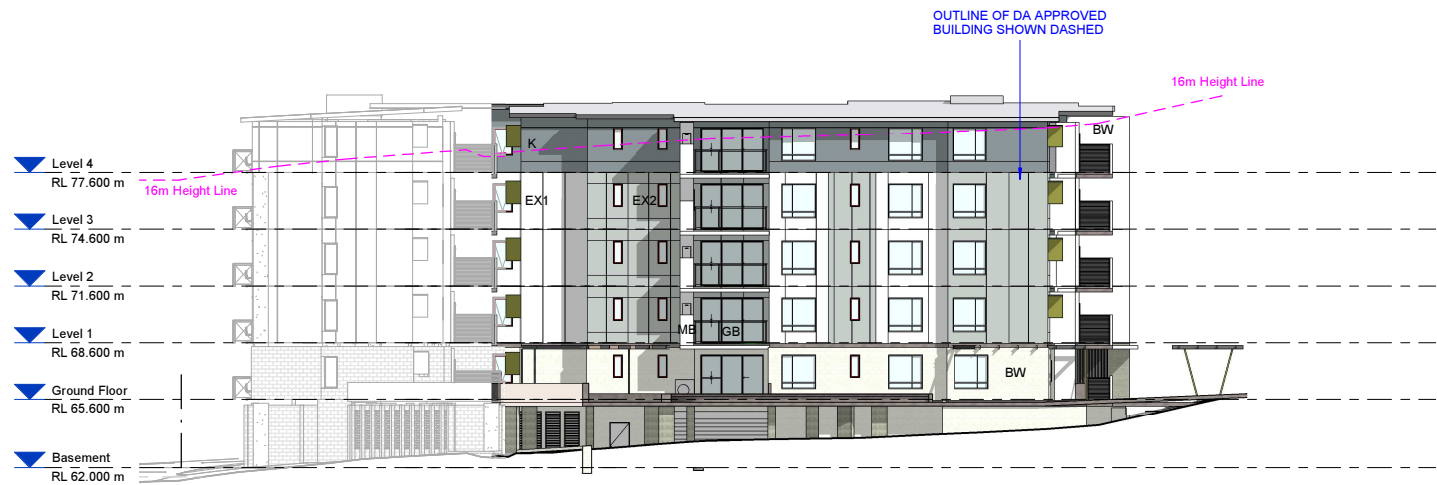
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C5 South Elevation

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C5 Courtyard East Elevation - Section

Scale 1 : 200



C5 Courtyard North Elevation-Section

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ATTACHMENT C



LEGEND

	SITE BOUNDARY
	EXISTING SERVICES
	EXISTING CONTOUR
	FINISHED FLOOR LEVEL
	PROPOSED SPOT LEVEL
	TOP OF WALL LEVEL
	CONCRETE FOOTPATH
	PAVING
	DECKING
	ACCESSIBLE RAMP
	RAISED PLANTAR WITH SEATING WALL
	RETAINING WALL
	SEATING
	PLANTED PERGOLA
	ENTRY PAVILION
	ARTIFICIAL TURF
	GRAVEL MULCH
	POT GARDEN IN GRAVEL MULCH BED
	EXTENT OF EXISTING CUMBERLAND PLAIN WOODLAND
	EXTENT OF ADDITIONAL CUMBERLAND PLAIN WOODLAND
	EXISTING CUMBERLAND PLAIN WOODLAND PLANTING TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED
	PROPOSED TREE PLANTING
	PROPOSED SUPPLEMENTARY CPW TREE PLANTING (Eucaalyptus crebra)
	PROPOSED PALM PLANTING
	PROPOSED MASSED PLANTING
	PROPOSED SUPPLEMENTARY CPW PLANTING BEDS
	DRY CREEK BED

DESIGN NOTES

- 1 Vehicular entry to underground car park
- 2 Pedestrian entry structure to highlight main point of access to resident courtyard.
- 3 Planted arbour provides sense of entry and sitting opportunities with views to the Cumberland Plain Woodland.
- 4 BBQ and community garden under a planted arbour provides central focus for resident gatherings.
- 5 Grassed area (artificial turf) provides opportunity for informal lawn bowls, bocce and golf putting green.
- 6 Planted arbour provide entry feature at building doorways. Potted gardens enhance resident experience.
- 7 Raised planters over podium slab with 500mm wide walling to provide multiple seating opportunities.
- 8 Private resident courtyards with densely planted garden to street.
- 9 Buffer planting of nature trees, shrubs and ground cover provide a green edge to the building and increase resident amenity.
- 10 Pedestrian access to street to meet the requirements of AS 1428.
- 11 Dry creek bed natural drainage system to be integrated into the existing drainage system through the Cumberland Plan Woodland.
- 12 Cumberland Plain Woodland planting to be reinstated following building construction.
- 13 Existing Cumberland Plain Woodland to be retained.
- 14 Existing pond provides resident amenity and natural stormwater management.
- 15 Supplementary planting of Cumberland Plain Woodland tree.
- 16 New pedestrian connection into the existing Cumberland Plain Woodland pedestrian pathway system.
- 17 Community Garden

