Joint Regional Planning Panel

Wednesday, 16 December 2015
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<td>JRPP REPORT - DA 1397/2015/JP – MASTERPLAN – BOX HILL NORTH – 33 PROPERTIES GENERALLY BOUND BY CATARACT ROAD, OLD PIT TOWN ROAD, RED GABLES ROAD, JANPIETER ROAD, MAGUIRES ROAD AND TERRY ROAD, BOX HILL – LOT 1 DP 11126, LOT 1 DP 207750, LOT 1 DP 329953, LOT 1 DP 564211, LOT 1 DP 567785, LOTS 9 &amp; 10 DP 593517, LOTS 15-18, 21, 22, 23, 25, 27, 29, 30, 31, 40, 41, 43, 44, 45, 46, 47 DP 255616, LOTS 2 &amp; 3 DP 11126, LOTS 2 &amp; 4 DP 253552, LOT 4 DP 135301, LOT 5 DP 658286</td>
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<td>ITEM-2</td>
<td>JRPP REPORT - DA 906/2015/JP – PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT – LOT 14 DP 280013 (FORMERLY PART LOT 13 DP 280013) CORNER OF CADDIES BOULEVARD AND WHITE HART DRIVE, ROUSE HILL</td>
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<td>ITEM-3</td>
<td>JRPP REPORT - DA 1631/2015/JP – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING NINETY-THREE (93) UNITS AND ROAD CONSTRUCTION – LOT 122 DP 11104, NO. 4 ALAN STREET, BOX HILL</td>
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## ITEM-1

**JRPP REPORT - DA 1397/2015/JP**  
*(Sydney West Region)*

<table>
<thead>
<tr>
<th>JRPP No</th>
<th>2015SYW092</th>
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<tbody>
<tr>
<td>DA Number</td>
<td>1397/2015/JP</td>
</tr>
<tr>
<td>Local Government Area</td>
<td>THE HILLS SHIRE COUNCIL</td>
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<tr>
<td>Proposed Development</td>
<td>MASTERPLAN - BOX HILL NORTH.</td>
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<tr>
<td>Street Address</td>
<td>33 PROPERTIES GENERALLY BOUND BY CATARACT ROAD, OLD PITT TOWN ROAD, RED GABLES ROAD, JANPIETER ROAD, MAGUIRES ROAD &amp; TERRY ROAD, BOX HILL – LOT 1 DP 11126, LOT 1 DP 207750, LOT 1 329953, LOT 1 DP 564211, LOT 1 DP 567785, LOTS 9 &amp; 10 DP 593517, LOTS 15-18, 21, 22, 23, 25, 26, 27, 29, 30, 31, 40, 41, 43, 44, 45, 46, 47 DP 255616, LOTS 2 &amp; 3 DP 11126, LOTS 2 &amp; 4 DP 253552, LOT 4 DP 135301, LOT 5 DP 658286</td>
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<tr>
<td>Applicant</td>
<td>CELLESTINO (FORMERLY EJC PTY LTD)</td>
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<tr>
<td>Number of Submissions</td>
<td>NIL</td>
</tr>
<tr>
<td>Regional Development Criteria (Schedule 4A of the Act)</td>
<td>GENERAL DEVELOPMENT WITH A CIV OF OVER $20 MILLION</td>
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| List of All Relevant s79C(1)(a) Matters | List all of the relevant environmental planning instruments: s79C(1)(a)(i)  
- State Environmental Planning Policy (State and Regional Development) 2011  
- State Environmental Planning Policy Infrastructure 2008  
- State Environmental Planning Policy No 19 – Bushland in urban areas  
- State Environmental Planning Policy No 55 – Remediation of Land  
- State Environmental Planning Growth Centres 2006  
- The Hills Local Environmental Plan 2012  

List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)  
- Nil  

List any relevant development control plan: s79C(1)(a)(iii)  
- The Hills Development Control Plan 2012  

List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)  
- Nil |
List any coastal zone management plan: s79C(1)(a)(v)
- Nil

List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288
- Environmental Planning and Assessment Regulation 2000

List all documents submitted with this report for the panel’s consideration
- Nil

Recommendation
- Status Report - Deferral

Report by
- Development Assessment Co-ordinator
- Robert Buckham

**EXECUTIVE SUMMARY**

The land subject to this application includes 33 sites generally bound by Boundary Road, Cataract Road, Old Pitt Town Road, Red Gables Road, Janpieter Road, Maguires Road and Terry Road, Box Hill.

On 8 October 2015 the land within the precinct was rezoned form RU2 to R1, R2, R3, R4, B2, E4 and RE1. A precinct specific Development Control Plan came into force at the same time. This application is required by a provision of the Voluntary Planning Agreement applying to the majority of the site. The masterplan is intended to guide future subdivisions and built form development applications.

The application seeks approval for specific strategies for the precinct including Flooding, Ecology, Contamination, Aboriginal Heritage, Landscaping and Open Space. The application also seeks approval for some built form controls not specifically provided within the precinct Development Control Plan.

The Masterplan seeks approval for the removal of approximately 9.8 ha of Cumberland Plain Woodland and 6.2 ha of Shale Sandstone Transition Forest. Without amelioration, this vegetation clearance would have a significant impact. However, when weighed against the conservation benefits that will be derived from on-site retention, on-site replanting and off site retiring of BioBanking credits and preserving a larger contiguous stand of CPW and SSTF in perpetuity, the long term impacts are sustainable.

Given the impacts of the development of the precinct, the application was considered to be "Threatened Species Development" under Section 79B of the Environmental Planning and Assessment Act 1979. Accordingly, concurrence from the Office of Environment and Heritage is required under the Threatened Species Conservation Act 1995.

Concurrence has not been provided to date from the Office of Environment and Heritage. It is recommended that determination of the application be deferred until concurrence is provided by the Office of Environment and Heritage. With the exception of any requirements of the OEH, conditions have been recommended in this report to enable the JRPP to determine the matter if concurrence is obtained from the OEH prior to the JRPP panel meeting.

The application was notified and advertised to adjoining property owners and no submissions were received.
In absence of the JRPP process, this matter would be determined under Delegated Authority.

**BACKGROUND**

<table>
<thead>
<tr>
<th>Owner:</th>
<th>Numerous</th>
<th>1.</th>
<th>Section 79C (EP&amp;A Act) - Satisfactory</th>
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<tbody>
<tr>
<td>Area:</td>
<td>335 Hectares</td>
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<td>SEPP Growth Centres 2006 - Satisfactory</td>
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<tr>
<td>Existing Development:</td>
<td>Agricultural uses and Rural Residential development.</td>
<td>4.</td>
<td>State Environmental Planning Policy No 19 — Bushland in urban areas - Satisfactory</td>
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<td></td>
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<td>5.</td>
<td>State Environmental Planning Policy No 55 — Remediation of Land - Satisfactory</td>
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<td></td>
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<td>6.</td>
<td>State Environmental Planning Policy Infrastructure 2008 - Satisfactory</td>
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<td>7.</td>
<td>SREP No. 20 - Hawkesbury Nepean River - Satisfactory</td>
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<td>8.</td>
<td>The Hills DCP 2012 – Complies</td>
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<td>9.</td>
<td>Capital Investment Value: $350,000,000</td>
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**SUBMISSIONS**

| 1. Exhibition: | Yes, 31 days | 1. | Capital Investment Value (CIV) exceeds $20 million. |
| 2. Notice Adj Owners: | Yes, 31 days |
| 3. Number Advised: | 120 |
| 4. Submissions Received: | Nil |

**REASONS FOR REFERRAL TO JRPP**

**HISTORY**

**12/05/2015** Subject Development Application lodged.

**02/06/2015** Amended Masterplan and Boundary Treatment Plan submitted.
PROPOSAL

The land subject to this application includes 33 sites generally bound by Boundary Road, Cataract Road, Old Pitt Town Road, Red Gables Road, Janpieter Road, Maguires Road and Terry Road, Box Hill (See Attachment No. 7 - Ownership Plan). The land included in this masterplan includes the land rezoned with the exception of seven sites not in the control of the applicant and also includes two sites outside the precinct that are associated with the main road concepts into the precinct.

The application is required by a provision of the Voluntary Planning Agreement applying to the majority of the site. The masterplan is intended to guide future subdivisions and built form development applications.

The application seeks approval for specific strategies for the precinct including Flooding, Ecology, Contamination, Aboriginal Heritage, Landscaping and Open Space. The application also seeks approval for some built form controls not addressed within the precinct Development Control Plan. No construction works are proposed as part of this Development Application. All future buildings and roadworks will be subject to a further Development Applications.
ISSUES FOR CONSIDERATION

1. **Zoning, Development Control Plan and Voluntary Planning Agreement**

On 13 May 2014, Council considered a report on the public exhibition of the planning proposal and resolved in part that the planning proposal to facilitate the development of Box Hill North precinct for urban purposes.

On the 8 October 2014, the draft LEP amendment for Box Hill North was gazetted and the DCP Part D Section 17 Box Hill North came into force.

On 29 April 2015, Council and the applicant entered into a Voluntary Planning Agreement for the delivery of infrastructure, services and utilities that are required to meet the future demands of Box Hill North.

**Voluntary Planning Agreement**

The Masterplan application has primarily been lodged to meet the requirements of the Voluntary Planning Agreement. The relevant clause reads:

5. **Operation of this Agreement**

5.1 This agreement operates when:

- a) the Land is rezoned in order to allow for the Proposed Development to be carried out and the amending Local Environmental Plan is published on the NSW Legislation website; and

- b) the Concept Development Consent is granted and implemented by way of and Detailed Development Consent and a Notice of Commencement pursuant to section 81A of the Act for that Detailed Development Consent has been submitted to Council notifying that a Principal Certifying Authority has been appointed and the work is to commence.

The draft Voluntary Planning Agreement provides for the delivery of the local infrastructure (and dedication of associated land) needed to facilitate the release of the Box Hill North Precinct for urban development. It will deliver the following infrastructure and facilities to meet the needs of an expected 13,500 persons to Councils standard's and but at no cost to Council:

- Open space facilities including local active and passive open space (playing fields, playgrounds and pedestrian and cycle paths);
- Community facilities (a multi-purpose community facility);
- Transport and traffic facilities (new roads, intersection upgrades and public transport facilities); and
- Water cycle management facilities as a result of the extra stormwater runoff generated by impervious surfaces associated with urban development.

As addressed in this report, the applicant has also sought to address precinct-wide issues primarily related to flood management and flora and fauna impacts.
2. **Design Guidelines**

The purpose of the development controls set out in Attachment 12 are to establish further guidelines to achieve the desired future character, built form and streetscape character of Box Hill North and to provide built form controls for development not addressed within the precinct Development Control Plan Part D Section 17 Box Hill North. The proposed controls are not dissimilar to the controls found within Council’s development control plans for Kellyville or Rouse Hill. Those areas have similar zoning and lot size requirements. The new controls do not provide opportunities for further densities, as these are capped via dwelling numbers in the voluntary planning agreement.

The controls specifically relate to small lot or integrated housing developments, 450m$^2$ lots and provide further clarification of controls relating to large lots (2,000m$^2$) and secondary dwelling controls.

The controls have been reviewed and considered to reasonable and generally consistent with Council’s adopted planning controls for other similar localities within the Shire. This application provides for the formal endorsement of those controls.

3. **Ecology**

The proposed development of Box Hill North will remove approximately 9.8 ha of Cumberland Plain Woodland and 6.2 ha of Shale Sandstone Transition Forest. Without amelioration, this vegetation clearance would have a significant impact. However, when weighed against the conservation benefits that will be derived from onsite retention, on site replanting and off site retiring of BioBanking credits and preserving a larger contiguous stand of CPW and SSTF in perpetuity, the long term impacts are sustainable.

Given the impacts of the development of the precinct, the application was considered to be “Threatened Species Development” under Section 79B of the Environmental Planning and Assessment Act 1979. Accordingly, concurrence from the Office of Environment and Heritage is required under the Threatened Species Conservation Act 1995.

The application is currently awaiting concurrence.

**Council’s Ecology Assessment**

Council staff reviewed the originally lodged Species Impact Statement and the Vegetation Management Plan by Cumberland Ecology both dated May 2015. Council staff raised a number of issues with the application. These are summarised below.

- Updated Green and Golden Bell Frog surveys and further information on survey conditions.
- Updated Microchiropteran Bat surveys required.
- Small stands of vegetation still likely to be considered CPW by Council officers and must be included in the BioBanking credit calculations (paragraph 4 of the final determination).
- All E4 and RE1 zones where vegetation is present are required to be offset. Alternatively, rezoning and provision of secured funding in perpetuity can be provided for these areas (such as via BioBanking).
- Updated Assessments of Significance for Threatened Ecological Communities given they currently rely on the retention of vegetation that has not been secured for conservation purposes in perpetuity.
- Additional documentation is required as suggested within the SIS.
- Land along Maguires Road adjacent to the Dillwynia tenuifolia patch is to be dedicated to a road realignment.
- White-bellied Sea Eagle buffer required.
- An assessment of fire management requirements to be provided in the SIS.

The applicant has subsequently amended the Species Impact Statement and Council staff are generally satisfied with the outcomes, specifically the offsets provided. Conditions of consent have been formulated to provide for the staged retirement of credits as development occurs.

4. Flooding

Three water courses enter the site along the western boundary. Two of these water courses merge within the site with the third draining through the north-west corner of the site. The combined water course flows in a northerly direction and forms a tributary to Cataract Creek. Another water course enters the site at the eastern boundary, toward the northern extents of the precinct. This water course joins the main water course at the site’s northern boundary. A small portion of the site drains to the eastern boundary and forms a tributary to Cattai Creek.

The site also includes a number of farm dams, associated diversion embankments and channels, both online and offline to the main water courses. Several of these online dams are significant in area (up to approximately 15 hectares), resulting in a significant change to the hydrology and flooding that would have occurred prior to any development of the catchment.

A Water Cycle and Flood Management Strategy dated July 2013 was prepared by J.Wyndham Prince. An additional Flood Impact Assessment report dated April 2015 was prepared using an alternative hydrologic and flood modelling technique as agreed to with Council staff.

The modelling has demonstrated an appropriate approach for flood mitigation and management in the precinct. Future bulk earthworks applications and subdivisions will be required to demonstrate consistency with the adopted principles.

5. Contamination

A Detailed Site Investigation has been prepared by JBS Environmental. The report identified heavy metal, hydrocarbon and asbestos impacts to the soils at the site. Additionally, aesthetic impacts associated with asbestos and building rubble were identified at the site. Concentrations of contaminants of potential concern (COPCs) were not reported within the groundwater samples collected and analysed at the site. A Remediation Action Plan (RAP) has been developed to address the identified impacts at the site to render the site suitable for the proposed land uses.

Council’s Environmental Health Section have reviewed the submitted documentation and have recommended a condition to guide future developments.

6. Aboriginal Heritage

The subject application identified a number of Aboriginal sites within the precinct and identified a general program of mitigation of impacts through salvage where the site were identified to be of moderate value. There are seven known sites within the precinct. All but one of the sites will be impacted during development. Four of the sites are of
moderate value and will be salvaged. The remaining two are considered to be of low significance and will be destroyed.

The applicant applied for an Aboriginal Heritage Impact Permit separate to this Development Application which has been granted on 13 July 2015 (Permit No. C0001213). The permit relates to the entire precinct, and as such this issue has been resolved.

7. Landscaping and Open Space

The masterplan identifies key principles relating to open space and public domain functions, materials selections and planting schedules.

The principles identified within the masterplan are generally supported however will need to be embellished to a standard that will provide suitable recreation activities consistent with Council’s general public domain embellishment standards across the Shire. Concern is raised with the potential long term maintenance burden of some of the proposed embellishment works. This has been conveyed to the applicant. Council’s Infrastructure staff will be provided an opportunity to comment on final designs to ensure that Council will have the resources to maintain the landscape.

8. Government Authority Comments

The proposal was referred to the following Government Authorities for review: Office of Environment and Heritage, Office of Water, Sydney Water, Castle Hill Police, Transgrid, Transport NSW, Office of Water, Department of Primary Industries (Fisheries), Transport for NSW, Roads and Maritime Services, and Rural Fire Service.

The following comments were received. The Office of Environment and Heritage is yet to provide concurrence to the application.

a. Office of Water Comments

The Office of Water has previously recommended as part of comments to the planning proposal that the riparian corridors at the site are zoned E2 instead of RE1. The Office of Water repeats that its preference is for riparian corridors to be zoned E2 and recommends:

- the open space areas surrounding the riparian corridors are zoned RE1.
- encroachments into the riparian corridors are zoned RE1 to distinguish between the riparian areas that are to be protected and those areas that are to be used for a recreational facility
- any riparian offset areas are zoned E2.

Zoning of Areas adjacent to Riparian Corridors

There are various figures within the document where there is a lack of consistency in treatment of a parcel of land in the north-western corner of the site. Figure 17 (pg. 44) Proposed Concept Plan, shows this area as Environmental Conservation and it abuts a riparian corridor. Figure 18 (pg. 46) Location of Open Space, describes it as Bushland, while Figure 19 (pg. 47) Master Plan Concept has it marked as CPW Conservation Area and Environmental Living. Figure 32 (pg. 70) Proposed Management Zones, has this area marked as Vegetation management zones 1 & 2 which are to be restored or revegetated. This area in Figure 33 (pg. 75) Extract of Zoning Map distinctly shows it as E4 – Environmental Living. This seems to be at odds with previous information within the
document. The proponent needs to demonstrate that the operation of the 10/50 Clearing Code of Practice will not affect the establishment and long term protection of fully vegetated riparian corridors along the creek in the north-west portion of the precinct, or the tributary of Cataract Creek in the north east portion of the site, in accordance with the Office of Water Guidelines for Controlled Activities on Waterfront Land (2012). The proponent must show that asset protection zones and building setbacks are not maintained on the adjoining private properties to ensure that there will be no impacts to the vegetated riparian corridors.

**Online basins**

The SEE indicates six online basins are proposed (pg. 63). It is the Office of Water’s understanding and this was noted in responses back to EJC following a meeting with EJC that detention basin 1 was to be the only on line wet basin, with appropriate work approvals and access licences to account for the volume of water held.

The Office of Water encourages that all other basins are built as per the Office of Water’s Controlled Activity Guidelines (2012) for Riparian Corridors on Waterfront land. These guidelines permit detention basins on 1st and 2nd order creeks but the guidelines outline that the online basins must:

"be dry and vegetated, be for temporary flood detention only with no permanent water holding, have an equivalent VRZ for the corresponding watercourse order, not be used for water quality treatment purposes"

However if the basins are to be maintained as wet basins, EJC will be required to apply for the appropriate approvals and hold sufficient entitlement in Water Access Licences to account for the volume of water held in these basins.

**Comment:** The Office of Water’s comments in relation to zoning have been addressed as part of the rezoning. All future applications required to be referred to The Office of Water in accordance with legislative requirements.

**b. Rural Fire Service Comments**

The Rural Fire Service advised as follows:

The service is not in a position to properly assess the application. A revised bush fire assessment report with consideration to the potential bush fire threat of riparian corridor(s) is to be submitted. The report is to then clearly demonstrate compliance with the minimum requirements of 'Planning for Bush Fire Protection 2006' accordingly.

**Comment:** The application is not a Special Fire Protection Purpose and therefore does not require concurrence from the RFS. All future applications required to be referred to The Rural Fire Service will be referred in accordance with legislative requirements.

**c. Roads and Maritime Services Comments**

Roads and Maritime Services (RMS) advised as follows:

Traffic Impacts and Proposed Mitigation Measures:
Roads and Maritime has reviewed the traffic study submitted in support of the Masterplan DA. And provides the following comments:
1. The Traffic Study for the Masterplan DA suggests that the RMS Guide to Traffic Generating Development Updated Traffic Surveys (TOT2013104a) has been used to estimate residential traffic generation for the development. Trip containment and mode shift have already been accounted for in Roads and Maritime’s traffic generation rates. These rates were derived from external boundary surveys (only external trips undertaken by private motor vehicles). Applying 20% trip containment is likely to underestimate traffic generation of the future development.

**Applicant’s Response:**

The traffic generation rates used in the Master Plan DA traffic assessment were based on the traffic generation rates used in the Planning Proposal (rezoning) Transport Assessment. The traffic generation rates used in the Planning Proposal assessment were developed in consultation with and approved by Transport NSW and RMS. This included the allowance for trip containment but no allow for a mode shift which will occur. The rates were updated from the assessments used for Box Hill and Box Hill Industrial Precincts to accommodate updated survey data in TDT2013/04a. In summary the traffic generation used in the DA Master Plan assessment are consistent with the agreed rates used for the approved Planning Proposal.

2. Council is advised that Roads and Maritime recently provided comment on the proposed traffic signals at the intersection of Terry Road and Old Pitt Town Road under separate correspondence in relation to a separate DA (Council Ref 1147/2015/ZA). A copy of the latest Roads and Maritime correspondence on this matter is attached.

**Applicant’s Response:**

It is noted that the RMS has provided Council with comments on the separate development application for the proposed signalisation of the Old Pitt Town Road / Terry Road intersection. As requested by RMS, GTA prepared an assessment of the warrants for the future signalisation of the Old Pitt Town Road / Terry Road intersection. The assessment determined that in the ultimate development scenario signalisation was warranted, however, the timing of signalisation would be dependent on traffic generation associated with a number of non Box Hill North developments. As such the timing of the warrants being met is currently uncertain.

Notwithstanding the above, it was proposed (and agreed to) that the Old Pitt Town Road / Terry Road intersection would be constructed with an appropriate geometric layout such that signalisation could be easily implemented in the future when warrants would be met. This approach to assessing the future warrants and signal implementation would be implemented for other intersections identified in the Master Plan DA as ultimately requiring signalisation.

3. Roads and Maritime notes that a number of alternate ultimate intersection layouts on the local road network have been identified in the Masterplan Traffic Study. A number of these intersection treatments propose signalisation (ie Boundary Road/Old Pitt Town Road). As Council would be aware, traffic control signals on any road requires the consent of Roads and Maritime in accordance with Section 87 of the Roads Act, 1993. The approval and installation of traffic signals is largely dependent on general warrants in accordance with Roads and Maritime requirements for Traffic Signal Design - Section 2 Warrants.

**It must be emphasised that the warrants in the abovementioned publication are a guide only. If the site satisfies the warrants, it does not necessarily mean that traffic signals are the best solution. All traffic data should be analysed and alternative treatments considered to determine the optimum solution.**
4. To assist Roads and Maritime in providing an informed comment on the suitability of the proposed traffic signals, it is recommended that the warrant assessment identifies the development threshold/future year at which the warrant criteria will be met (with consideration to the development uptake of adjoining precincts), based on the four one hour periods of an average day. Following this, Roads and Maritime would also require electronic copies of the detailed intersection analysis to demonstrate how the signals would operate (geometric layout and phasing), and modelling of any alternative treatments considered for comparison. (Note: page 10 of the traffic study suggests an operational assessment of the intersection layout is provided in Section 3. It does not appear that any modelling has been provided in Section 3).

5. Although signals may not be installed until such time that the warrants are met, consideration should be given to ensure that the geometry of any concept layout of interim intersection treatments is in accordance with the relevant design guidelines to facilitate potential future upgrade to traffic signals. In this regard, Roads and Maritime is willing to assist the developer in ensuring that the geometric layout of the intersection/s is designed and constructed to accommodate traffic signals in the future. The developer is to submit civil and signal design plans of the proposed intersection works to Roads and Maritime for review and approval, prior to approval from the road authority and the commencement of the road works.

**Applicant’s Response:**
The Master Plan DA traffic assessment has considered the road network and intersection upgrades required to accommodate the ultimate develop scenario not only of Box Hill North but also Box Hill and Box Hill Industrial precinct and other developments in the locality.

The Master Plan DA which utilised the extensive traffic analysis presented in the rezoning traffic assessment1 and supplemented with specific Master Plan DA arrangements. The Master Plan identified the need for significant intersection capacity improvements at the following intersections:
- Boundary Road / Old Pitt town Road
- Old Pitt Town Road / Mt Carmel Road
- Old Pitt Town road / Terry Road

For each intersection, consideration was given to improving capacity with a roundabout or a traffic signal treatment. Separate signal warrant assessments have been prepared for the Old Pitt Town Road / Terry Road and Old Pitt town Road / Mt Carmel Road intersections. These demonstrated that the warrants for signalisation would be met on the basis of “traffic demand”. The “traffic demand” warrants would also be met for the Boundary Road / Old Pitt Town Road intersection which will carry higher traffic flows than the other Old Pitt Town Road intersections.

The Master Plan DA has recommended that traffic signals by implemented at each of three intersections to address the traffic demands of the ultimate development scenario. The implementation of traffic signals provides significant improvements over roundabout treatments, namely:
- Superior intersection performance and greater intersection capacity;
- Preferred treatment to facilitate bus movements;
- Superior pedestrian and cyclist movement and safety; and
- Ability to be accommodated within existing road reserves or within properties under the control of Box Hill North.
Importantly traffic signals were considered to be a preferred treatment due to the potential for unbalanced traffic flows which would not be able to be controlled with a roundabout treatment. It is noted however that the warrants for intersection signalisation will need to be met prior to the installation of traffic lights. Thus the timing of signalisation will be dependent on the traffic and pedestrians flows generated by Box Hill North, Box Hill and other developments in the locality. It is unknown as to the timing of the cumulative traffic for all of these developments. Hence the allocation of Box Hill North lot threshold triggers for signalisation is not particularly correlated to the warrants being met. To address the above, it is recommended that the warrants for signalisation be reviewed every 5 years to determine if signalisation is warranted. The review would include surveys of traffic and pedestrian flows at each of the intersections under consideration. The funding arrangements relative to timing of signalisation are discussed below.

As per the recent correspondence referred to by RMS for the signalisation of the Old Pitt Town Road and Terry Road Intersection, it is proposed that intersections identified for signalisation will be initially constructed with a design compatible with signalisation. However signals would not be installed until the warrants are met.

6. Roads and Maritime understands that the proposed signalised intersections were not accounted for in the Contributions Plan (5.94) or Planning Agreement for Box Hill North at the rezoning stage. In the absence of this, however, agreement with the proponent that a lot threshold/trigger point for the upgrade/s could be identified so that an appropriate condition for the provision of signals it/when the warrants are met can be placed on the Masterplan DA.

Applicant’s Response:
The applicant and Council have entered into a Voluntary Planning Agreement (VPA) within which developer contributions have been included for intersection improvements along Council roads, namely for intersections along Boundary Road and Old Pitt Town Road. Thus arrangements are in place to fund intersection improvements. To provide RMS certainty regarding funding of intersection treatments, the applicant (Celestino) is seeking to lodge bank guarantees (one per intersection) as security. These guarantees would cover the total costs of signalisation less any works in kind undertaken in interim intersection works that were consistent with the ultimate intersection layout designs. Celestino is prepared to activate these guarantees immediately with subsequent release being subject to the warrants being met and ultimate intersection works being completed.

In the unlikely event that the last residential lot within Box Hill North is developed prior to warrants being met, the bank guarantees would be replaced with a cash contribution to RMS to complete the ultimate intersection works at a later date.

7. Council is advised that the future functional hierarchy of roads in the North West Growth Centre is currently under review by Transport for NSW and DP&E, which includes consideration to the future function of Boundary Road at the NW site frontage and in particular the intersection at Windsor Road.

8. Roads and Maritime’s current access management practice is that direct access points to classified roads (or proposed/future higher order roads) are to be avoided wherever possible, and no new access points are to be permitted to any classified road/higher order road for individual developments where an alternative access is available via a local road. In this regard, given the current uncertainty of the future function of
Boundary Road at the Precinct boundary, the subdivision design should ensure that access points for individual developments are provided via local streets (i.e. lots should be oriented towards local streets).

9. Any proposed non-frangible landscaping along the Boundary Road site boundary should be located outside of the clear zone in accordance with Ausroads Guide to Road Design Part 6 and 6B requirements, and Roads and Maritime’s supplements to the Guide.

10. Proposed streetscaping/landscaping and furnishings should not obstruct driver sightlines to other road users, regulatory signposting, traffic signals etc. Particular care should be taken to ensure appropriate selection and placement of landscaping/furnishings adjacent to intersections, driveways and pedestrian crossing facilities.

**Applicant’s Response:**

It is acknowledged that RMS’s current access management practice is that direct access points to classified roads (i.e. private property driveways) are to be avoided. In this regard and with consideration of the future function of Boundary Road, direct property access for Box Hill North lots shall be via local roads. The Master Plan DA includes internal local roads to facilitate access from non-classified roads. This will be detailed in the separate Precinct DA’s to be lodged with Council. Furthermore, landscaping and street scaping shall be designed so as not to obstruct driver sightlines.

11. It is advisable to refer the Masterplan DA to Transport for NSW (TfNSW) for consideration and comment on the potential impacts of the proposal on pedestrians, cyclists and public transport infrastructure and services.

**Applicant’s Response:**

Considerable consultation with TfNSW has been undertaken through the rezoning process for Box Hill North. This consultation has guided the development of the internal road network layout and its access to the external road network in a manner which facilitates and benefits public transport access (bus routes) and pedestrian and cyclist linkages to, from and through the Box Hill North development area.

**Comment:** The applicant’s response to the matters raised by Roads and Maritime Services is noted. Separate applications will be received for road works and where required will be referred to the RMS for comment. Council’s Traffic Section have reviewed the subject application and raise no objection.

d. NSW Fisheries Comments

NSW Fisheries reviewed the proposal and identified that:

*No key fish habitat is situated within this development site. That said, the Department is supportive of the proposed riparian buffer zones and Water Sensitive Urban Design treatment train for stormwater. These measures will alleviate flow on impacts to downstream key fish habitat. It is important that water sensitive urban design measures are maintained over time.*

**Comment:** There are no further requirements to be imposed.

e. Sydney Water Comments

Sydney Water advised that:
Drinking water will be supplied to the precinct from the Parklea water supply system via a water pumping station, pressure main and associated lead-in mains.

Wastewater will be transferred from the precinct to the Riverstone system via a trunk carrier, wastewater pumping station, rising main, and associated lead-in mains. Sydney Water’s preferred strategy does not include recycled water to this precinct and assumes BASIX requirements will be met by other options.

Sydney Water is working with the developer on detailed planning and they will be responsible for delivering the infrastructure required to service the site. There are no conditions to be imposed.

Comment: It should be noted that the applicant is undertaking investigations into a private waste water and water recycling plant that is currently before Council as part of a current planning proposal application. This plant is proposed to replace Sydney Waters waste water service.

f. NSW Police Service Comments

Castle Hill Police advised that they had no concerns with the proposal and indicated that future applications will be required to comply with the provisions of Safer by Design. There are no conditions to be imposed. It may be noted that future applications will be referred to NSW Police, where applicable, under the memorandum of understanding (MOU) between Police and Council.

g. Transgrid

Transgrid reviewed the subject application and advised:

TransGrid owns and operates the high voltage transmission line network in NSW, being State significant infrastructure. TransGrid’s Vales Point - Sydney West 330kV Transmission Line (Feeder 25 & 26, Structures 238 - 245) traverses the subject land within an 85.35 metre wide easement. Attached is a TransGrid plan identifying our easement on the land.

Referring to the Box Hill North Precinct Boundary Plan, TransGrid advises that our transmission line easement only impacts Precinct 0 and Precinct I. It is recommended the developer consult with TransGrid as early in the design process as possible so that any prohibitive design or easement encroachment issues may be raised and resolved, therefore preventing the need for a redesign at a later stage, causing corresponding delays.

Comment: All future applications within the vicinity of Transgrid infrastructure will be referred for comments under the provisions of SEPP Infrastructure 2008.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.
The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within the Hills 2026 – “Looking Towards the Future” as the social and environmental impacts have been considered satisfactory as detailed within the body of this report. The proposal is not considered to detrimentally impact upon the character of the locality or the shire as a whole.

CONCLUSION

Given the Office of Environment and Heritage are yet to grant concurrence, the application is recommended for deferral but is otherwise satisfactory.

With the exception of the Office of Environment and Heritage requirements, the following conditions would be recommended once concurrence is granted.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box Hill Master Plan (9 Pages)</td>
<td>23 September 2015</td>
</tr>
<tr>
<td>Box Hill North Design Guidelines (7 pages)</td>
<td>Submitted 4 November 2015</td>
</tr>
</tbody>
</table>

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

2. Compliance with Masterplan

Approval is granted for the proposed Masterplan in accordance with the plans and details provided with the application to provide guidance for future development of the site. All Stages of works the subject of the Masterplan will require the submission and approval by the relevant authority of an application as required by the relevant legislation including all external authorities with the exception of the Office of Environment and Heritage in relation to flora and fauna impacts which have been assessed as part of this application.

3. Planning Agreement

Payment of any Monetary Contributions shall be payable in accordance with the Box Hill North Planning Agreement dated January 2015.

4. Design Guidelines

The Design Guidelines attached to the consent marked as Appendix A are endorsed.

5. Office of Environment and Heritage Requirements

Compliance with the requirements of the NSW Office of Environment and Heritage attached as Appendix B to this consent and dated X
6. Ecology Requirements

i. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site, including the removal of Cumberland Plain Woodland (CPW) and Shale Sandstone Transition Forest (SSTF), the development must purchase and retire the appropriate number of credits for each precinct as set out in the table below.

Prior to issue of a Construction Certificate for each precinct a retirement certificate from the NSW BioBanking Office to demonstrate compliance with this condition is to be provided to The Hills Shire Council’s Manager – Environment and Health.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Credits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CPW (HN528)</td>
</tr>
<tr>
<td>A</td>
<td>0</td>
</tr>
<tr>
<td>B</td>
<td>0</td>
</tr>
<tr>
<td>C</td>
<td>0</td>
</tr>
<tr>
<td>D</td>
<td>0</td>
</tr>
<tr>
<td>E</td>
<td>5</td>
</tr>
<tr>
<td>F</td>
<td>0</td>
</tr>
<tr>
<td>G</td>
<td>1</td>
</tr>
<tr>
<td>H</td>
<td>0</td>
</tr>
<tr>
<td>I</td>
<td>579</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>585</strong></td>
</tr>
</tbody>
</table>

Note: Changes to development proposal may have additional offsetting requirements.

ii. Vegetation Management Plan

Prior to issue of a Construction Certificate for each precinct a Vegetation Management Plan is be submitted to the satisfaction of The Hills Shire Council’s Manager – Environment and Health.

The Vegetation Management Plan must contain details for vegetation rehabilitation and management relevant to each precinct. The plan must be prepared strictly in accordance with Council’s Vegetation Management Plan Guideline (available on Council’s website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management.

The Vegetation Management Plan is to include restoration planting as outlined in table 4.2 of the Species Impact Statement – Response to Hills Shire Council prepared by Cumberland Ecology dated November 2015.

iii. Dam Decommissioning Plan (ecological requirements)

Prior to issue of a Construction Certificate for each precinct a Dam Dewatering Report is to be submitted to the satisfaction of The Hills Shire Council’s Manager – Environment and Health.

The Dam Dewatering Report must provide details required for the rescue and relocation of native fauna and the destruction of exotic pest species residing within farm dams. The plan must be prepared strictly in accordance with Council’s Guidelines for Dewatering Farm Dams (available on Council’s website www.thehills.nsw.gov.au). This report must be prepared by a suitable qualified ecologist with expertise in aquatic ecology and amphibians.
iv. Fauna Action Plan

Prior to issue of a Construction Certificate for each precinct a Fauna Action Plan is to be submitted to the satisfaction of The Hills Shire Council’s Manager – Environment & Health.

The fauna action plan must contain relevant details for preclearance surveys and fauna protection, rescue and relocation relevant to each precinct. In addition, the Fauna Action Plan is to include actions for the protection of the White-bellied Sea-eagle nest during the construction period. The plan must be prepared by a suitably qualified and experienced ecological consult with relevant experience in flora and fauna survey and rescue.

v. Maguire’s Road Realignment

The partial width reconstruction of Maguires Road fronting Precinct G, including the creek crossing here, must include the realignment of this road/ formation further south into the development site to protect the endangered Dillwynia tenuifolia population located along the northern verge of Maguires Road. A plan must be provided with any development application relating to this portion of the site/ precinct to the satisfaction of Council’s Manager – Subdivision and Development Certification and Manager – Environment and Health. The plan must provide a sufficient buffer between the endangered population and Maguires Road (accounting for the eventual/ possible full width reconstruction) to ensure long-term protection and survival of the population.

7. Landscape Masterplan

The principles identified within the masterplan are generally supported however all public areas will need to be embellished to a standard that will provide suitable recreation activities consistent with Council’s general public domain embellishment hierarchy standards across the Shire. Detailed plans are required to accompany all Development Applications.

The Street Tree Masterplan is generally supported with the following amendments:

- Street tree substitutes:
  - Fraxinus griffithi – suggested replacement: Fraxinus excelsior ‘Aurea’ or alternative approved species.
  - Quercus rubra – suggested replacement: Magnolia grandiflora ‘Little Gem’ or alternative approved species
- Minimum width of tree pit in verge 1.3m. To be noted on Typical Street Tree Planting Detail.

8. Riparian Corridor Plan – Precinct H

With respect to the Riparian Corridor Plan, the open space link/watercourse within Precinct H needs to be designed and constructed to the same standard/riparian corridor width as the other first order watercourses within the precinct, without being formally labelled as such, as this would otherwise increase the categorisation of the downstream receiving first order watercourse to a second order watercourse.

9. Road Hierarchy/Formation

Roads are to be provided as per the Road Network Plan and Voluntary Planning Agreement, contrary to the Development Control Plan, and the following additional requirements:

- a) With respect to collector roads, the 3.5m wide footpath verge on both sides, including adjacent to open space/creek corridors, required by the Development Control Plan must be provided.
b) Old Pitt Town Road and Maguires Road, fronting the development site/ release area, need to reconstructed (partial width) in line with the following/ ultimate configuration:

<table>
<thead>
<tr>
<th>Road Name:</th>
<th>Formation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Footpath/ Carriageway/ Footpath) (m)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Old Pitt Town Road/ Maguires Road</th>
<th>Road Type:</th>
<th>Pavement Design:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5m/ 13m/ 3.5 (20m)</td>
<td>Sub-arterial/ Enhanced Collector (Design Guidelines 3.12)</td>
<td></td>
</tr>
</tbody>
</table>

c) With the development of each precinct, consideration should be given to providing “local roads with parking on both sides” in areas with higher density residential development.

## 10. Waterways Requirements
All future development applications are to generally comply with the following, along with any other requirements of Council at the time:

- Flood Impact Assessment prepared by J. Wyndham Prince dated April 2015
- Water Cycle and Flood Management Strategy Report prepared by J. Wyndham Prince dated July 2013, as amended by the following:
  - Updated MUSIC Water Quality Assessment prepared by J. Wyndham Prince dated 14 September 2015

The following design requirements also apply:

a) Waterway design to be in accordance with the requirements of Section 2.11 Stormwater Management, sub-clauses (x), (xi) and (xii) of Council’s Development Control Plan Part D Section 17, Box Hill North.

b) In summary, these sections require the creation of a naturally functioning, geomorphically stable channel and floodplain form which replicates the characteristics of the naturally occurring waterways in the catchment.

c) Creation of a trapezoidal channel form is to be avoided.

d) A stable, meandering low-flow channel is to be designed to convey up to a 5 year ARI design flood. The 5 year ARI design flood is considered to be at the upper end of the naturally occurring channel forming flows.

e) River engineering principles, supported by geomorphic understanding is to be the principal driver for all design and construction methodologies.

f) Hydraulic modelling to determine threshold velocities is to be undertaken to predict erosive forces requiring hard engineering intervention.

g) Upper floodplain benches are encouraged to reduce edge depths, sustaining safety principles and maximising passive usage of the waterway corridor.

h) Vegetative techniques for bed and bank stabilisation in the upper floodplain benches are to utilise deep rooted species of local provenance.

i) Safe, regular all-weather vehicular maintenance accesses are to be designed for strategic locations throughout the waterway corridor.

Bridge and culvert design and construction are to have regard to the following too:
j) Design to be substantially in accordance with the principles set out in the publications “Australian Standard Bridge Design Part 1: Scope and General Principles” (AS 5100.1-2004 (Incorporating Amendment No.1)), and “AUSTROADS Guide to Bridge Technology Part 4: Design Procurement and Concept Design”.

k) Minimum freeboard to the underside of the bridge structure is to be in accordance with the requirements of the abovementioned publications, having regard for carriageway cross-falls.

l) Bridge clear opening to be a minimum of 50% of the overall width of the riparian corridor, measured from toe of abutments, and allowing for bridge pier widths.

m) Piers are to be designed to be streamlined in the direction of flow. Other than in unavoidable circumstances, no piers are to be constructed so as to obstruct the primary waterway area (between low banks).

n) Bridges are to be low energy style structures, minimising afflux at the design flood (100 year ARI, post-development case).

o) Allowance for blockage is to be in accordance with the requirements of the publication “Australian Rainfall and Runoff Revision Project 11: Blockage of Hydraulic Structures - Blockage Guidelines” (February 2015).

p) Consideration may be made for the construction of “relief” culverts through each abutment to account for the allowance of blockage in the bridge design.

q) Hydraulic modelling is to be undertaken to determine the two dimensional (2-D) flow behaviour for channel forming flows (consider the 2 year and 5 year ARI floods) and the design flood (100 year ARI) to enable the design of any bed, bank and abutment scour protection works.

11. Site Remediation and Validation
All works associated with future Subdivision applications are to be remediated in general accordance with the Remediation Action Plan (dated 15 April 2015, Report 43376/59205 (Rev 5)).

Any contaminated material that is proposed to be encapsulated and/or buried on site shall be subject to an Environmental Management Plan which identifies:

- the material;
- risks associated with the material;
- justification as to why the material cannot be removed/remediated;
- details for a long-term monitoring program;
- Safe Work Method Statement for working in the vicinity of the material.

Prior to the encapsulating and/or burying of any contaminated material on site, prior approval of Council’s Manager – Environment & Health is to be obtained.

Validation report
A validation report shall be submitted to the Principal Certifying Authority for each subdivision. The report shall include:

- The degree of contamination originally present;
- Rationale and justification for the validation strategy, including the clean-up criteria and statistically based decision-making methodology;
- Validation sampling and analysis plan;
- Verification that remediation carried out renders the site suitable for the proposed uses.

12. Consistency with Aboriginal Heritage Impact Permit
All proposed works are to be consistent with Aboriginal Heritage Impact Permit (AHIP) C0001213.
RECOMMENDATION

The application be deferred until concurrence is provided by the Office of Environment and Heritage. At this time a further report will be provided to the Joint Regional Planning Panel.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Lot Size Map
5. Vegetation Maps
6. General Masterplan
7. Ownership Plan
8. Precinct Plan
9. Road Layout Plan
10. Open Space Plan
11. Boundary Treatment Plan
12. Design Guidelines
ATTACHMENT 1 – LOCALITY PLAN

- SUBJECT SITE

✓ PROPERTIES NOTIFIED

NOTE: HAWKESBURY CITY COUNCIL ALSO NOTIFIED

THE HILLS SHIRE COUNCIL

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TO THESE COPYRIGHT
ATTACHMENT 4 – LOT SIZE MAP
ATTACHMENT 10 – OPEN SPACE PLAN

Box Hill North Precinct
Open Space Plan

Key
- Precinct Boundary
- Parks
- Sports Fields
- Drainage
ATTACHMENT 11 – BOUNDARY TREATMENT PLAN
## Development Controls for Integrated Housing

<table>
<thead>
<tr>
<th>Element</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>25m for rear accessed dwellings</td>
</tr>
<tr>
<td>Minimum Allotment Size</td>
<td>240m²</td>
</tr>
<tr>
<td>Front setback (min)</td>
<td>4.5m to building facade line; 3.5m to building façade fronting open space</td>
</tr>
<tr>
<td></td>
<td>3.0m to articulation zone; 2.0m to articulation zone fronting open space</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>Zero Lot, Attached or Abutting Boundary (benefited lot):</td>
</tr>
<tr>
<td></td>
<td>- Ground floor: 0m</td>
</tr>
<tr>
<td></td>
<td>- Upper floor: 0m</td>
</tr>
<tr>
<td></td>
<td>Detached boundary: 0.3m</td>
</tr>
<tr>
<td></td>
<td>If lot bounded by zero lot boundary, side setback must be outside easement</td>
</tr>
<tr>
<td></td>
<td>0.1m (single storey zero lot wall)</td>
</tr>
<tr>
<td></td>
<td>1.2m (double storey zero lot wall)</td>
</tr>
<tr>
<td>Maximum length of zero lot line on boundary</td>
<td>15m (excludes rear loaded garages)</td>
</tr>
<tr>
<td>Corner lots secondary street setback (min)</td>
<td>1.0m</td>
</tr>
<tr>
<td>Building height, massing and siting</td>
<td>2 storeys maximum</td>
</tr>
<tr>
<td></td>
<td>3 storeys will be considered on dwelling’s site characteristics and the architectural merit of the proposal.</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>Upper limit no more than 70% of lot area</td>
</tr>
<tr>
<td>Soft landscaped area</td>
<td>Minimum 15% lot area.</td>
</tr>
<tr>
<td></td>
<td>The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped</td>
</tr>
<tr>
<td>Principal Private Open Space (PPOS)</td>
<td>Min 16m² with minimum dimension of 3m.</td>
</tr>
<tr>
<td></td>
<td>19m² per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.</td>
</tr>
<tr>
<td>Solar access</td>
<td>At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of both the proposed development and the neighbouring properties that form part of the proposed development.</td>
</tr>
<tr>
<td></td>
<td>Should the orientation of a lot not meet the requirements, then the front yard can be used to contribute to the solar access.</td>
</tr>
<tr>
<td>Garages and car parking</td>
<td>Rear loaded garage or car space only for lots of this type.</td>
</tr>
<tr>
<td></td>
<td>Carport and garage minimum internal dimensions: 2.4m x 6.5m.</td>
</tr>
<tr>
<td></td>
<td>Maximum garage door width: 3.0m (single) and 6.0m (double)</td>
</tr>
<tr>
<td></td>
<td>1-2 bedroom dwellings will provide at least 1 car space.</td>
</tr>
<tr>
<td></td>
<td>3 bedroom or more dwellings will provide at least 2 car spaces.</td>
</tr>
</tbody>
</table>

**Figure 1: Lot Size**

![Lot Size Diagram](image)
<table>
<thead>
<tr>
<th>Element</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>3m and 4m for front assessed dwellings</td>
</tr>
<tr>
<td>Minimum Allotment Size</td>
<td>240m²</td>
</tr>
<tr>
<td>Front setback (m)</td>
<td>4.5m to building facade line; 3.2m to building facade fronting open space; 3.0m to articulation zone; 2.0m to articulation zone fronting open space; 5.5m to garage line and minimum 1m behind the building line</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>Zero Lot, Attached or Adjoining Boundary Ground floor: 1m; Upper floor: 0m</td>
</tr>
<tr>
<td>Maximum length of zero lot line on boundary</td>
<td>15m</td>
</tr>
<tr>
<td>Rear setback (min)</td>
<td>4m (ground level) and 6m (upper levels)</td>
</tr>
<tr>
<td>Corner lots secondary street setback (min)</td>
<td>1.0m</td>
</tr>
<tr>
<td>Building height, massing and siting</td>
<td>2 storeys minimum. 3 storeys will be considered on dwelling's site characteristics and the architectural merit of the proposal.</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>Upper limit no more than 70% of lot area</td>
</tr>
<tr>
<td>Soft landscaped area</td>
<td>Minimum 15% lot area. The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaping</td>
</tr>
<tr>
<td>Principal Private Open Space (PPOS)</td>
<td>Min 16m² with minimum dimension of 3m. 10m² per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m. Open space at the front of the dwelling can be defined as PPOS where this is the only means of achieving the solar access requirements.</td>
</tr>
<tr>
<td>Solar access</td>
<td>At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of both the proposed development and the neighbouring properties.</td>
</tr>
<tr>
<td>Garages and car parking</td>
<td>Single width garage or car space only. Carport and garage minimum external dimensions: 2.4m x 0.6m. Maximum Garage Door width: 3.0m (single) 1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwelling will provide at least 2 car spaces. For single garages second car space can be provided in the garage setback.</td>
</tr>
<tr>
<td>Layout</td>
<td>Driveway locations must be planned to preserve on-street parking spaces in front of lots. Total lot frontage of this lot type not to exceed 50% of the block length due to garage dominance and on-street parking impacts.</td>
</tr>
</tbody>
</table>

Figure 2: Second Car Space
<table>
<thead>
<tr>
<th>Element</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>&gt;5m and &lt;15m for front accessed dwellings</td>
</tr>
<tr>
<td>Minimum Allotment Size</td>
<td>240m²</td>
</tr>
<tr>
<td>Front setback (min)</td>
<td>4.5m to building facade line, 3.5m to building façade fronting open space</td>
</tr>
<tr>
<td></td>
<td>3.0m to architectural zone, 2.0m to architectural zone fronting open space</td>
</tr>
<tr>
<td></td>
<td>9.5m to garage line and minimum 3m behind the building line</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>Zero Lot, Attached or Abutting Boundary</td>
</tr>
<tr>
<td></td>
<td>Ground floor: 0m</td>
</tr>
<tr>
<td></td>
<td>Upper floor: 0.5m</td>
</tr>
<tr>
<td></td>
<td>Lots with zero lot boundary (side A), Ground Floor 0m (side A), 0.5m (side B)</td>
</tr>
<tr>
<td></td>
<td>Upper floor: 0.5m (side A), 0.5m (side B)</td>
</tr>
<tr>
<td>Length of zero lot line on boundary</td>
<td>11m</td>
</tr>
<tr>
<td>Rear setback (min)</td>
<td>4m (ground level) and 6m (upper levels)</td>
</tr>
<tr>
<td>Corner lots secondary street setback (min)</td>
<td>2.0m</td>
</tr>
<tr>
<td>Building height, massing and siting</td>
<td>2 storey maximum.</td>
</tr>
<tr>
<td></td>
<td>3 storeys will be considered on dwelling's site characteristics and the architectural merit of the proposal.</td>
</tr>
</tbody>
</table>
| Site Coverage                    | Single story dwellings: 65%. Lot 375 sqm, upper level no more than 40% of lot area.
|                                 | Lot >375 sqm, upper level no more than 35% of lot area.                 |
| Landscaped area                  | Minimum 25% of allotment area.                                          |
| Principal Private Open Space (PPOS) | Minimum 200m² with minimum dimensions of 4.0m.                          |
|                                 | 50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June). |
|                                 | Open space at the front of the dwelling can be defined as PPOS where this is the only means of achieving the solar access requirements. |
| Garages and car parking          | Lots >8m and <10m. Where front accessed, single width garages only.    |
|                                 | Garage minimum internal dimensions: 2.4m x 5.5m.                        |
|                                 | Rear lane or side street accessed double garages permitted. Max. compound and garage door width not to exceed 3m (single) or 5m (double). |
|                                 | Lots >12.5m and <15m. Double garages are permitted. Triple garages are not permitted. |

Page 3 of 7
Development Controls for Standard Detached Dwellings:

<table>
<thead>
<tr>
<th>Element</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>4.8m for front accessed dwellings</td>
</tr>
<tr>
<td>Minimum Allotment Size</td>
<td>450m²</td>
</tr>
<tr>
<td>Front setback (min)</td>
<td>4.5m to building facade line</td>
</tr>
<tr>
<td></td>
<td>3.5m to building facade fronting open space or drainage land</td>
</tr>
<tr>
<td></td>
<td>3.0m to articulation zone fronting open space or drainage</td>
</tr>
<tr>
<td></td>
<td>2.0m to articulation zone fronting open space or drainage</td>
</tr>
<tr>
<td></td>
<td>5.5m to garage line and 1m behind the building line</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>Ground Floor: 0.8m (Side A), 0.9m (Side B)</td>
</tr>
<tr>
<td>Rear setback (min)</td>
<td>4m (ground level) and 6m (upper levels)</td>
</tr>
<tr>
<td>Corner lots secondary street setback (min)</td>
<td>2.0m</td>
</tr>
<tr>
<td>Building height, massing and siting</td>
<td>2 storeys maximum</td>
</tr>
<tr>
<td></td>
<td>3 storeys will be considered on dwelling’s site characteristics and the architectural merit of the proposal.</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>Single storey dwellings: 65%</td>
</tr>
<tr>
<td>Soft landscaped area</td>
<td>Minimum 30% of the allotment area</td>
</tr>
<tr>
<td>Principal Private Open Space</td>
<td>Minimum 24m² with minimum dimension 4m.</td>
</tr>
<tr>
<td></td>
<td>50% of the area of the required principal private open space (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).</td>
</tr>
<tr>
<td>Garages and car parking</td>
<td>Front or rear loaded double and tandem garages permitted</td>
</tr>
<tr>
<td></td>
<td>Carport and garage minimum internal dimensions: 2.4m x 0.8m.</td>
</tr>
<tr>
<td></td>
<td>Minimum garage door width 3m (Single) and 6m (Double).</td>
</tr>
<tr>
<td></td>
<td>Triple garages are not permitted.</td>
</tr>
<tr>
<td></td>
<td>1-2 bedroom dwellings will provide at least 1 car space.</td>
</tr>
<tr>
<td></td>
<td>Frontages of &lt;20m, triple garages permitted</td>
</tr>
<tr>
<td></td>
<td>3 bedroom or more dwellings will provide at least 2 car spaces.</td>
</tr>
<tr>
<td></td>
<td>For lot frontages 48 m and ≤15m, for single garages second car space can be provided within garage setback.</td>
</tr>
</tbody>
</table>

Figure 3: Principal private open space and soft landscaped area
### Development Controls for Large Lot Detached Dwellings

<table>
<thead>
<tr>
<th>Element</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Allotment Size</td>
<td>2000m²</td>
</tr>
<tr>
<td>Front setback (min)</td>
<td>10m to building facade line</td>
</tr>
<tr>
<td></td>
<td>6m to building facade line when opposite standard dwellings on &lt;2,000m² lots</td>
</tr>
<tr>
<td></td>
<td>Garage line to be 1m behind the building line</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>3m</td>
</tr>
<tr>
<td>Rear setback (min)</td>
<td>5m (ground level) and 5m (upper levels)</td>
</tr>
<tr>
<td>Corner lots secondary street setback (min)</td>
<td>4.0m</td>
</tr>
<tr>
<td>Building height, massing and siting</td>
<td>2 storeys maximum.</td>
</tr>
<tr>
<td></td>
<td>3 storeys will be considered on dwellings site characteristics and the architectural merit of the proposal.</td>
</tr>
<tr>
<td>Garages and car parking</td>
<td>Double and triple garages permitted.</td>
</tr>
<tr>
<td></td>
<td>Architectural style, construction, materials, quality and finish to be consistent with that of the Principal dwelling.</td>
</tr>
<tr>
<td>Outbuildings</td>
<td>Architectural style, construction, materials, quality and finish to be consistent with that of the Principal dwelling.</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 storey.</td>
</tr>
<tr>
<td></td>
<td>Setback from Principal dwelling: 5m</td>
</tr>
<tr>
<td></td>
<td>Side and rear setbacks as per Principal dwelling.</td>
</tr>
<tr>
<td></td>
<td>Fencing: If separated from principal dwelling, fencing to be complementary to quality of Principal dwelling.</td>
</tr>
</tbody>
</table>

*Figure 7: Large detached dwelling with outbuilding and triple garage*
## Development Controls for Secondary Dwellings

<table>
<thead>
<tr>
<th>Element</th>
<th>Secondary Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site car parking</td>
<td>No additional car parking space</td>
</tr>
<tr>
<td>Principal Private Open Space (PPOS)</td>
<td>No separate private open space required.</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Subdivision from principal dwelling not permitted.</td>
</tr>
<tr>
<td>Access</td>
<td>Separate direct access to a street, laneway or shared driveway not required.</td>
</tr>
<tr>
<td>Services and facilities</td>
<td>No separate services or facilities required.</td>
</tr>
</tbody>
</table>

1. The maximum site coverage control for upper floors may be exceeded by the combined upper floor coverage of the secondary dwelling and principal dwelling, providing that:
   - The privacy of the principal dwelling and dwellings on adjoining land is not compromised, and
   - Solar access to the principal private open space of neighbouring lots is not significantly reduced.

2. The finishes, materials and colours of the secondary dwelling are to complement the principal dwelling in its construction features.

3. For secondary dwellings, windows and private open spaces must not overlook the private open space of any adjacent dwellings. Windows that potentially overlook adjacent lots must either have obscured glazing, be screened or have a minimum sill height of 1.5m above floor level.

4. Secondary dwellings and associated garages may have a zero lot setback to one side boundary and may be attached to another garage/secondary dwelling on an adjoining lot, particularly where the secondary dwelling is associated with an attached or semi-detached dwelling.

5. Where the secondary dwelling is built to a zero lot line on a side boundary, windows are not to be located on the zero lot wall unless that wall is adjacent a laneway, public road, public open space or drainage land.

6. Rear garages with secondary dwellings may have first level balconies facing the lane provided the balcony remains within the lot boundary. Where 2m deep, overhanging balconies are located along a lane, the application must demonstrate how garages setback beneath avoid creating an overly wide lane and are safe from space opportunities for illegally parked cars, trailers, bins etc.

7. Where a secondary dwelling is built over a near garage and separated from the upper levels of the principal dwelling, there must be a minimum separation of 5m between the upper floor rear façade of the principal dwelling and the secondary dwelling.

---

## Development Controls for Multi-Dwelling Housing

Where a typology not covered in in Masterplan Controls, refer back to The Hills DCP.
### EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 58 units. The units are proposed within a part six and part seven storey building at the corner of Caddies Boulevard and White Hart Drive which provides a sleeve to the retail centre.

The development includes a variation to LEP 2012 in regard to site area for residential flat buildings. In this regard the LEP requires a 4000m² minimum site area whilst the subject site has an area of 1888m². This is a variation of 52.8%. The site is considered to have an adequate area for an apartment development with an appropriate landscape area built form provided. The site has always been envisaged for residential development.
since the approval of the Masterplan in 2004 which indicated that the site would be used for multi-storey development. The site is in a Town Centre location suitable for higher density development.

The development also includes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks, separation, unit size and mix, parking, landscape area, private open space, and common open space. In addition, variations are proposed to the Town Centre Precinct Plan in regard to non-provision of a mixed use component, height, balcony area, and open space and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to separation, deep soil zone, common open space and daylight access. Most of the variations arise from the constrained nature of the site with its narrow depth adjacent to the Town Centre.

The design provides a genuine range of unit sizes to cater for all future occupants. The units provide a high level of amenity and provide housing diversity. The unit sizes all comply with the minimum requirements of SEPP 65.

The development site has a relatively narrow depth of approximately 19-30 metres. The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site is also in close proximity to Caddies Creek and is therefore located in a park setting. The variations are considered reasonable in that context.

The proposal has been assessed and it is considered that the design and layout of the proposal is satisfactory.

The proposal was exhibited and notified to adjoining property owners and one submission was received.

The proposal is recommended for approval subject to conditions.

In the absence of the JRPP process, this matter would be determined by Council due to the variation to lot size exceeding 10%.

### BACKGROUND

<table>
<thead>
<tr>
<th>MANDATORY REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
</tr>
<tr>
<td>GPT Funds Management 2 Pty Ltd and GPT Management Holdings Ltd</td>
</tr>
<tr>
<td>1. LEP 2012 – Satisfactory. Variation to lot size for residential flat buildings.</td>
</tr>
<tr>
<td>Zoning:</td>
</tr>
<tr>
<td>B4 Mixed Use</td>
</tr>
<tr>
<td>2. SEPP 65 – Design Quality of Residential Apartment Development – Variation required, see report.</td>
</tr>
<tr>
<td>Area:</td>
</tr>
<tr>
<td>1888m²</td>
</tr>
<tr>
<td>Existing Development:</td>
</tr>
<tr>
<td>Vacant</td>
</tr>
<tr>
<td>5. SREP 19 – Rouse Hill Development Area – Satisfactory. Funds Management 2 Pty Ltd</td>
</tr>
<tr>
<td>6. SREP 20 – Hawkesbury/Nepean River – Satisfactory.</td>
</tr>
</tbody>
</table>
7. **DCP Part D – Section 6 Rouse Hill Regional Centre – Variations required, see report.**

8. **Section 79C – Satisfactory.**

9. **Section 94 Contributions – No, however a Planning Agreement is in place.**

### SUBMISSIONS

<table>
<thead>
<tr>
<th>Reason for Referral to JRPP</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exhibition:</td>
<td>Yes, 14 days.</td>
</tr>
<tr>
<td>2. Notice Adj Owners:</td>
<td>Yes, 14 days.</td>
</tr>
<tr>
<td>3. Number Advised:</td>
<td>Four</td>
</tr>
<tr>
<td>4. Submissions Received:</td>
<td>One</td>
</tr>
</tbody>
</table>

### HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/01/2015</td>
<td>Development Application lodged.</td>
</tr>
<tr>
<td>27/03/2015</td>
<td>Letter sent to the applicant requesting additional information</td>
</tr>
<tr>
<td></td>
<td>regarding DCP compliance, Design Guideline compliance, SEPP 65 and</td>
</tr>
<tr>
<td></td>
<td>the RFDC, waste management, engineering and drainage matters.</td>
</tr>
<tr>
<td>22/06/2015</td>
<td>Additional information submitted by the applicant.</td>
</tr>
<tr>
<td>17/09/2015</td>
<td>Email sent to the applicant requesting further information</td>
</tr>
<tr>
<td></td>
<td>regarding DCP compliance, Design Guideline compliance, SEPP 65 and</td>
</tr>
<tr>
<td></td>
<td>the RFDC, waste management and engineering matters.</td>
</tr>
<tr>
<td>28/09/2015</td>
<td>Additional information submitted by the applicant.</td>
</tr>
<tr>
<td>14/10/2015</td>
<td>Additional information submitted by the applicant.</td>
</tr>
</tbody>
</table>

### PROPOSAL

The proposal is for a part six and part seven storey residential flat building containing 58 units. Specifically the works include:

- Site preparation works including site excavation and removal of trees and landscaping.
- Construction of a two level basement carpark with 74 parking spaces, which comprises 68 spaces resident spaces and 6 visitor spaces.
- Construction of a residential flat building containing 58 units comprising:
  - 18 x 1 bedroom units;
  - 35 x 2 bedroom units; and
  - 5 x 3 bedroom units.
• Vehicular access to the basement provided off Caddies Boulevard.
• Associated landscaping and infrastructure works.

The subject site is at the corner of Caddies Boulevard and White hart Drive and is adjacent to the retail Town Centre. The site is currently used for temporary landscape planting.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

*Development that has a capital investment value of more than $20 million.*

The proposed development has a capital investment value of $23,799,600 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Minimum Lot Size for Residential Flat Buildings

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 1888m² (ground level). This is a variation of 52.8%.

The applicant has requested a variation to the minimum lot size and has submitted a detailed address of Clause 4.6 which is summarised as follows:

*As the site area is 1888m² (at ground level), a variation to the above standard is required. Relevantly, however, on 26 September 2014, an LEP amendment added the following new sub-clause after Clause 4.1A(2):-

"(3) Despite subclause (2), development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to subclause (2) for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table, if Council is satisfied that:
(a) the form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height, and
(b) the design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and
(c) the dwellings are designed to minimise energy needs and utilise passive solar design principles, and
(d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas." (our emphasis)

In relation to matters (a) to (d) above:-
• the proposal will be compatible in height, setback, scale and streetscape appearance with nearby buildings, both existing and approved (but not yet built);
• the facades of the proposal are well-articulated;
• it has been designed so units are primarily oriented to adjoining roads, will have good amenity (including acceptable acoustic and visual privacy) and will have good solar access and cross-ventilation;
• no significant vegetation exists on the site; and
• new landscaping is proposed.

......it can be concluded that strict compliance with the minimum lot size standard would be unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify the proposed non-compliance. The proposal is in the public interest because it is consistent with the objectives both of the minimum lot size standard and the B4 Mixed Use zone and consistent with the approved Masterplan and Precinct Plan relevant to the site.

Comment:

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 1888m². This is a variation of 52.8%.

Clause 4.1A of LEP 2012 lists the following objective:

'The objective of this clause is to achieve planned residential density in certain zones'.

In addition, Clause 4.1A(3) of LEP 2012 allows a variation to be requested to the minimum land area for residential flat buildings subject to assessment of certain criteria. Clause 4.1A(3) states:

Despite subclause (2), development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to subclause (2) for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table, if Council is satisfied with that:

(a) the form of the proposed structures is compatible with adjoining structures, in terms of their elevation to the street and building height, and

(b) the design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and

(c) the dwellings are designed to minimise energy needs and utilise passive solar design principles, and

(d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.

The proposal is considered satisfactory given that the site has been identified since the approval of the Rouse Hill Masterplan in 2004 as being set aside for residential development. The proposed residential flat building will provide a higher density form of living which is suitable for the Town Centre location and which is consistent with the principles in the DCP.
The site adjoins the Town Centre which provides a high level of access to a variety of retail, commercial and community uses. The site is located in close proximity to the Caddies Creek area, future Leisure Square and Council’s Iron Bark Ridge Park. The site is located in a landscape setting.

The proposal is satisfactory in regard to the objectives of the B4 Mixed Use zone in that the proposal is a compatible land use to the adjoining retail and commercial uses, the location is highly accessible in terms of location and access to existing and future public transport, and the proposal is integrated with civic spaces in the area.

The proposal is considered satisfactory in regard to the criteria under Clause 4.1A(3) of LEP 2012 in that the proposal is consistent with the existing and future character in respect to its modern design and features, will result in reasonable acoustic and visual privacy, is designed to consider BASIX requirements and passive design features and includes appropriate landscape planting.

Clause 4.6 (4) of LEP 2012 states:

*Development consent must not be granted for development that contravenes a development standard unless:*

(a) the consent authority is satisfied that:
   (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment: As detailed above, the proposal is an appropriate development outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

(b) the concurrence of the Director-General has been obtained.

Comment: Council has assumed concurrence under the provisions of Circular PS 08–003 issued by the Department of Planning and infrastructure.

On the basis of the above comments, the proposed variation to the minimum lot size for residential flat buildings is considered reasonable and will not result in an adverse impact on residential amenity to future residents.

3. Compliance with DCP Part D Section 6 – Rouse Hill Regional Centre

The following criteria applying to residential flat buildings are contained in the Rouse Hill DCP. In terms of the prevailing instrument, the DCP states:

*All residential development within the Rouse Hill Regional Centre is required to comply with the provisions of this Section of the DCP. In addition, the provisions of other residential Sections of the DCP will also apply where relevant. Depending upon the type of development proposed the provisions of the following Sections of the DCP may also apply:*


For example where residential flat buildings are proposed within the Regional Centre, the relevant provisions of this plan will apply in addition to Part B Section 5 – Residential Flat Buildings.

In the event of any inconsistency between this Section of the DCP and any other Section of the DCP, the provisions of this Section of the DCP shall prevail only to the extent of the inconsistency.

The following table outlines the proposal’s compliance with the relevant standards:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>BHDCP REQUIREMENTS</th>
<th>PROPOSED DEVELOPMENT</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density Per Hectare</td>
<td>In the Town Centre Core, a minimum of 40 dwellings/net hectare. There is no maximum density.</td>
<td>A minimum of 7.5 dwellings are required on the site, with 58 units proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Frontage</td>
<td>20m</td>
<td>The site has a road frontage of approx. 54m to Caddies Boulevard and approx. 36m to White Hart Drive.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Height</td>
<td>Building heights to be consistent with LEP 2012.</td>
<td>LEP 2012 has no building height limit.</td>
<td>Yes</td>
</tr>
<tr>
<td>Attached Dwellings and Residential Flat Buildings: (i) Ground floor/ living Spaces: minimum of 2.7 metres floor to ceiling; and (ii) Upper Levels/ Bedrooms: 2.55 metres.</td>
<td>The floor to ceiling heights are 2.7m</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>Front setback for building height 5 storeys or above: 5 metres.</td>
<td>The setback varies between 2.1m - 4.56m.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td></td>
<td>Side setback: 1.5 metres.</td>
<td>Nil setback proposed to both side boundaries.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td></td>
<td>Rear setback: 4 metres.</td>
<td>Minimum nil setback proposed in part to the rear boundary.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td></td>
<td>The minimum separation between buildings is 12 metres.</td>
<td>Approximately 8.5m separation to the approved apartment building on Lot 12.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td>Building Appearance, Articulation, orientation and Design</td>
<td>Buildings are required to address the street, entries points are to be clearly articulated, corner buildings to address both street frontages.</td>
<td>The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the building adequately addresses both street frontages.</td>
<td>Yes</td>
</tr>
<tr>
<td>Apartment Layout and Design</td>
<td>The proposal is required to meet unit mix and sizes.</td>
<td>The proposal does not meet the required unit mix and sizes.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td>Storage</td>
<td>Storage is to be provided in units or lockable garages as follows: Studio/1 bed: 6m³ 2 bed: 8m³ 3+ bed: 10m³</td>
<td>All units exceed 10m³ of storage area.</td>
<td>Yes</td>
</tr>
<tr>
<td>Roof Design</td>
<td>Use of a variety of roof forms which are in character with modern design principles.</td>
<td>The proposed roof design is satisfactory.</td>
<td>Yes</td>
</tr>
<tr>
<td>Driveways</td>
<td>Buildings of 4 or more storeys may have access to a basement car park. Access to a public street should be in a forward direction.</td>
<td>The proposal has a basement carpark with access off Caddies Boulevard. Access to Caddies Boulevard from the carpark will be in a forward direction.</td>
<td>Yes</td>
</tr>
<tr>
<td>Car Parking</td>
<td>Residential flat buildings: Off-street parking is to be provided for each dwelling at the rate of: 1 bedroom: 1 space/dwelling 2 bedrooms: 1.5 space/dwelling 3 + bedrooms: 2 spaces/dwelling Based on 18 x 1 bedroom, 35 x 2 bedroom and 5 x 3 bedroom units, 80.5 resident spaces are required. There are 68 resident spaces proposed which includes 20 stacked spaces.</td>
<td>No – see comments below</td>
<td>No – see comments below</td>
</tr>
<tr>
<td>Visitor parking: 2 spaces/5 dwellings for development with up to 60 units.</td>
<td>Based on 58 units, 24 visitor spaces are required. There are 6 visitor spaces proposed.</td>
<td>No – see comments below</td>
<td></td>
</tr>
<tr>
<td>Bicycle parking to be provided at a rate of 1 space/5 dwellings.</td>
<td>Based on 58 units, 12 bicycle spaces are required. Twelve bicycle spaces are provided.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Garage Design</td>
<td>Ensure that garages are not dominant and that materials and colours are in keeping with the proposed building.</td>
<td>The proposed garage has security gates located done the driveway and as such will not be visible from the street.</td>
<td>Yes</td>
</tr>
<tr>
<td>Solar Access</td>
<td>Solar access for residential flat buildings is to be in accordance with SEPP 65.</td>
<td>The proposed solar access is satisfactory – see comments below in Section 5.</td>
<td>Yes</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m² (whichever is greater) ground level open space is to be provided on natural ground.</td>
<td>The landscape areas provided represents 9.6% of landscape area at natural ground level (183m²) and 13.6% total (257m²) landscape area.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td>Open Space (Private and Common)</td>
<td>Residential flat buildings: Private Open Space: Must be accessible from living areas. Ground level units to have a minimum width of 4m and minimum depth of 3m. Above ground levels units to have a minimum area of 8m² and minimum depth of 3m. Solar access to be in accordance with SEPP 65.</td>
<td>All ground and upper level open space is accessible from living areas. Variation proposed to depth for ground level units. Variation proposed to area for Unit G07 (ground floor) which has an area of 10m². The solar access provided varies the requirements of SEPP 65. See comments in SEPP 65 assessment.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td>Fencing and Courtyard Walls</td>
<td>There are no standards applicable to residential flat buildings. The principles relate to providing fencing which contributes to the character of the street.</td>
<td>The front fencing comprises slats, in part located atop a retaining wall. Landscape works will be provided forward of the retaining wall to provide a screen and soften the fencing.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Designing for Privacy

<table>
<thead>
<tr>
<th>Designing for Privacy</th>
<th>Provision of at least one semi-private balcony. Minimise direct overlooking to internal living areas and private open space through design.</th>
<th>Given the location, the site is effectively separated from adjoining development. There is adequate privacy provisions made within the design.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acoustic privacy is to be protected to ensure that potential noise sources are appropriately addressed.</td>
<td>An acoustic report has been submitted to address potential noise from the loading dock and conditions have been recommended.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Waste Management</td>
<td>The submission of a waste management plan for construction and on-going.</td>
<td>The proposed waste management arrangements are satisfactory.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

a. Setbacks and Separation

The DCP requires the following setbacks:

Front setback for building height 5 storeys or above: 5 metres – the proposed setback varies between 2.1m - 4.56m.

Side setback: 1.5 metres - nil setback proposed to both side boundaries.

Rear setback: 4 metres - minimum nil setback proposed in part to the rear boundary.

The minimum separation between buildings is 12 metres – approximately 8.5 metres.

It is noted that the DCP does not contain setback requirements for corner lots for residential flat buildings.

The applicant has submitted the following as justification:

The DCP requires a 5-metre ground floor front setback for buildings of 5 storeys or greater, side setbacks of 1.5 metres and a rear setback of 4 metres. No specific setbacks are nominated for corner sites, such as the subject site. Compliance with the front and rear setback requirements would prevent the effective development of the site which would be contrary to the intent of the Masterplan, the Precinct Plan and the Design Guidelines. The proposed setbacks are appropriate in the circumstances and generally consistent with the Design Guidelines and with other approved developments nearby.

*In relation to building separation, the proposal will be some 9.0 metres apart from the approved building on Lot 12, whereas the DCP requires 12 metres. Privacy relationships are addressed in the design of the interfacing facades; therefore, no adverse impacts arise from this minor non-compliance.*

Comment:

The Principles within the DCP relate to defining the built area, provision of solar access to rear yards, minimising impact to adjoining property, streetscape appearance and minimising bulk of garages, and allowing landscape works to be undertaken.

The Precinct Plan and Design Guidelines contain the following setback requirements:
Nil setback to Caddies Boulevard and 2m to White Hart Drive. There are no setback requirements for the rear and side boundary.

The proposed setbacks are consistent with the Design Guidelines.

It is noted that courtyard areas and raised balconies are located within the setback to Caddies Boulevard and White Hart Drive. The Design Guidelines state that setbacks are a minimum from the property line to the front façade of the ground floor residential uses.

The site is located on a corner and is a prominent and highly visual entry point to the Town Centre. To the east of the site is a landscaped tributary (Tributary 3) across White Hart Drive. To the north is an approved residential flat building which is under construction across Caddies Boulevard. The site adjoins the Town Centre and access driveways to the south and west.

The proposed setbacks are considered satisfactory given the Town Centre location. The site is effectively separated from adjacent future residential development which will be located across Caddies Boulevard and the access driveways into the Town Centre. The site directly adjoins the Town Centre and is located on a main thoroughfare within the Town Centre. The site is discrete in that it has two street frontages. The variations are considered reasonable in that context.

The proposal is also considered to be adequately separated from the approved apartment development on Lot 12 to the north. The separation is approximately 8.5 metres with this area being used as a vehicle access point into the Town Centre loading dock. There are no windows located along this elevation and as such there is no adverse impact on privacy or overlooking.

The proposed design of the development and the setbacks and landscape planting proposed will provide a satisfactory streetscape outcome. The development will effectively define built upon area, minimise impacts to adjoining properties and allows adequate solar access.

As such the proposal is considered satisfactory in regard to the DCP requirements.

b. Apartment Layout and Design

The DCP requires the following in relation to unit mix and size:

Appointment Mix
(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.
(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

Residential Flat Development (30 or more units)
(d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:
Apartment Size Category | Apartment Size
--- | ---
**Type 1**
1 bedroom | 50m²
2 bedroom | 70m²
3 or more bedrooms | 95m²

**Type 2**
1 bedroom | 65m²
2 bedroom | 90m²
3 or more bedrooms | 120m²

**Type 3**
1 bedroom | 75m²
2 bedroom | 110m²
3 or more bedrooms | 135m²

(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
(f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
(g) All remaining apartments are to comply with the Type 3 apartment sizes.

The following is proposed:

**Apartment Mix:**

(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 18 x 1 bedroom units (31% of the total).
(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 5 x 3 bedroom units (8.6% of the total).

**Proposed Unit Sizes are:**

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Size</th>
<th>No. of Units</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>55m²</td>
<td>3</td>
<td>Type 1</td>
</tr>
<tr>
<td></td>
<td>56m²</td>
<td>2</td>
<td>Type 1</td>
</tr>
<tr>
<td></td>
<td>65m²</td>
<td>7</td>
<td>Type 2</td>
</tr>
<tr>
<td></td>
<td>75m²</td>
<td>6</td>
<td>Type 3</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>71m²</td>
<td>10</td>
<td>Type 1</td>
</tr>
<tr>
<td></td>
<td>90m²</td>
<td>14</td>
<td>Type 2</td>
</tr>
<tr>
<td></td>
<td>110m²</td>
<td>11</td>
<td>Type 3</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>120m²</td>
<td>3</td>
<td>Type 2</td>
</tr>
<tr>
<td></td>
<td>135m²</td>
<td>2</td>
<td>Type 3</td>
</tr>
</tbody>
</table>

(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 15 x Type 1 apartments (26% of the total).
(f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 24 x Type 2 apartments (41% of the total).
(g) All remaining apartments are to comply with the Type 3 apartment sizes. ie: 40% - there are 19 x Type 3 apartments (33% of the total).

The applicant has submitted the following as justification:
Most of the detailed requirements relating to new residential flat buildings in the Rouse Hill Town Centre are found in Part D, Section 6 of the DCP, which relates specifically to the Rouse Hill Regional Centre. Additionally, there are the detailed provisions in the Design Guidelines which apply as part of the approved Level 2 Town Centre Core Precinct (“TCCP”) Precinct Plan DA. However, Clause 3.11 of Part B, Section 5 of the DCP relates to unit layout and design and contains provisions applying to apartment mix and unit size. In this regard, the proposal is for 18 x 1-bedroom units, which is 31% of the total, whereas Clause 3.11(a) in the DCP limits the number of studio and 1-bedroom units to no more than 25% of the dwelling yield. Clause 3.11(b) requires no less than 10% to be 3-bedroom units. Of the 58 units which are proposed, 5 have 3 bedrooms (i.e. 8.6%). The non-compliances are not significant, have no environmental impact, and a good range/mix of units is nevertheless proposed.

Clause 3.11(d) prescribes required unit sizes for residential flat buildings of 30 or more units dividing 1-, 2- and 3-bedroom units into Type 1, Type 2 and Type 3 (by size) and requires no more than 30% to be Type 1, no more than 30% to be Type 2 and all remaining apartments to be Type 3. The proposal complies with the Type 1 requirements, but does not comply with the Type 2 requirements. There are 24 Type 2 units in the proposal (7 x 1-bedroom, 14 x 2-bedroom and 3 x 3-bedroom) which amount to 43% of the total number of units (i.e. 58), rather than the 30% limit set by this provision in the DCP. This non-compliance is not considered to be significant, particularly given that Type 1 and Type 2 apartments combined (i.e. 15 + 24 = 39) amount to 67%, only 7% more than the 60% which the DCP permits for the Types 1 and 2 combined.

Furthermore, whilst the Applicant has addressed Clause 3.11 of the DCP, it does not concede that compliance is required, due to the requirements of Clause 30A of SEPP 65. All of the proposed units are equal to or exceed the ‘rule of thumb’ for minimum unit sizes set out in Part 3 of the RFDC which are 50m² for a 1 bedroom unit, 70m² for a 2 bedroom unit and 95m² for a 3 bedroom unit. (It is acknowledged that Council has sought exemption from the Clause 30A provision in SEPP 65, but at the time of writing this SEE, such exemption was not granted.)

The ‘Apartment Layout’ part of the RFDC provides a range of unit sizes for different number of bedrooms and configurations which are generally equal to or greater than the minimum size set out in the Rule of Thumb. There are illustrative examples which were never intended as prescriptive requirements. It is the ‘rule-of-thumb’ minimums which are the relevant minimum for the purpose of Clause 30A of SEPP 65.

Clause 6 of SEPP 65 means that the minimum size of units in SEPP 65 prevail over the size of units in Council’s DCP and as such, the proposed unit sizes are not matters that can support refusal of the DA. The proposal provides minimum apartment sizes in excess of the ‘rule of thumb’ minimum: the minimum size of the 1 bedroom apartments is 55m²; the minimum size of the 2 bedroom apartments is 71m²; and the minimum size of the 3 bedroom apartments is 120m².

In addition, the Residential Flat Design Code (RFDC) contains a unit typology table which specifies unit types and the minimum required internal and external floor area. The following variations have been identified:
<table>
<thead>
<tr>
<th>Proposed Development Unit Type</th>
<th>RFDC Apartment Type</th>
<th>RFDC Required Internal Area</th>
<th>Proposed Internal Area</th>
<th>RFDC Required External Area</th>
<th>Proposed External Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>One bedroom single aspect</td>
<td>63.4m²</td>
<td>55-56m² (units G3, G4, G7, 4.9 and 5.9)</td>
<td>10m²</td>
<td>8 – 9m² (units 3.3 and 4.3)</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>Two bedroom cross-through</td>
<td>89m²</td>
<td>90m²</td>
<td>21m²</td>
<td>10m² (units 1.1, 2.1, 3.1 and 4.1)</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>Three bedroom</td>
<td>124m²</td>
<td>120m² (units 1.10, 2.10 and 3.10)</td>
<td>24m²</td>
<td>17-19m² (units 1.10, 2.10 and 3.10)</td>
</tr>
</tbody>
</table>

Note: the RFDC specifies particular apartment types. Due to the proposed built form, there are a number of unit designs proposed which do not fall within the specified apartment types. These units have been considered on merit and are satisfactory.

Comment:

The objectives of the DCP are:

(i) To ensure that individual units are of a size suitable to meet the needs of residents.
(ii) To ensure the layout of units is efficient and units achieve a high level of residential amenity.
(iii) To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.
(iv) Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.
(v) To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.

As outlined above, the proposal includes variations to both the unit type and mix. However the variations are minor and do not result in an unreasonable built form. Strict compliance with the DCP requirements will not result in an improved outcome for future residents.

The proposal meets the objectives of the DCP in that it provides units which have a suitable size to meet resident needs, have a satisfactory level of amenity and provide housing choice and diversity.

The RFDC ‘Rules of Thumb’ states that ‘Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylighting and natural ventilation can be achieved, particularly in relation to habitable rooms’. The RFDC also states that:

*If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability)*
The units all exceed the minimum requirements of the RFDC.

The proposal provides a range of unit sizes to cater for a variety of future residents. The proposal achieves satisfactory solar access and daylight to the units and meets the required ventilation requirements.

The units are also considered to have a high level of amenity in regard to the Town centre location, with a high level of access to retail, commercial and leisure activities.

The proposed units have been designed to have regard to the views towards the Caddies Creek and Tributary area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location with access to the Caddies Creek area and future Leisure Square. In addition Council’s Iron Bark Ridge Park is located to the east.

As such the proposal is considered satisfactory and can be supported.

c. Car Parking

The DCP requires the following parking:

Off-street parking:
1 bed: 1 space/dwelling
2 bed: 1.5 spaces/dwelling
3+ bed: 2 spaces/dwelling

Visitor parking:
2 spaces/5 dwellings for developments with up to 60 units.
1 space/5 dwellings for developments with 60 or more units.

Total resident parking required = 81 spaces (80.5) spaces
Total visitor parking required = 24 spaces
Total spaces required = 105 spaces (104.5) spaces

Spaces provided: 74 parking spaces (comprising 68 resident spaces and 6 visitor spaces)

Some of the spaces are stacked spaces which are not included in the calculations as per the Parking DCP.

Spaces provided: 54 parking spaces which are not stacked and 20 stacked spaces.

The applicant has provided the following as justification:

In short, the proposed car parking provision cannot be augmented, therefore the Applicant requests that you give consideration to not rigidly applying the parking rates in the DCP for the reasons set out below.

The constraints of Lot 14 limit the amount of parking that can be provided on this site. It is not practical (or necessary) to accommodate 104.5 spaces on this site, and in the circumstances of the case a lesser number of spaces is considered both reasonable and appropriate, notwithstanding non-compliance with what are relatively high parking rates.
in Council’s DCP. Justification for the non-compliance is provided in the SEE submitted as part of the DA and in providing 74 spaces, at least 1 space is provided for each 1- or 2-bedroom unit, 2 spaces are provided for each 3-bedroom unit, and 1 visitor space is provided per 10 units (i.e. there will be 6 visitor spaces).

In relation to the 20 stacked spaces, these are in 10 pairs. Five of these pairs will be allocated to the 5, 3-bedroom units; the other 5 pairs will be allocated to 5 of the 35, 2-bedroom units. The other 30, 2-bedroom units will each be allocated 1 space, as will each of the 18, 1-bedroom units.

The parking report submitted with the DA provides the following justification for the amount of parking which is proposed:

"The proposed parking provision is less than that required by the current DCP. However, the proposed parking provision considered the close proximity of the subject site to the Rouse Hill Town Centre and public transport services including a new railway station that is currently under construction.

In addition, the proposed parking provision is consistent with State Government’s transport planning objectives and principles to reduce reliance on private car travel and encouraging transport modal shift to non-car modes i.e. public transport services.

The site is well located in relation to access to public transport being located within 500m walking distances to all nearby public transport services. The site is also well located in terms of local services, retail and recreational facilities and would hence reduce the need for vehicle use.

It is further noted that the State Government has recently released the Apartment Design Guide (Draft) as part of the proposed changes to the SEPP65. The draft apartment design guideline recommends for apartments located within 400-800m of a railway station, parking is to be provided at the lesser rates of the following requirements:

- RMS’ Guide to Traffic Generating Developments, or
- Car parking requirements prescribed by the relevant council.

In this case, the RMS’ guidelines require some 62 car parking spaces whilst Council’s DCP requires some 105 parking spaces. It is proposed to provide 74 car parking spaces to serve the proposed development. The proposed parking provision is slightly higher than the RMS’ requirements, but the additional spaces are not expected to result in any adverse impacts.

In relation to the proposed parking provision for visitors, it is noted that the proposed development site is located within a major shopping centre with ample public car parking spaces (Rouse Hill Town Centre was surveyed to have a total of 3,250 car parking spaces) as well as being in close proximity to existing and future high frequency public transport services (namely the bus interchange and the proposed railway station). It is expected that some visitors would combine their trip together with a shopping trip thereby reducing the potential parking demand."
It is further noted that the proposed provision is equivalent to a rate of one space per 10 dwellings which is consistent with the Ryde DCP requirement. In the light of the above, the proposed parking is not expected to create any noticeable adverse impacts, and is therefore considered acceptable.”

Council’s DCP parking rates are the same for a proposed residential flat building in the Rouse Hill Town Centre within walking distance of a new railway station as for a proposed residential flat building not in a Town Centre and not within walking distance of a new railway station. In the context of attempts to better-integrate land use and transport planning, and of reduced parking rates (relative to out-of-centre development) in multi-activity, mixed-use centres across Sydney, there is a sound basis to be flexible in the application of the DCP parking rates.

Furthermore, the provisions of the DCP (as with all DCP’s) are intended to be applied flexibly. In this regard Section 79C(3A) of the Environmental Planning and Assessment Act 1979 states as follows:-

“(3A) Development control plans
If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:
(a) If those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
(b) If those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and (c) May consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria.”

We also note that pursuant to Section 74BA(1) and (2) of the Act:-

"(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:
(a) giving effect to the aims of any environmental planning instrument that applies to the development,
(b) facilitating development that is permissible under any such instrument,
(c) achieving the objectives of land zones under any such instrument.
The provisions of a development control plan made for that purpose are not statutory requirements.
(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 74C(1)(b)-(e)."

In this regard, it is particularly relevant to note that the objectives of the B4 zone in which Lot 14 is located are as follows:-

- “To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.
- To provide for high density housing that is integrated with civic spaces.”
Council’s relatively high DCP parking rates can justifiably be reduced for a residential flat building (forming part of a master planned community) on a site which is in an integrated Town Centre containing a mix of uses which is well-served by public transport, including a new railway station within easy walking distance. The mix of uses in the Town Centre provides for multi-purpose visits. In particular, visitors to residents in the new residential flat building are likely to also use the shops, community facilities, cafes, restaurants and businesses in the Town Centre.

Overall, the proposed parking provision is considered to be reasonable and appropriate in the circumstances of the case.

Comment:

The proposal requires the provision of 81 resident parking spaces and 24 visitor parking spaces, being a total of 105 spaces required. The proposal provides 74 parking spaces comprising 68 resident spaces and 6 visitor spaces.

Some of the spaces are stacked spaces which are not included in the calculations as per the Parking DCP. On this basis 54 parking spaces which are not stacked and 20 stacked spaces are provided.

The applicant has advised that all units will be provided with a minimum of one parking space, and stacked spaces will be allocated to the same unit. A condition of consent has been recommended to this effect (See Condition 3).

The principle of the DCP is:

*Provide carparking for multi dwelling housing and residential flat buildings at rates which recognise the close proximity of public transport, shops and other facilities and that the rear loading will facilitate greater on street parking for visitors.*

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the future rail line (under construction). Given the high level of accessibility to existing and future public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

In addition, it is noted that the new SEPP 65 and accompanying Apartment Design Code was a draft Environmental Planning Instrument at the time that the application was lodged. The savings provisions within the SEPP state that the SEPP must be considered as a draft document. The new Apartment Design Code provides specific parking requirements and states as follows:

<table>
<thead>
<tr>
<th>On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.</th>
<th>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The car parking needs for a development must be provided off site.</td>
<td>Note: The Residential Flat Design Code did not contain parking rates.</td>
</tr>
</tbody>
</table>

The subject site is approximately 497m from the future rail station (measured to the corner of Caddies Boulevard and White Hart Drive).
The RMS Guide to Traffic Generating Development contains the following rate for parking:

**Metropolitan Sub-Regional Centres:**

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

Based on:

- 18 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 10.8 spaces
- 35 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 31.5 spaces
- 5 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 7

Total of 50 (49.3) resident spaces required

- 1 space per 5 units (visitor parking) @ 58 units = 11.6

Total of 12 visitor spaces required.

The proposal provides 68 resident parking spaces and 6 visitor parking spaces. The proposal does not meet the required visitor parking requirements as 11.6 visitor spaces are required.

The proposal meets the overall parking rate required by the RMS guidelines in that 61 spaces in total are required by the guidelines, with 74 spaces provided overall. However the split between the resident and visitor spaces is inconsistent with the guidelines. In this regard the RMS guidelines require less than one space for a one or two bedroom unit. On this basis it is considered preferable to ensure that all units are provided with the minimum of one resident space.

The proposal has been considered in the context of Town Centre location and the high level of access to a variety of entertainment, retail and business uses. The Town Centre provides a reasonable mix of goods and services for future residents which may assist in limiting reliance of vehicles.

The high level of accessibility to existing and future public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and future rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

On the basis of the location in proximity to the Town Centre and existing and future public transport, the reduced parking rate is considered satisfactory and is supported.

d. **Landscaping**

The DCP requires that residential flat buildings be provided with a minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m² (whichever is greater) ground level open space is to be provided on natural ground.

The landscape areas provided represents 9.6% of landscape area at natural ground level (183m²) and 13.6% total (257m²) landscape area.

The applicant has submitted the following as justification:
• Narrow sleeve sites do not readily lend themselves to 30% landscaping.
• Notwithstanding that less than 30% of the site is landscaped, all landscaping which is proposed is nevertheless reasonable.
• Within and around the town centre are landscaped areas which add to the visual appeal and biodiversity of the locality.
• Residential flat buildings on town centre sleeve sites do not need to be screened.
• The reduced (or zero) setbacks required by the Design Guidelines indicate that extensive landscaping is neither expected nor required on this site.
• A comprehensive WSUD scheme is in place in and around the town centre: landscaping on this particular site is not required to provide infiltration or ground water recharge.
• Residents in town centre locations choose to live there because, primarily, of the high accessibility to facilities and services and the amenity that delivers: they do not rely on on-site landscaping for their amenity in the same way as suburban residents.
• Excellent liveability will be provided for the residents of this building, notwithstanding the absence of 30% landscaping or 25% of the landscaped area at ground level.

Comment:

The principles of the DCP are:

(i) Provide landscape areas for planting of screening and decorative trees, site amenity, open space, ground water recharge, site drainage management and other landscape outcomes.

(ii) High quality landscaping and open space (including private open space) is required to each dwelling to enhance the visual appeal, improve environmental performance and increase liveability for residents.

The proposal provides basement carparking with residential units above. Due to the extent of the basement carpark a reduced area for landscape works on natural ground level is available. The proposal is considered satisfactory given the Town Centre location.

The development is located in close proximity to the open space area along Caddies Creek, Tributary 3 and Council’s Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome. In this regard the courtyards adjacent to the street frontage sit above the street level. Planter areas are provided adjacent to front fencing to provide a landscape screen. As shown in Attachment 6, the combination of fencing and screen planting within the courtyard and on the street frontage will provide a reasonable level of privacy. The screen planting includes a variety of tree, shrub, groundcover and climbing plants.

In addition, the proposal includes a steel pergola over part of the carpark ramp to provide a soft landscape screen. The pergola will be planted with Star Jasmine. Tree and shrub planting is also proposed in the common area adjacent to the rear of the units facing towards White Hart Drive and over the bin store area.

As such the proposal is considered satisfactory in regard to the objective of the DCP.
e. Private Open Space

The DCP requires that private open space for ground level units have a minimum width of 4m and minimum depth of 3m. Above ground levels units are required to have a minimum area of 8m$^2$ and minimum depth of 3m. A variation is proposed to the depth for ground level units which generally have a depth of 2 metres. In addition, Unit G07 is located on the ground floor and has a private open space area of 10m$^2$.

In addition, the Design Guidelines require that all balconies are to have an area of 10m$^2$ and be functional. There are two balconies which have an area of either 8m$^2$ or 9m$^2$.

The applicant has submitted the following as justification:

*Non-compliance with depth requirement is largely due to narrow site and required setback.*

Comment:

The principle of the DCP is:

*Ensure that all dwellings have access to private, comfortable and useable open spaces. Private spaces that directly adjoin the public domain are to contribute positively to the quality of the public domain. Useable external private open space must be related to the needs of individual residents for leisure, recreation, outdoor entertaining and service/storage functions. Courtyards, terraces, balconies and the like can contribute to the character of streetscapes, buildings and the amenity of residents.*

The proposed units have been designed to have regard to the views out from the Town Centre and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location and some units will have views across the Caddies Creek area.

As such the reduced sizes of the external areas can be accommodated by common open spaces provided within the open space in close proximity to the site.

As such the proposal is considered satisfactory and can be supported.

f. Common Open Space

The DCP requires that a minimum 10m$^2$ of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces. A common open space area of 580m$^2$ is required. There is no common open space area provided.

The applicant submitted the following as justification:

*Small, narrow site in town centre. Quality open space provided opposite in Caddies Creek precinct.*

Comment:

The site is narrow and provides a minimal width for the provision of development. The proposal includes landscape planting on the site which includes trees, shrubs, native grasses and ground covers. This will ensure that the site is appropriately landscaped for an urban environment.
The site is also located in close proximity to the to the open space area along Caddies Creek, Tributary 3 and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities.

The proposed non-provision of a common space area is satisfactory.

4. Compliance with the Masterplan and Precinct Plan

a. Compliance with the Masterplan

Development Application 1604/2004/HB for the Masterplan for the Rouse Hill regional Centre was approved by Council at its Ordinary Meeting on 26 March 2004. The Masterplan set the broad parameters for development of the site including documents and technical reports and six plans detailing land use, open space, road hierarchy, water, residential density and maximum building height. A Masterplan condition requires that a Precinct Plan be prepared for the various precinct areas including detailed urban design guidelines.

The proposal is consistent with the Masterplan.

b. Town Centre Precinct Plan

Development Application 1581/2005/HB for the Town Centre Precinct Plan was approved by Council at its Ordinary Meeting on 26 July 2005. The Precinct plan approval included conditions of consent, approved plans and Design Guidelines. The following addresses the proposal’s compliance with these provisions.

i. Compliance with Conditions of Consent

The following conditions of consent are relevant to the current proposal.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Comment</th>
<th>Satisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Development In Accordance with Plans</strong></td>
<td>The proposal is generally consistent with the approved plans.</td>
<td>Yes</td>
</tr>
<tr>
<td>The development being carried out in accordance with the approved plans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and details, stamped and returned with this consent, being: (list of plans)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **2. Level 3 Development Applications for Construction Works**            | The subject application is a level 3 Development Application.          | Yes          |
| Separate Development Applications (known as Level 3 DA’s) are to be       |                                                                        |              |
| submitted for any construction works within the Town Centre Core Precinct   |                                                                        |              |
| Plan and are to be generally in accordance with the Town Centre Core       |                                                                        |              |
| Precinct Plan. All Level 3 Development Applications are to be in           |                                                                        |              |
| accordance with the endorsed Design Guidelines.                            |                                                                        |              |

| **3. Design Guidelines**                                                 | The Design Guidelines have been finalised and are in force.            | Yes          |
| The draft design guidelines are to be finalised prior to the submission   |                                                                        |              |
| of the first Level 3 Development Application for works within the Town     |                                                                        |              |
| Centre Core Precinct. The guidelines are to be updated to reflect the     |                                                                        |              |
| conditions of consent and                                                 |                                                                        |              |
Design Review Panel comments. The guidelines relating to shade structures must indicate that the structures must not enclose the Town Centre Core Precinct.

### 9. Cycleways & Pedestrian Links
The proposed cycleways and pedestrian links are to connect into the proposed network within the adjoining precincts.

| The propose works will not conflict with the existing established cycleway and pedestrian links. | Yes |

### 12. Safer by Design
All Level 3 Development Applications within the Town Centre Core Precinct are to be designed in accordance with the comments contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the “Safer By Design” Guidelines.

| The proposal has been referred to Castle Hill Police for review and comment. | Yes |

ii. **Compliance with Approved Plans**

Condition 1 states as follows:

**1. Development In Accordance with Plans**
The development being carried out in accordance with the approved plans and details, stamped and returned with this consent, being:

- DA-001A, Town Centre Context Plan.
- DA-001B, Town Centre Linkage and Concept Plan.
- DA-002, Land Use – Ground Floor.
- DA-003, Land Use – Level 1.
- DA-004, Land Use – Level 2 and Above.
- DA-005A, Land Use Plan – Basement 1.
- DA-007, Land Use – Ground Floor - Stage 1.
- DA-008, Land Use – Level 1 - Stage 1.
- DA-009, Land Use – Level 2 and Above - Stage 1.
- DA-010A, Land Use Plan – Grade/Basement – Stage 1.
- DA-11A, Land Use plan – Basement 2 – Stage 1.
- DA-12, Public Realm Plan.
- DA-014, Road Hierarchy, Loading and Car Park Access Plan.
• DA-015A, Maximum Building Height Plan.
• DA-015B, Contour Plan.
• DA-016, Section AA.
• DA-017, Section CC.
• DA-018, Section 01.
• DA-019, Section 03.
• DA-020, Section 05.
• DA-021, Section 06.
• DA-022, Section 07.

No works (including excavation) shall be undertaken prior to the release of the construction certificate.

Comments regarding compliance with the plans are as follows:

(i) DA-001A, Town Centre Context Plan – the plan identifies the site as being for mixed use (residential and/or retail and/or commercial). The proposal is consistent.

(ii) DA-001B, Linkages Concept Plan – the plan identifies a pedestrian footpath along both Caddies Boulevard and White Hart Drive. The proposal is consistent.

(iii) DA-002, Land Use – Ground Floor – the plans shows the site as mixed use (commercial and/or residential and/or retail). The mixed use component is not provided - see comments below.

(iv) DA-003, Land Use – Level 1 - the plan identifies the site as being for residential use. The proposal is consistent.

(v) DA-004, Land Use – Level 2 and Above - the plan identifies the site as being for residential use. The proposal is consistent.

(vi) DA-005A, Land Use Plan – Basement 1 – the plan identifies the site as being for residential carparking. The proposal is consistent.

(vii) DA-006A, Land Use Plan – Basement 2/3 - the plan identifies the site as being for residential carparking. The proposal is consistent.

(viii) DA-007, Land Use – Ground Floor - Stage 1 – the plan identifies the site as being for mixed use. The works were not constructed in Stage 1. No objection is raised to the timing of works.

(ix) DA-008, Land Use – Level 1 - Stage 1 – the works were not constructed in Stage 1.

(x) DA-009, Land Use – Level 2 and Above - Stage 1 - the works were not constructed in Stage 1.

(xi) DA-010A, Land Use Plan – Grade/Basement – Stage 1 - the site is identified for residential parking. The proposal is consistent.
(xii) DA-11A, Land Use Plan – Basement 2 – Stage 1 - the site is not identified in this plan.

(xiii) DA-12, Public Realm Plan – the plan does not identify any works on the site.

(xiv) DA-013, Pedestrian and Cyclist Circulation Plan – the plan identifies a pedestrian footpath along both Caddies Boulevard and White Hart Drive. The proposal is consistent.

(xv) DA-014, Road Hierarchy, Loading and Car Park Access Plan – the plan identifies a residential parking entry point off Caddies Boulevard. A residential parking entry point is provided off Caddies Boulevard which is consistent.

(xvi) DA-015A, Maximum Building Height Plan – the site is identified as part 3 storey and part 6 storey - see comments below on height.

(xvii) DA-015B, Contour Plan – the plan identifies final levels at public places. There are no set final levels for the subject site.

(xviii) DA-016, Section AA – not relevant – sections through alternate part of site.

(xix) DA-017, Section CC – see comments below on height.

(xx) DA-018, Section 01 – not relevant – sections through alternate part of site.

(xx) DA-019, Section 03 – not relevant – sections through alternate part of site.

(xxii) DA-020, Section 05 – not relevant – sections through alternate part of site.

(xxiii) DA-021, Section 06 – see comments below on height.

(xxiv) DA-022, Section 07 – see comments below on height.

a. Non-Provision of Mixed Use Component

In the approved Precinct Plan and Design Guidelines the site is identified as mixed use component for the full extent of the ground floor. A mixed use component has not been provided.

The applicant has submitted the following as justification:

"DA-002 Land Use – Ground Floor", shows the site as being "Mixed Use – Comm and/or Resi and/or Retail" on the ground floor. "Resi” can therefore occupy the ground floor. The absence of a mixed use component on the site is of no environmental consequence given the location of the site on the edge of the Town Centre. The proposal is solely for residential units, including on the ground floor (similar to other approved residential flat buildings in the Town Centre).

Comment:

Whilst the development does not provide a mixed use component, the proposed development is supported by the adjoining existing Town Centre which provides appropriate commercial and retail uses for the area. The non-provision of a mixed use component will not adversely impact upon the subject development or the future development of the Town Centre.

As such no objection is raised to the non-provision of a mixed use component.
b. Height

The approved building height plan and various sections under the Precinct Plan indicate that the height across the site varies from RL 55 (13m) to RL 62.75 (22.75m). The building height plan proposes the higher built form at the corner portion of the site at the intersection of Caddies Boulevard and White Hart Drive, with the lower built form adjacent to Caddies Boulevard. The height is also shown in storeys with the height at 6 storey and 3 storey. The sections reflect the overall height plans and demonstrate the height reduction across the site. The height plans and sections show the full area of the site for development.

There is no LEP 2012 height limit applicable to the site.

The proposed maximum height is RL 66 to the top of the parapet. The maximum height of the building is 22 metres and is predominantly 6 storey with a smaller 7 storey component.

The applicant has submitted the following as justification:

In relation to building height, Drawing “DA-015A Maximum Building Heights Plan” shows the corner part of the site, including all of the White Hart Drive part, as having a maximum height limit of RL 62.75m (22.75m). The northern part of the site is shown as having a maximum height limit of RL 55.0m (13.0m). The proposed predominant maximum building height is around RL 62.00m, whilst on the northern part of the site, the maximum height is RL 66.0m (RL 66.00m to the parapet).

The northern part of the proposed building which is most proximate to the access ramp to the Woolworths loading dock, is thus 11.0m higher than is shown on the approved precinct plan. This is not of any consequence, particularly as the approved building to the north, on Lot 12, has a height of RL 67.0m. The purpose of the sleeve sites is not only to accommodate buildings which screen the big retail boxes behind them, (the proposal achieves this) but also to allow for the creation of coherent, integrated, building forms which are compatible with other nearby buildings (the proposal also achieves this).

Comment:

The building height exceeds the approved Precinct Plan by a maximum of 11 metres.

There is no LEP 2012 height limit applicable to the site.

The proposed height is RL 66 to the top of the parapet. The maximum height of the building is approximately 22 metres.

The proposed building varies in height from the proposed height plan contained with the Precinct Plan with development focussed on the Caddies Boulevard frontage.

The proposed height is considered to be satisfactory in terms of streetscape and relationship to the Town Centre.

The proposed height is satisfactory and can be supported.

iii. Compliance with Design Guidelines

Condition 2 of Development Consent 1581/2005/HB stated as follows:
2. Level 3 Development Applications for Construction Works

Separate Development Applications (known as Level 3 DA’s) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.

Final Design Guidelines were submitted on 08 November 2005. The following table addresses the relevant sections of the Design Guidelines which are specific to the subject site or to residential flat buildings:

<table>
<thead>
<tr>
<th>Section</th>
<th>Required</th>
<th>Provided</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02: Siting and Massing: Setbacks</td>
<td>0m setback to Caddies Boulevard and a 2m setback to White Hart Drive.</td>
<td>The proposal has a setback of 3.9m to Caddies Boulevard, 2.1m to the corner, and 4.5m to White Hart Drive.</td>
<td>Yes</td>
</tr>
<tr>
<td>A03: Siting and Massing: Building Heights and Dimensions</td>
<td>Heights - See comments above</td>
<td>See comments above</td>
<td>No, see comments above.</td>
</tr>
<tr>
<td>A03: Siting and Massing: Building Heights and Dimensions</td>
<td>Floor Heights: 2.7m</td>
<td>The floor to ceiling heights are 2.7m.</td>
<td>Yes</td>
</tr>
<tr>
<td>A03: Siting and Massing: Building Heights and Dimensions</td>
<td>Building Depth: 8-18m deep</td>
<td>Building depth varies from 9-15m.</td>
<td>Yes</td>
</tr>
<tr>
<td>A03: Siting and Massing: Building Heights and Dimensions</td>
<td>Building Length: 80m maximum. For buildings more than 40m in length, the façade must be articulated.</td>
<td>The building does not present a continuous façade due to its corner location. Adequate articulation is provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>B01: Built Form: Building Uses</td>
<td>The site is identified for mixed use on the ground floor.</td>
<td>Mixed use component not provided.</td>
<td>No – see comments above.</td>
</tr>
<tr>
<td>B01: Built Form: Sleeve Buildings</td>
<td>Sleeve buildings are used to wrap around large format uses and service areas to mitigate the visual presence of these uses.</td>
<td>The proposed building wraps around the Woolworths building and provides an appropriate streetscape outcome.</td>
<td>Yes</td>
</tr>
<tr>
<td>B02: Built Form: Facades</td>
<td>Appropriate articulation is to be used to reinforce a modern residential design. Balconies for the apartments are to add to the design of the buildings. All balconies are to have an area of 10m² and be functional.</td>
<td>The buildings incorporate appropriate articulation. There are two balconies which have an area of either 8m² or 9m².</td>
<td>No, see comments above in relation to DCP compliance.</td>
</tr>
<tr>
<td>B04: Built Form: Building Entries</td>
<td>Building entries to units are to be defined and identifiable.</td>
<td>The building entry provided is central, appropriate and easily identified.</td>
<td>Yes</td>
</tr>
<tr>
<td>B05: Built Form: Grade Changes</td>
<td>Staircase and/or ramp to be provided for pedestrian access from Caddies Boulevard to the pond.</td>
<td>No pedestrian access proposed.</td>
<td></td>
</tr>
<tr>
<td>B09: Sun and Shadowing and Energy Use: Built Form</td>
<td>Apartments are to comply with SEPP 65 and have appropriate BASIX outcomes.</td>
<td>The proposal is satisfactory in regard to SEPP 65 and BASIX.</td>
<td>Yes</td>
</tr>
<tr>
<td>B11: Built Form: Materials and Colour</td>
<td>Use of a palette appropriate to a contemporary urban character.</td>
<td>The proposed materials and colours are appropriate to a modern character.</td>
<td>Yes</td>
</tr>
<tr>
<td>B12: Built Form: Residential Open Space</td>
<td>Each dwelling is to be provided with an appropriate amount of private open space in the form of balconies or at-ground. Each dwelling shall be provided with a minimum of 20m² of open space/unit (includes common open space and setback areas).</td>
<td>Each dwelling is provided with private open space – see comments above. There is no common open space area provided.</td>
<td>No, see comments above.</td>
</tr>
<tr>
<td>B13: Built Form: Use Interfaces</td>
<td>The apartments adjoin a loading dock/service area and ‘back of retail’ area. Visual and acoustic screening is required to these interfaces.</td>
<td>The design generally proposes lobby corridor areas adjoining the interface areas.</td>
<td>Yes</td>
</tr>
<tr>
<td>C01: Character: Vision</td>
<td>Plans indicate the site has a ‘residential edge’ character along White Hart Drive which is required to provide a sense of activity and human presence.</td>
<td>The building design responds to the character of the site.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

5. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Buildings

The subject application was lodged on 16 January 2015. At that time, the Draft SEPP 65 and the associated Apartment Design Guide had been placed on exhibition but had not come into force. The new SEPP has now come into force however it contains a ‘savings provision’ which states that for applications lodged prior to the new SEPP, the previous SEPP continues to apply.

A Design Verification Statement has been prepared. This statement has addressed the ten (10) matters for consideration under SEPP 65. The relevant rules of thumb of the Residential Flat Design Code are addressed below.
### a. Residential Flat Design Code (RFDC) Requirements

<table>
<thead>
<tr>
<th>Primary Controls Part 1 – Local Context</th>
<th>Guideline</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.</td>
<td>There is no FSR or height limits applicable to the site under LEP 2012. The proposed height is considered satisfactory. See comments above regarding height.</td>
</tr>
<tr>
<td>Building Depth</td>
<td>In general, an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day light and natural ventilation are to be achieved.</td>
<td>The proposed apartment depth varies from 9-15m. The proposal has been designed with sufficient articulation on all building facades. The proposal allows for sufficient day light and solar access. Natural ventilation will occur throughout the site and accordingly satisfy the aim of the building depth control.</td>
</tr>
<tr>
<td>Building Separation</td>
<td>Design and test building separation controls in plan and section. 5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms</td>
<td>The proposal is for a single building. There is an approved apartment building on Lot 12 (located across the loading dock access at the corner of Main Street and Caddies Boulevard) which has a nil setback to the side boundary. There is a separation of approx. 8.5 metres. Effectively the approved and proposed buildings are separated by the loading dock access. There are no windows provided along the northern elevation of the proposed building, or along the closest portion of the southern elevation of the approved adjacent building.</td>
</tr>
<tr>
<td>Street Setbacks</td>
<td>Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height</td>
<td>See compliance table in Section 3 above. Buildings are well articulated and in proportion with respect to</td>
</tr>
</tbody>
</table>
of buildings and daylight access controls.

Test street setbacks with building envelopes and street sections.

Test controls for their impact on the scale, proportion and shape of building facades.

the locality of the development.

<table>
<thead>
<tr>
<th>Side and rear setbacks</th>
<th>Relate side setbacks to existing streetscape patterns.</th>
<th>See compliance table in Section 3. Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Space ratio</td>
<td>Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.</td>
<td>There is no FSR applicable to the site under LEP 2012. The proposal is considered satisfactory.</td>
</tr>
</tbody>
</table>

**Part 2 – Site Design**

**Site Configuration**

<table>
<thead>
<tr>
<th>Deep Soil Zones</th>
<th>A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.</th>
<th>8% deep soil zone is provided. The development has adequate stormwater detention to cater for run-off. See comments below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td>The area of communal open space required should generally be at least between 25% and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.</td>
<td>No common open space is provided. See comments below.</td>
</tr>
<tr>
<td><strong>Planting on structures</strong></td>
<td>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.</td>
<td>Adequate site landscaping is provided.</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td><strong>Site Amenity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Safety</strong></td>
<td>Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.</td>
<td>The proposal adequately addresses safety. The Police have assessed the proposal and made recommendations. See Section 6.</td>
</tr>
<tr>
<td><strong>Visual privacy</strong></td>
<td>Refer to building separation minimum standard.</td>
<td>Adequate separation between buildings has been provided to ensure visual privacy.</td>
</tr>
<tr>
<td><strong>Site Access</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian access</strong></td>
<td>Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20% of dwellings in the development.</td>
<td>Ground level entrances provided and lift access to each floor is available from the basement levels. Accessibility report submitted and satisfactory. All units are accessible by lift.</td>
</tr>
<tr>
<td><strong>Vehicle access</strong></td>
<td>Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.</td>
<td>Adequate vehicle entry points are provided which are in accordance with Australian Standards which will not conflict with pedestrian access.</td>
</tr>
<tr>
<td><strong>Part 3 – Building Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Configuration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Apartment layout</strong></td>
<td>Single-aspect apartments should be limited in depth to 8m from a window. The back of a kitchen should be no more than 8m from a window.</td>
<td>There are a number of units which exceed 8m in depth however these units have been provided with operable windows above the entry to provide light and ventilation.</td>
</tr>
<tr>
<td><strong>Apartment size and mix</strong></td>
<td>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, See comments in Section 3 above.</td>
<td>See comments in Section 3 above.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Details</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------</td>
<td></td>
</tr>
</tbody>
</table>
| the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability) | - 1 bedroom apartment 50 m²  
- 2 bedroom apartment 70m²  
- 3 bedroom apartment 95m² |

| Balconies                                      | Provide primary balconies for all apartments with a minimum depth of 2m. | Provided. |
| Ceiling Heights                                | Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired. | Provided. |
| Ground Floor Apartments                        | Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor apartments with access to private open space, preferably as a terrace or garden. | Satisfactory ground floor layouts provided with direct access to private open space and the street. |
| Internal Circulation                           | In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can | Proposal designed to maximise residential amenity. |
demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).

| Storage | In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:  

- studio apartments 6m$^3$;  
- one-bedroom apartments 6m$^3$;  
- two-bedroom apartments 8m$^3$;  
- three plus bedroom apartments 10m$^3$  

Adequate storage area is provided. |
| Building Amenity | Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.  

Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).  

69% of units receive 3 hours sunlight between 9am and 3pm. The site is not considered to be a dense urban area. See comments below.  

Northern orientation has been maximised.  

24% (14 units) of single aspect units are south facing. This is considered satisfactory given the constrained nature of the site. |
| Natural Ventilation | Building depths, which support natural ventilation typically range from 10m to 18m.  

60% of residential units should be naturally cross-ventilated.  

The building depth varies from 9-15m.  

All of the units are cross ventilated. |
Building Performance

<table>
<thead>
<tr>
<th>Waste Management</th>
<th>Supply waste management plan as part of the development application submission as per the NSW Waste Board.</th>
<th>Satisfactory waste management details provided.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Conservation</td>
<td>Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.</td>
<td>Satisfactory.</td>
</tr>
</tbody>
</table>

i. Deep Soil Zones

The RFDC requires that a minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building. A deep soil zone of 8% is provided.

The applicant has addressed the variation and stated:

*The RFDC identifies 25% of a site as the minimum deep soil area. The proposal provides 8%. Importantly, the RFDC recognises that exceptions may be made in urban areas where sites are 'built out' and there is no capacity for water infiltration. In the case of the subject site, it forms part of a Town Centre, the approved Masterplan and relevant Precinct Plan identify narrow sleeve sites around the Town Centre periphery with little or no landscaping either in front setbacks or elsewhere. This is therefore a case where the 25% deep soil requirement (i.e. 'rule of thumb') in the RFDC can justifiably be varied, particularly as part of the intent of the 25% deep soil requirement is for stormwater infiltration which is dealt with in the Town Centre on a Masterplan and Precinct Plan basis.*

Comment:

A deep soil zone of 8% is provided. This is in part due to the location of the site, its constrained nature and the need to provide basement carparking under the units. The objectives of the RFDC relate to assisting with management of the water table and water quality and to improve the amenity of development through the retention or planting of medium or large trees.

The site is narrow and provides a minimal width for the provision of development. The site will drain to a lawful point of discharge on Caddies Boulevard and ultimately discharge to Caddies Creek. This will allow adequate water quality and quantity to be discharged to the creek system.

The proposal includes landscape planting on the site which includes native and exotic trees, shrubs, grasses and ground covers. This will ensure that the site is appropriately landscaped for an urban environment. In addition, it is noted that the existing established street tree planting along both street frontage is proposed to be retained.
ii. Common Open Space

The RFDC requires that the area of communal open space required should generally be at least between 25% and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%. There is no common open space area provided.

The applicant has addressed the variation and stated:

The RFDC requires, as a rule-of-thumb, an area of communal open space at least equal to 25 to 30% of the site area. The proposal does not provide any communal open space. The RFDC anticipates such circumstances and acknowledges that the requirement for communal open space 'may decrease proportionally as FSR increases in high density areas' and that 'where communal open space is difficult to accommodate on site, Council’s may need to consider the adequacy of public open space provision in the locality'. In this regard, the site is very close by to substantial areas of publicly accessible open space. The proximity of the site to the comprehensive facilities in the Town Centre and to public open space nearby offsets the need for communal open space to be provided on this sleeve site.

Comment:

The development is opposite the open space area along Caddies Creek and in close proximity to Council’s Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents in either the form of balconies and courtyards. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome.

iii. Daylight Access

The RFDC requires that living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable. Within the proposal, 69% of units receive 3 hours sunlight between 9am and 3pm. The site is not considered to be a dense urban area.

The applicant has addressed the variation and stated as follows:

The SEPP 65 Compliance Table at Appendix 6C of the SEE, on page 10, identifies that 69% of all apartments receive in excess of 3 hours of direct sunlight between 9.00am and 12.30pm. It then states:-

"As the site is deemed to be in a dense urban area, compliance is achieved.”

For dense urban areas, the requirement is for a minimum of 2 hours. Of the 58 apartments, 40 are north-east facing, with 18 south-east facing. There are no apartments with solely a southerly outlook. The orientation of the units, on sleeve sites such as this, are governed by the site’s configuration. In this context, the solar access of apartments is as good as reasonably can be. With 69% of apartments obtaining 3 hours of solar access this requires no rectification, amendment or alteration of what is proposed.

Comment:

The proposed access to daylight for 69% of units is considered satisfactory. The variation is minor, and given the constrained nature of the site in terms of its depth and orientation, the design outcome is considered appropriate for the site and can be supported.
b. **Design Quality Principles**

The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

i. **Context**

The development responds to and reflects the context into which it is placed. The site is located at the corner of two roads and is close to public transport. The site is part of the envisaged Masterplan for development of the Rouse Hill Regional Centre. The Town Centre precinct is currently characterised by predominantly retail/commercial land uses with some residential use. The context is likely to change over the coming years as further residential development occurs.

ii. **Scale**

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal responds to the existing topography of the site within its context. The height generally ensures that the development responds to the desired future scale and character of the site.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between buildings. The building separations and setbacks will provide a sufficient degree of separation and landscaping to ensure privacy and solar access is maintained.

The proposed street setbacks establish the front building alignment and contribute to the public domain by enhancing the streetscape. The street setbacks provide for continuity of the street facades and enhance the setting for the building.

The setbacks allow for landscape areas, entrances and deep-soil zones. The proposed setbacks have been developed to provide a satisfactory distance from surrounding boundaries, to form active street frontages and adequate open space areas for communal recreation spaces. The proposal addresses matters such as visual and acoustic privacy and open space.

iii. **Built Form**

The design of the building elements are of a contemporary style with a number of elements being used to provide strong architectural character. The use of features provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation. The ultimate form of development is achieved in the articulation of the elevations. The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades. The building will also provide an effective screen to the adjoining ‘back of house’ areas.

iv. **Density**

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the Town Centre area.
v. **Resources, Energy and Water Efficiency**

The building construction phase will utilize appropriate waste management controls. The design achieves natural ventilation and insulation to minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

vi. **Landscape**

The landscape plan indicates that all open spaces will be appropriately landscaped with a variety of native and exotic trees and shrubs to provide a low-maintenance environment. The proposed landscaping integrates with the overall appearance of the development.

vii. **Amenity**

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

viii. **Safety and Security**

The development has been designed with safety and security concerns in mind. The common areas are able to be viewed to allow passive surveillance. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations - see Section 6.

ix. **Social Dimensions**

The location of this development provides dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services.

x. **Aesthetics**

The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

c. **New Apartment Design Guide**

An assessment was also undertaken against the provisions of the newly introduced SEPP 65 – Design Quality of Residential Buildings amendment together with the new Apartment Design Guide which replaced the Residential Flat Design Code. The new SEPP and associated guidelines are not applicable as the Development Application was lodged prior to its adoption. The changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design. The proposal is considered satisfactory with respect to compliance with the amendment and Apartment Design Guide.
6. Public Authority Comments

The proposal was referred to the Roads and Maritime Services (RMS) and Police and the following comments were received:

a. RMS Comments

The proposal was referred to RMS given the proximity of the proposed access driveway to the existing traffic signals at the corner of Caddies Boulevard and White Hart Drive, and given previous interest in development of the Rouse Hill Regional Centre. RMS advised as follows:

i. Due to the close proximity of the proposed driveway to the traffic signals, Council could consider restricting vehicle ingress and egress to the site to left turn movements, subject to Council’s satisfaction.

ii. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan should be submitted to Council for approval, which shows that the proposed development complies with this requirement.

iii. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS/NZS 2890.6:2009, and AS 2890.2-2002.

iv. All vehicles should enter and leave the site in a forward direction.

v. All vehicles should be wholly contained on site before being required to stop.

In regard to item (i) above, the proposed driveway location is considered satisfactory and will not unreasonably impact on the traffic signals. As such, restriction of the driveway egress is not required. In regard to the remaining items, the proposed carparking access, layout and design has been reviewed and is considered satisfactory. On this basis there is no requirement for the imposition of a condition.

b. Police Comments

The proposal was referred to the Police in accordance with the requirements of “Safer by Design Guidelines” and the Protocol between The Hills Shire Council and Castle Hill Police.

The Police have raised no objection to the proposal and made the following comments:

i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.

ii. Police recommend that ground floor units have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.

iii. Materials chosen should have regard to the potential for graffiti.
iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

v. The placement of corridors and lifts at the rear of the site reduces natural surveillance.

vi. Paint the basement white to reflect light.

vii. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.

viii. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit access into the adjacent loading dock and retail shopping centre car park. The signage should also include details of what security treatment has been implemented.

ix. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

x. Lighting is to be utilised within the site in accordance with Australian Standards.

xi. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.

xii. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

xiii. Police note that the proposal does not comply with Council’s DCP parking rates but does comply with RMS guidelines. Police agree that the site will be well serviced by public transport in the future, however the presumption that residents and visitors will utilise the public transport modes available cannot be relied upon as many suburbs within the Hills area do not have direct access to public transport and it is predominantly an area of high vehicle ownership and vehicular use. Also, individuals attending shopping centres and visiting residents are unlikely to utilise public transport.

Rouse Hill Town Centre should not have to accommodate these excess vehicles as suggested. Rouse Hill Town Centre car parks are timed and already operating at capacity in peak periods and as such are incapable of doing so. Furthermore, most shopping centre carparks can only be utilised in business hours thus are not available for use to visitors of the development outside this period and there is very little on street parking in the immediate vicinity.

Condition recommended – see Condition 20.

7. Submission

The proposal was exhibited and notified to adjoining property owners. One submission was received to the proposal. The concern raised relates to the vehicle access point and the potential for conflict between the vehicle access to the approved development at the corner of Main Street and Caddies Boulevard (approved under DA 384/2014/HB), the loading dock access and the proposed vehicle access. The submission also notes that there is an alternate location for vehicle access on White Hart Drive which should be considered.
Comment:

The driveway access approved under DA 384/2014/HB is approximately 13.2m from the southern boundary and the adjacent loading dock access. The proposed driveway to the subject site is approximately 1.6 metres from the common boundary (adjoining a waste pick up area). The approved Precinct Plan 1585/2005/HB includes a carpark access plan which shows vehicle access points. The proposed vehicle access point is located closer to the loading dock access than shown on the Precinct Plan. The applicant was requested to address this matter and has commented as follows:

The proposed vehicle access point is sensibly placed at the furthest extent possible from the junction of Caddies Boulevard and White Hart Drive. There will be a clear separation between the carpark entry and the Woolworths loading dock, due to the built form of the waste pick-up holding area and the apartments over. The loading dock is open to the sky and is clearly not a residential entry point. Signage and identification will be located on the pier to avoid confusion.

The proposed vehicle access point is considered to be satisfactory and provides adequate separation between the two driveways. It is also noted that vehicles entering the two driveways (delivery vehicles into the loading dock and residents of the approved and proposed apartments) will be familiar with the access point and as such are unlikely to enter the incorrect driveway. It is noted that the driveway is not in a centralised position shown in the Precinct Plan, however the position is considered satisfactory.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

TRAFFIC MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to LEP 2012 in regard to site area and the DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks, separation, unit size...
and mix, parking, landscape area, private open space, and common open space. In addition, variations are proposed to the Town Centre Precinct Plan in regard to non-provision of a mixed use component, height, balcony area, and open space and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to separation, deep soil zone, common open space and daylight access.

The proposal is satisfactory and is recommended for approval.

**IMPACTS:**

**Financial**

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

**The Hills Future - Community Strategic Plan**

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of units layouts and sizes in a Town Centre location.

**RECOMMENDATION**

The Development Application be approved subject to the following conditions.

**GENERAL MATTERS**

1. *Development in Accordance with Submitted Plans*

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

**REFERENCED PLANS AND DOCUMENTS**

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

2. Planning Agreement
Contributions for the fifty-eight (58) units are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29 December 2006.

3. Resident and Visitor Parking Spaces and Bicycle Parking
The provision and maintenance thereafter of:

- 68 resident spaces;
- 6 visitor spaces;
- 2 motorcycle spaces;
- A bike rack accommodating a minimum 5 bicycles.

All residential units are to be allocated a minimum of one parking space. The stacked spaces are to be allocated to one unit.

4. Tree Removal
Approval is granted for the removal of trees located within proposed building footprint.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

5. Planting Requirements
All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².
6. **Separate Application for Strata Subdivision**
A separate application must be submitted for any proposed strata titled subdivision of the approved development.

7. **Protection of Public Infrastructure**
Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

8. **Vehicular Access and Parking**
The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

a) AS/ NZS 2890.1  
b) AS/ NZS 2890.6  
c) AS 2890.2  
d) Council’s DCP Part C Section 1 – Parking  
e) Council’s Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

i. An appropriate turning bay is to be provided for visitors who need to exit the site after not gaining access to the car park.

ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.

iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.

v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

9. **Minor Engineering Works**
The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

a) Council’s Design Guidelines Subdivisions/ Developments  
b) Council’s Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council’s Schedule of Fees and Charges.
i. **Driveway Requirements**

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

- The proposed driveways must be built to Council’s heavy duty standard.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

A separate driveway application fee is payable as per Council’s Schedule of Fees and Charges.

ii. **Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

iii. **Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. The connection of the proposed stormwater pies into the public stormwater system is to be certified and inspected by Council’s Construction Engineer via an engineering construction certificate process.

iv. **Earthworks/ Site Regrading**

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

v. **Service Conduits**

Service conduits to the site, laid in strict accordance with the relevant service authority’s requirements, are required. Services must be shown on the engineering drawings.

10. **Excavation/ Anchoring Near Boundaries**

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner’s consent for works on adjoining land must be obtained.

- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.

- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.

- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.

- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.

- The anchors must be located clear of existing and proposed services.
Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

11. Recycled Water

The subject site must be connected to Sydney Water’s Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

12. Construction Certificate

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

13. Clause 94 Considerations

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

i. The existing ventilation openings in the existing external wall of the carpark on the Northern side are to be protected to avoid the spread of fire to the adjoining allotment, appropriate to CP2 of the BCA.

ii. Existing service penetrations in the existing external wall of the carpark on the Northern side are to be protected, appropriate to CP8 of the BCA. Further, existing penetrations through the existing slab servicing the Woolworths loading dock are to be protected.

iii. As the existing external openings in the carpark are being modified, a review of ventilation is to be undertaken to ensure the existing carpark is provided with sufficient natural or mechanical ventilation appropriate to FP4.3, FP4.4 & FP4.5 of the BCA.

iv. A review of existing openings in the external wall of the existing loading dock is to be undertaken to ensure the building has the necessary elements to avoid the spread of fire to the adjoining lot, appropriate to CP2 of the BCA.

14. Building Work to be in Accordance with BCA

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

15. Management of Construction Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a
waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

**17. Commencement of Domestic Waste Service**
The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council’s domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

**18. Construction of Waste Storage Area**
All work involving construction of the waste storage area is required to comply with the requirements of Council’s ‘Bin Storage Facility Design Specifications’. Storage facility must be provided for a minimum number of 29 x 240l garbage bins and 29 x 240l recycling bins. A copy of the specifications is available at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

**19. Property Numbering**
The responsibility for property numbering is vested solely in Council.

The property address for this development is: - 98 Caddies Boulevard Rouse Hill

Approved Unit numbering is as follows:-

- **Ground Floor** Units G01-G08
- **First Floor** Units 101-110
- **Second Floor** Units 201-210
- **Third Floor** Units 301-310
- **Fourth Floor** Units 401-410
- **Fifth Floor** Units 501-510

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry point and on buildings. Unit numbering signage is also required on stairway access doors and lobby/lift entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

**20. Police Requirements**
The following is required by the NSW Police, unless otherwise agreed by the Police and Council in writing:

i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.

ii. Police recommend that ground floor units have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
iii. Materials chosen should have regard to the potential for graffiti.

iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

v. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.

vi. Paint the basement white to reflect light.

vii. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit access into the adjacent loading dock and retail shopping centre car park. The signage should also include details of what security treatment has been implemented.

viii. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

ix. Lighting is to be utilised within the site in accordance with Australian Standards.

x. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.

xi. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

21. Acoustic requirements
a) The apartments shall be designed and constructed to achieve an internal noise level of 35 dB(A) in any bedroom between 10:00pm and 7:00am and 40 dB(A) anywhere else in the building (other than the kitchen, bathroom or hallway) at any time.


b) Mechanical plant, such as air conditioning, shall be selected and designed to ensure that it is not audible within a room of another residential premises/apartment before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday, or before 7:00am or after 10:00pm on any other day.

22. Stormwater Pump/ Basement Car Park Requirements
The stormwater pump-out system must provide for the following:

a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;

b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;

c) An alarm system to alert a pump failure;

d) 100mm freeboard to all nearby parking spaces;

e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street along with the remaining site runoff, under gravity.

All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.
23. Works in Existing Easement
All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

24. Draft Legal Documents
Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of $127,500 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $85.00 per square metre based on the road frontage of the subject site (100m) multiplied by the width of the road (15m average).

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

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

26. Security Bond Requirements
A security bond may be submitted in lieu of a cash bond. The security bond must:

a) Be in favour of The Hills Shire Council;

b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);

c) Have no expiry date;

d) Reference the development application, condition and matter to which it relates;

e) Be equal to the amount required to be paid in accordance with the relevant condition;

f) Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

27. Sediment and Erosion Control Plan
A sediment and erosion control plan prepared in accordance with Council’s Works Specification Subdivision/Developments must be submitted. The plan must include:

a) Allotment boundaries;
b) Adjoining roads;
c) Contours;
d) Existing vegetation;
e) Existing site drainage;
f) Critical natural areas;
g) Location of stockpiles;
h) Erosion control practices;
i) Sediment control practices; and

j) A maintenance program for the erosion and sediment controls.
PRIOR TO WORK COMMENCING ON THE SITE

28. Principal Certifying Authority
A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

29. Builder and PCA Details Required
Notification in writing of the builder’s name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

30. Management of Building Sites – Builder’s Details
The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

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

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

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water’s requirements, the building plans will be stamped indicating that no further requirements are necessary.

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

33. Erosion and Sedimentation Controls
Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

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

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

a) Planned construction access and delivery routes; and

b) Dated photographic evidence of the condition of all public assets.

**36. Traffic Control Plan**

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

**37. Erection of Signage – Supervision of Work**

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

a) The name, address and telephone number of the Principal Certifying Authority;

b) The name and telephone number (including after hours) of the person responsible for carrying out the works;

c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

**38. Contractors Details**

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than $10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

**39. Adjoining Property Dilapidation Report**

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

**40. Waste Management Plan Required**

Prior to the commencement of works, a Waste Management Plan for the construction phase of the development must be submitted to and approved by Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and/or demolition phases of the development. The plan must address the following, but not limited to:

a. The type and estimated quantity of waste material to be removed from the site;

b. The location of waste disposal and recycling;

c. The company name of the skip bin hire company or transport contractor(s); and

d. The proposed reuse or recycling methods for waste remaining onsite.
DURING CONSTRUCTION

41. Survey Report
Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

42. Compliance with BASIX Certificate
Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 596196M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application may be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application will be required for a BASIX Certificate with a new number.

43. Roof Water Drainage
Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

44. Compliance with Critical Stage Inspections and Other Inspections
Nominated by the Principal Certifying Authority
Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

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

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

47. National Parks and Wildlife Act 1974
Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

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

49. Hours of Work
Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

50. Compliance with Requirements of Development Consent
Compliance with all conditions of approval of the Development Consent on the subject property.

51. Landscaping Prior to Issue of Occupation Certificate
Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with DCP Part C, Section 3 – Landscaping and the approved landscape plan.

52. Public Infrastructure Inventory Report - Post Construction
Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

53. Pump System Certification
Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

54. Creation of Restrictions / Positive Covenants
Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council’s standard recitals must be used.

i. Positive Covenant – Stormwater Pump
The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.

ii. Restriction – Bedroom Numbers
A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

55. Confirmation of Pipe Locations
A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

56. Section 73 Compliance Certificate
A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.
Sydney Water’s guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

57. Provision of Electrical Services
Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

58. Adjoining Property Dilapidation Report Post Construction
Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

59. Provision of Telecommunication Services
Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

60. Final Inspection of Waste Storage Area(s)
Prior to an Occupation Certificate being issued, a final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council’s design specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority’s suggested appointment time.

61. Waste Tractor and Trailer
Prior to the issue of an Occupation Certificate, a ride on tractor and trailer attachment must be purchased at the cost of the developer and provided at the site. The tractor and trolley must be handed over into the ownership of the Owners Corporation. The trailer must be sized to hold at least 8 x 240l bins. The ride on tractor must be capable of towing the trailer and full bins over all ramps and slopes between the waste storage areas and the designated collection point. Contact the Resource Recovery Department at Council should further clarification be needed.

THE USE OF THE SITE

62. Final Acoustic Report
Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person to verify that the acoustic requirements specified in Condition 21 have been met.

63. Waste and Recycling Collection
All waste generated onsite must be removed at regular intervals and not less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles are to be arranged to collect waste from the neighbouring loading dock as per the arrangements for similar developments in the vicinity.
64. Movement of Waste
A caretaker must be engaged by the Owners Corporation to move all bins to and from the waste storage areas and the collection point on the allocated days of collection as determined by Council. All waste servicing instructions from Council must be complied with at all times. Caretakers should also be responsible for washing bins and the waste storage areas and arranging for the prompt removal of dumped rubbish. Appropriate signage is available upon request.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Landscape Plan
6. Perspective
ATTACHMENT 3 – SITE PLAN
ATTACHMENT 4 – ELEVATION PLANS
ATTACHMENT 6 – LANDSCAPE SECTION OF TYPICAL COURTYARD

750mm high: 1000mm wide raised planters with low maintenance planting to provide garden area to courtyard. Shrub planting can be used to increase privacy.

Steps up into courtyard from street level.

Planting strip to soften hard edge e.g. Lily Pilly, Callistemon

3600mm high: 1000mm high gate entry fence to sit on pathway wall.

SITE BOUNDARY

UNIT G2

PRIVATE TERRACE
| Item 3 | JRPP REPORT - DA 1631/2015/JP  
(Sydney West Region) |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>JRPP No</td>
<td>2015SYW132</td>
</tr>
<tr>
<td>DA Number</td>
<td>1631/2015/JP</td>
</tr>
<tr>
<td>Local Government Area</td>
<td>THE HILLS SHIRE COUNCIL</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING NINETY-THREE (93) UNITS AND ROAD CONSTRUCTION</td>
</tr>
<tr>
<td>Street Address</td>
<td>LOT 122 DP 11104 – NO. 4 ALAN STREET, BOX HILL</td>
</tr>
</tbody>
</table>
| Applicant/Owner | BOX HILL INVESTMENT GROUP PTY LTD  
C/- EDMISTON JONES |
| Number of Submissions | NIL |
| Regional Development Criteria (Schedule 4A of the Act) | GENERAL DEVELOPMENT WITH A CIV OF OVER $20 MILLION |

**List of All Relevant s79C(1)(a) Matters**

- List all of the relevant environmental planning instruments: s79C(1)(a)(i)
  - State Environmental Planning Policy Growth Centres 2006
  - State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
  - State Environmental Planning Policy (State and Regional Development) 2011
  - State Environmental Planning Policy Infrastructure 2008
  - State Environmental Planning Policy No 55 — Remediation of Land

- List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)
  - Nil

- List any relevant development control plan: s79C(1)(a)(iii)
  - Box Hill DCP 2014

- List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)
  - Nil

- List any coastal zone management plan: s79C(1)(a)(v)
  - Nil
EXECUTIVE SUMMARY

The Development Application is for construction of a part six and part seven storey residential flat building containing 93 units and two levels of parking with 128 car parking spaces. The development is proposed on the portion of the site zoned R4 High Density Residential. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

The site is zoned part R3 and R4 and the development complies with the development standards contained within the SEPP Growth Centres in relation to height, floor space ratio and density.

The site is one of the first to be developed within this area of the Precinct and will form the basis of the redevelopment of the previous rural land. Currently the immediate area is characterized by single rural style dwellings, market gardens, plant nurseries and similar low scale activities. The context will change over the coming years as further development occurs in the Precinct.

The proposal includes a variation to the location of a DCP road located in the northern portion of the R4 zoned part of the site. The applicant proposes to relocate the road 6.5 metres to the north to be located partly within the R3 and R4 zones. The part of the site zoned R3 contains an above ground transmission easement negating any real development potential for this part of the site and that of adjoining neighbours. No objection has been raised by TransGrid, the authority of the transmission easement, or Council’s Infrastructure team who will ultimately be charged with the care of the road. The relocation of the road is not considered to have any orderly development impacts and is therefore supported.

The application was notified to adjoining owners and no submissions were received.

In the absence of the JRPP process the matter would be determined under Delegated Authority. The application is recommended for approval subject to conditions.
BACKGROUND

Owner: Singhota Super Pty Ltd

Zoning: R3 Medium Density Residential and R4 High Density Residential

Area: Total site area: 9,190m²
        R3 Portion: 4,030m²
        R4 Portion: 5160m²

Existing Development: Dwelling

MANDATORY REQUIREMENTS

1. Section 79C (EP&A Act) – Satisfactory
2. SEPP Sydney Region Growth Centres 2006 – Complies
3. SEPP 65 – Design Quality of Residential Flat Development – Satisfactory
4. SEPP Building Sustainability Index BASIX 2004 – Satisfactory
   State Environmental Planning Policy No 55—Remediation of Land – Satisfactory
   SEPP Infrastructure 2007 – Satisfactory
   Box Hill DCP – Variation, see report
   Section 94 Contribution – $835,534.48
   Capital Investment Value: $29,000,000

SUBMISSIONS

1. Exhibition: Not Required
2. Notice Adj Owners: Yes, 14 days
3. Number Advised: 20
4. Submissions Received: Nil

REASONS FOR REFERRAL TO JRPP

1. Capital Investment Value in Excess of $20 million

HISTORY

19/06/2015 Subject Development Application Lodged.
28/08/2015 Briefing of Joint Regional Planning Panel and site inspection.
02/10/2015 Letter sent to the applicant requesting amended plans and details addressing plan detail, earthworks, servicing, waste management, road construction, stormwater, and general engineering matters.
16/10/2015 Part additional information provided.
23/10/2015 Further part additional information received.
26/10/2015 Advice from TransGrid raising no objection to the proposal and relocated road.
16/11/2015  Amended Engineering Information received.
17/11/2015  Advice from Sydney Water received regarding servicing.
25/11/2015  Amended Architectural plans provided.

PROPOSAL

The Development Application is for construction of a part six and part seven storey residential flat building containing 93 units and two levels of parking with 128 car parking spaces. The development is proposed on the portion of the site zoned R4 High Density Residential. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

Vehicle access is provided via the existing Alan Street to the south and a new DCP road to the north. Full road width construction and dedication of the new road, and partial with reconstruction of Alan Street to a residential standard (rather than rural standard) is required.

The application provides a range of common areas including two function rooms (able to be used as one large room) on the first floor, two first floor common areas, gym on the second floor and a rooftop common area with a plunge pool. A landscape plan has been prepared and provides for a variety of species, ground covers, fencing and common open space embellishment including outdoor seating and barbeque areas.

ISSUES FOR CONSIDERATION

1. Compliance with Requirements of SEPP (Sydney Region Growth Centres) 2006

   (i) Permissibility

   The proposal is defined as a residential flat building:

   “residential flat building” means a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing.

   Pursuant to the Land Use Table in Appendix 11 The Hills Growth Centre Precinct Plan, a residential flat building is permitted with consent within the R4 High Density Residential zone.

   (ii) Development Standards

   The following addresses the relevant principal development standards of the SEPP:

<table>
<thead>
<tr>
<th>CLAUSE</th>
<th>REQUIRED</th>
<th>PROVIDED</th>
<th>COMPLIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1A Minimum lot sizes for development</td>
<td>Residential flat building – 1,000m$^2$</td>
<td>5,160m$^2$</td>
<td>Yes</td>
</tr>
<tr>
<td>4.1B Residential Density</td>
<td>Minimum residential densities 30 dwelling per hectare</td>
<td>194 dwellings per hectare</td>
<td>Yes</td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td>21 metres</td>
<td>20.87m</td>
<td>Yes</td>
</tr>
<tr>
<td>4.4 Floor space ratio</td>
<td>2:1</td>
<td>1.9:1</td>
<td>Yes</td>
</tr>
</tbody>
</table>
(iii) **Other Provisions**

The proposal has been considered against the relevant provision of the SEPP. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation; and
- 6.1 Public utility infrastructure;

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

3. **Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Buildings**

The required Design Verification Statement was prepared by Edmiston Jones Architects, who is a registered architect.

The Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

(i) **Context**

The site is one of the first to be developed within this area of the Precinct and will form the basis of the redevelopment of the previous rural land. Currently the immediate area is characterized by single rural style dwellings, market gardens, plant nurseries and similar low scale activities. The context will change over the coming years as further development occurs in the Precinct.

(ii) **Scale**

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The height generally ensures that the development responds to the desired future scale and character of the site.

The setbacks allow for landscape areas, entrances and deep-soil zones. The proposed setbacks have been developed to provide a satisfactory distance from adjoin dwellings, to form active street frontages and adequate open space areas for communal recreation spaces. The proposed development addresses matters such as privacy and open space matters.

(iii) **Built Form**

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting.

(iv) **Density**

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 30 dwg/ha for the site.
(v) **Resources, Energy and Water Efficiency**

The design achieves good natural ventilation and the addition of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs. A BASIX certificate has been lodged. The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

(vi) **Landscape**

The landscape plan indicates that all open spaces will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

(vii) **Amenity**

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access/circulation, apartment layouts, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) **Safety and Security**

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened. The basement car parks have been appropriately designed and appropriate conditions of consent can be imposed to further assist in the promotion of safety and security.

(ix) **Social Dimensions**

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. Council, on 9 September 2014, adopted The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings which introduced new development standards in relation to unit floor areas and mix. These controls aim to provide for an appropriate provision of unit types and sizes in the Shire. Compliance with the above standards is discussed later in this report and it is considered that the applicant has adequately addressed this issue.

(x) **Aesthetics**

An appropriate composition of building elements, material textures and colours has been used.

The relevant provisions of the Residential Flat Design Code are addressed below:
<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>SEPP 65 REQUIREMENTS</th>
<th>PROPOSED DEVELOPMENT</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>Where there is an FSR requirement, test height controls against it to ensure a good fit.</td>
<td>FSR and Height Controls complaint and consistent.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td>Test heights against the proposed number of storeys and the minimum ceiling heights for the desired building use.</td>
<td>Tested and reasonable all units achieve 3.1m floor to ceiling heights.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Building Depth</td>
<td>In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.</td>
<td>The plans detail an appropriate building depth of up to 21m.</td>
<td>Yes. - appropriate solar access and cross ventilation are provided to all units.</td>
</tr>
<tr>
<td>Building Separation</td>
<td>Up to 4 storeys 12m between habitable rooms/balconies. 9m between habitable rooms/balconies and non-habitable rooms; 6m between non-habitable rooms. Five to eight storeys/up to 25 metres 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms. Design and test building separation controls in plan and section. - Test building separation controls for daylight access to buildings and open spaces.</td>
<td>6m setback provided to boundary to allow 12m minimum separation. 9m setback provided to boundary to allow 18m minimum provided between balconies.</td>
<td>Yes.</td>
</tr>
<tr>
<td>DEVELOPMENT STANDARD</td>
<td>SEPP 65 REQUIREMENTS</td>
<td>PROPOSED DEVELOPMENT</td>
<td>COMPLIANCE</td>
</tr>
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<tr>
<td>Building separation controls may be varied in response to site and context constraints.</td>
<td>The proposal provides for a minimum 4.5m setbacks as required by the DCP.</td>
<td>Yes.</td>
<td></td>
</tr>
<tr>
<td>Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved (see Daylight Access, Visual Privacy and Acoustic Privacy).</td>
<td></td>
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</tr>
<tr>
<td>Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The proposal provides for a minimum 4.5m setbacks as required by the DCP.</td>
<td>Yes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</td>
<td>DCP complaint side setbacks provided.</td>
<td>Yes.</td>
<td></td>
</tr>
<tr>
<td>Test the desired built form outcome against proposed floor space ratio to ensure consistency with: - Building height. - Building footprint.</td>
<td>Proposal complies with the FSR control (2:1) relating to the site.</td>
<td>Yes.</td>
<td></td>
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</tbody>
</table>
### Part 2: Site Design

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deep Soil Zones</strong></td>
<td>A minimum of 25% of the open space area of a site should be a deep soil zone.</td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>Open Space</strong></td>
<td>The area of communal open space required should generally be at least 25-30% of the site area.</td>
<td>No, however meets the minimum DCP requirement of 15% and the common open space areas are contiguous ensuring they are useable. Yes.</td>
</tr>
<tr>
<td></td>
<td>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m².</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td>Each unit at ground level is provided with a private open space area of at least 25m² to 60m².</td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>Pedestrian Access</strong></td>
<td>Identify the access requirement from the street or car parking area to the apartment entrance. Provide barrier free access to at least 20% of dwellings in the development.</td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>Vehicular Access</strong></td>
<td>Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td>The maximum width of the driveway is 6m. Vehicular access is suitably separated from the pedestrian access.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

### Part 3: Building Design

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Apartment Layout</strong></td>
<td>Single aspect apartments should be limited to 8m from a window.</td>
<td>Yes. - appropriate solar access and cross ventilation are provided to all units.</td>
</tr>
<tr>
<td>DEVELOPMENT STANDARD</td>
<td>SEPP 65 REQUIREMENTS</td>
<td>PROPOSED DEVELOPMENT</td>
</tr>
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</tr>
<tr>
<td>Apartment size</td>
<td>Minimum apartments sizes: 1 bedroom – 50m². 2 bedroom – 70m². 3 bedroom – 95m². Typology Table (page 69).</td>
<td>All units comply with the minimum apartment size requirements.</td>
</tr>
<tr>
<td>Apartment Mix</td>
<td>Provide a diversity of apartment types to cater for different household requirements.</td>
<td>The proposal provides for The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).</td>
</tr>
<tr>
<td>Balconies</td>
<td>Provide primary balconies for all apartments with a minimum depth of 2m.</td>
<td>All balconies provide useable areas with a minimum depth of 2m.</td>
</tr>
<tr>
<td>Ceiling heights</td>
<td>Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.</td>
<td>Minimum 2.7m.</td>
</tr>
<tr>
<td>Ground floor apartments</td>
<td>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. Provide ground floor apartments with access to private open space (i.e. terrace, garden).</td>
<td>Appropriately designed ground floor apartments.</td>
</tr>
<tr>
<td>Internal Circulation</td>
<td>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</td>
<td>There are a maximum of eight units per corridor</td>
</tr>
<tr>
<td>Storage</td>
<td>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - Studio – 6m³. - 1 bed – 6m³. - 2 bed – 8m³. - 3 bed+ – 10m³.</td>
<td>Separate storage areas in the basement car park and lobbies.</td>
</tr>
</tbody>
</table>
Daylight Access | Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. | 71% of the units receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. | Yes. 
---|---|---|---
Natural Ventilation | 60% of residential units should achieve natural cross flow ventilation. | 63% of units achieve cross flow ventilation. | Yes. 
Waste Management | Supply waste management plans as part of the DA as per the NSW Waste Board. | A satisfactory waste management plan was submitted with the application. | Yes. 
Water Conservation | Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections. | The development will collect rainwater and stormwater and will be stored for re-use on the site. | Yes. 

An assessment was also undertaken against the provisions of the newly introduced SEPP 65 – Design Quality of Residential Buildings amendment together with the new Apartment Design Guide which replaced the Residential Flat Design Code. The new SEPP and associated guidelines are not applicable as the Development Application was lodged prior to its adoption. The changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design. The proposal is considered satisfactory with respect to compliance with the amendment and Apartment Design Guide.

4. **SEPP Infrastructure**

The northern portion of the subject land (generally that part zoned R3 Medium Density Residential Zone) is traversed by an electrical transmission easement (ranging in width from 59.26m to 63.245m wide). The development application includes the following work within the southern perimeter of the electrical transmission easement:

- 6m wide (part width) road construction with timber bollards at 1.5m centres along the northern edge of the road;
- 3.5m wide undeveloped road verge/reserve north of the bollards; and
- Drainage infrastructure including a sediment basin.

Clause 45(1)(b)(i) of SEPP Infrastructure 2007 requires referral of the development application to TransGrid as the supply authority. It is noted that the applicant undertook preliminary discussions with TransGrid prior to lodgement. No objection was raised by TransGrid subject to a number of Conditions. These comments have being incorporated into the recommended conditions of consent (refer Condition 3).

Clause 104 (Traffic Generating Development) does not apply as the size and capacity of the development does not trigger the requirement for referral to the Roads and Maritime Services within Schedule 3 of the SEPP (ie. residential apartment building not exceeding 300 units).
5. Compliance with the Box Hill Development Control Plan

The proposal has been assessed against the provisions of The Box Hill Development Control Plan and the following addresses the relevant development controls of the DCP:

| RFB controls (table 20) | Maximum 50% site cover | 30% landscaped area | 15% communal area | POS – 10m² with 2.5m dimension | Front setback – 6m/4.5m (first 3 storeys) | Secondary Setbacks 6m | Side setback – 3m up to 3 storeys 6m above 3 storeys | Rear setback – 6m | Habitable room separation – 12m | Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units | 43% | 35% | 16.2% | Provided | 4.5m min, L3+ 6m (Alan St and New Road) | N/A | L1 – 3m, J2 and above 6m+ | NA | 12m | Required – 127 Proposed – 128 | Yes | Yes | Yes | Yes | Yes | NA | Yes | Yes | Yes |

a) Road Layout

The proposed east-west road shown on the Indicative Layout Plan is located wholly within the northern extremity of the R4-zoned land (i.e. immediately south of the R3-zoned land and the electrical transmission easement). The proposed development seeks for this road reserve to be relocated to partly within the R3-zoned land (9m wide) and partly within the R4-zoned land (7.5m) as detailed in the plans submitted with the development application (refer Attachment 8).

The Indicative Layout Plan shows that a future road is proposed to traverse four properties (including the subject land) and is sited within the R4 High Density zoned portion of Lots 121, 122 and 122A, just south of the transmission line easement, and within the R3 zone of No. 32-34 Hynds Road.

The objectives of this section of the DCP are:

a. To ensure development of the Precincts is undertaken in a co-ordinated manner consistent with the North West Sector Structure Plan and the Box Hill and Box Hill Industrial Indicative Layout Plan.

The applicant in justifying the proposed variation to the Development Standards states that:-
The transmission easement restrictions do not allow any (or extremely limited) development within this easement corridor, hence no "medium density residential" development is actually allowed on the R3-zoned land, and only limited works are permitted within the easement area.

This results in a significant limitation on the developable area of land within the R4 High Residential Density zone and resultant yield for these properties. The proponent has consulted with TransGrid in the planning phase in relation to the location of part of this road within the (otherwise undevelopable) transmission easement and R3-zoned land (approx 8m wide), and will be subject to formal referral as part of this development application process.

The applicant has also consulted with the three adjoining/nearly landowners impacted by this variation for the road relocation. The relocation of the road north-ward by approximately 9 metres will maintain the intent of the proposed street network and block design within the Indicative Layout Plan (hence the objectives and controls of Section 2.4 of the DCP will be maintained).

Comment:

The proposed variation does not result in any orderly development impacts on adjoining properties. The application was notified to adjoining residents and no submissions were received. The relocation of the road does not result in any additional floor space being made available to the applicant as this part of the site, was still able to be utilised for the floor space ratio calculations. It is agreed that the R3 Medium Density portion of the site is constrained and unlikely to be developed. The existing easement is not proposed to be relocated, nor are there any provisions that would enable or fund its relocation or undergrounding.

The applicant has liaised will all affected neighbours, and has attempted to obtain formal agreement from the neighbours however has in part been unsuccessful for a number of reasons, however it is understood that there is no objection from all parties. In any event it is considered that the relocation of the road has no detrimental impacts on the affected owners for the reason discussed above.

6. The Hills Development Control Plan 2012 - Part B Section 5 Residential Flat Buildings

Under the provisions of Clause 1.3 of the North Kellyville Development Control Plan, The Hills Development Control Plan 2012 Part B Section 5 Residential Flat Buildings does not apply to the subject site. Nevertheless the proposal has been reviewed against Section 3.11 Unit Layout and Design as follows:

Unit Mix

The development complies with the control which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments and no less than 10% of the units comprise 3 or more bedrooms. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

Unit Size (Typology)

Of the 93 proposed units, 49 units (52%) fall under ‘Type 1’, 40 units (43%) fall under ‘Type 2’ and 4 units (5%) fall under ‘Type 3’ apartment sizes. The development does not conform to the unit size typology in the DCP. The DCP requires that Type 1 and 2 units do not exceed 30% of the total number of units.
Although the development does not meet the typology requirements of the DCP, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes where applicable. Clause 30A of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 (the table on page 69) of the Residential Flat Design Code.

The table below details the unit size of each unit, their DCP typology and compliance with page 69 of the Residential Flat Design Code as follows:

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<th>Size (m²)</th>
<th>DCP Typology</th>
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</table>
All units exceed the SEPP rule-of-thumb minimum standards and also achieve compliance with the unit size standards set out in the table on page 69 where applicable. All units have efficient layouts. All single aspect units are wide and achieve good amenity. The proposal provides for a mix and range of apartment sizes with satisfactory depths that will assist in meeting the needs of future residents.

Amendment No. 2 of SEPP 65, introduced Clause 30A, which under subclause (1) states that a consent authority must not refuse consent to a development application for a residential flat development, on the basis of ceiling heights and apartment area, as long as the ceiling heights and apartment area meet the minimums stipulated in Part 3 of the RFDC. The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. Subclause (2) states nothing in this clause permits the granting of consent to a Development Application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of the Policy.

The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

7. **SEPP 55 - Remediation of Land**

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

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

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

A preliminary investigation of the site has been undertaken and a Phase 1 Contamination Assessment Report prepared by Network Geotechnics accompanies the development application. In summary the report recommends that a targeted Stage 2 contamination assessment is required. Hence, this will be required to be undertaken to ensure the provisions of SEPP 55 can be met. A condition has been imposed in this regard (refer Condition No. 23).
SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 19, 20, 21, 22, 28, 31, 32, 33, 34, 35, 50, 65, 73, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 89).

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 6, 7, 42 and 43).

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 8, 9, 10, 11, 12, 13, 14, 44, 45, 74 and 75)

NSW POLICE COMMENTS

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected (See Condition No. 17).

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Sydney Region Growth Centres and the Box Hill Development Control Plan and is considered satisfactory.

Accordingly approval subject to conditions is recommended.

IMPACTS

Financial

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

The Hills Future Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.
GENERAL MATTERS

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

REFERENCED PLANS AND DOCUMENTS

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<th>DESCRIPTION</th>
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<th>REVISION</th>
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<td>Roof Plan</td>
<td>DA10</td>
<td>-</td>
<td>17/06/2015</td>
</tr>
<tr>
<td>15-006</td>
<td>Elevations</td>
<td>DA12</td>
<td>-</td>
<td>17/06/2015</td>
</tr>
<tr>
<td>15-006</td>
<td>Sections</td>
<td>DA13</td>
<td>-</td>
<td>17/06/2015</td>
</tr>
</tbody>
</table>

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

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

3. Compliance with TransGrid Requirements
Compliance with the requirements of TransGrid as follows:

i. No structures such as outdoor art and fitness stations are to be installed within
   TransGrid’s easement, as TransGrid does not endorse nor encourage people to
   congregate on the easement and/or under the transmission lines.

ii. All vegetation and landscaping proposed within TransGrid’s easement should be
    kept to a minimum and must not exceed a mature height of 3 metres.

iii. TransGrid’s access to our easement must be maintained at all times, including
during the construction period.

iv. No mounds of earth or other materials may be formed or left on the easement
    above existing ground levels, even on a temporary basis, as doing so creates a
    hazard that effectively reduces the vertical clearances to the transmission lines.

v. During construction, traffic control measures must be implemented to prevent
    vehicles colliding with TransGrid’s high voltage transmission line.

vi. Temporary fencing panels must be earthed and every second panel isolated from
    the next pair. Please contact TransGrid in the event of any uncertainty.
vii. Height restrictors must be applied to cranes, back-hoes, elevated work platforms plus any other plant and equipment proposed to operate on the easement that is capable of exceeding the 4.2m height restriction.

viii. All works will need to be carried out in accordance with the NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006. Please also refer to the accompanying TransGrid Easement Guidelines for Third Party Development and contact TransGrid in the event of any uncertainty.

ix. TransGrid requests notification before construction work commences. This is to ensure a TransGrid Easement Officer can brief the developer and their contractor of the key high voltage transmission line safety issues before construction work commences.

x. TransGrid requests formal notification for any further development on the subject land (including fencing, detention basin's or lighting etc) in order to assess and determine whether it complies within our easement restrictions. TransGrid’s prior written consent is required for any proposed encroachment of our transmission line easement.

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

5. Building Work to be in Accordance with BCA
All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. Tree Removal
Approval is granted for the removal of trees located within the proposed building footprint.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

7. Planting Requirements
A Planting Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to Council’s Sustainability Team for approval prior to landscaping works being undertaken. The plan must contain:

- Site boundaries and dimensions surveyed;
- North point, scale (1:200 desirable);
- Existing and proposed levels;
- All trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc)
- A schedule of proposed planting, including botanical name, common name, quantities, pot size, expected mature height and staking requirements.

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

8. Adherence to Waste Management Plan
All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development. The information submitted can change provided that the same or a greater
level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

9. Management of Construction and/or Demolition Waste
Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

11. Commencement of Domestic Waste Service
The building owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than one week prior to occupancy and no later than one day after occupancy of the development. All requirements of Council’s domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

12. Construction of Bin Store
All work involving construction of the bin store must comply with the requirements provided below. The minimum required number of bins is 10 x 1100L bulk garbage bins and 24 x 240L recycling bins or 9 x 660L bulk recycling bins.

1. The bin store must be of adequate size to comfortably store and manoeuvre the minimum required number of bins.

2. The layout of the bin store must ensure that each bin is easily accessible and manoeuvrable in and out of the bin store with minimal or no manual handling of other bins.

3. The walls of the bin store must be constructed of brickwork.

4. The floor of the bin store must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The bin store must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.

6. The bin store must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. In some situations, the resident access door can double up as the waste servicing door provided that it meets the purpose of both doors.

7. All doors of the bin store, when fully opened, must be flush with the outside wall and must not block or obstruct the driveway or footway. All doors must be able to be fixed in position when fully opened.

8. The bin store must be adequately ventilated (mechanically). Ventilated bin stores should not be connected to the same ventilation system supplying air to the units.

9. The bin store must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the bin store, it is not to conflict with the space designated for the placement of bins.

10. The bin store must be provided with an internal light (artificial).

11. The maximum grade acceptable for moving bins for collection purposes is 7% (5% for bulk bins). Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.

12. The bin store must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.

13. Finishes and colours of the bin store are to complement the design of the development.

**Bin Measurements (mm)**

<table>
<thead>
<tr>
<th>Bin Size</th>
<th>(d)</th>
<th>(w)</th>
<th>(h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>240L</td>
<td>735</td>
<td>580</td>
<td>1080</td>
</tr>
<tr>
<td>660L</td>
<td>850</td>
<td>1370</td>
<td>1250</td>
</tr>
<tr>
<td>1100L</td>
<td>1245</td>
<td>1370</td>
<td>1470</td>
</tr>
</tbody>
</table>

**13. Construction of Temporary Unwanted Bulky Goods Store**
The abovementioned store must have a minimum floor area of 15m². If possible the store should be accessible from inside the main bin store, and open directly onto the loading dock.

**14. On-Site Loading Requirements for Waste Collection**
Vehicle access and loading facilities must be designed in accordance with AS 2890.2 for the standard Medium Rigid Vehicle (MRV). All manoeuvring areas of the garbage truck must have a minimum clear vertical clearance of 3.5m. Additional space should be provided for vehicle loading (rear of truck). Garbage trucks must be able to enter and leave the site in a forward direction to collect waste with minimal or no need for reversing.

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

**16. Separate Application for Strata Subdivision**
A separate application must be submitted for any proposed strata titled subdivision of the approved development.
17. NSW Police Requirements
The proposed development is to be undertaken in accordance with the recommendations of the NSW Police – Local Area Command comprising the following:-

- Ground level units to have upgraded security measures in place such as doors/windows being alarmed, thickened glass and sensor lights.
- CCTV coverage is to be used to monitor all common areas, entry/exits points, letter boxes, cars, motor cycles and lifts etc.
- Use of height indicator stickers on entrance/exit doors are to be used.
- High quality letter boxes that meets AS ISO9001:2008 and only to be accessed via within the unit complex by residents.
- Lift from car park into the residential part of the building to be used with a fob or pin code etc.
- Entry into car park to be secured by a fob, remote/code access, camera etc.
- Ensure improved strength to security roller shutters/garage doors.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism to be used.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- The underground car parking areas to be painted white to assist in reflecting light.
- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting entry/exit points from the building, car park and access/exit driveways etc.
- Use of anti-graffiti building materials.
- Vegetation to be kept trimmed at all times.
- High fencing during construction are to be used.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.

18. Street Trees
Street trees must be provided for the section of new Road 1 within the site and Alan Street fronting the development site spaced between 7m and 10m apart frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council’s Schedule of Fees and Charges.

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

a) AS/ NZS 2890.1
b) AS/ NZS 2890.6
c) AS 2890.2
d) Council’s DCP Part C Section 1 – Parking
e) Council’s Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.

iii. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.

iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

20. Process for Council Endorsement of Legal Documentation
Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council’s Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

21. Road Opening Permit
Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council’s Maintenance Services team.

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

22. Protection of Public Infrastructure
Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

23. Contamination Assessment and Validation
The recommendations of the Site Assessment and Report prepared by Network Geotechnics, referenced as G09/1765-A, dated 21 May 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Prior to the Issue of a Construction Certificate a targeted Stage 2 Contamination Assessment should be undertaken. The targeted stage 2 contamination assessment should include 13 to 14 boreholes/ test pits to about 2m depth and sampling of soils at the surface and at 0.5m intervals. Laboratory testing should include heavy metals, hydrocarbons, asbestos and pesticides. Any remediation required shall not include burial or encapsulation of contaminated material on the site.

Upon completion of any necessary remediation works, a final validation report / certificate by a suitably qualified site auditor is to be provided to the satisfaction of Council’s Manager – Environment and Health confirming that the site has been remediated and are suitable for the proposed use.
24. Section 94 Contribution – Box Hill Precinct

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:

<table>
<thead>
<tr>
<th>Facility Category</th>
<th>Residential - KCP 0.87 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Land</td>
<td>$157,664.49</td>
</tr>
<tr>
<td>Open Space Capital</td>
<td>$243,782.52</td>
</tr>
<tr>
<td>Transport Land</td>
<td>$16,269.88</td>
</tr>
<tr>
<td>Transport Capital</td>
<td>$196,399.41</td>
</tr>
<tr>
<td>Water Management Land (SPC)</td>
<td>$-</td>
</tr>
<tr>
<td>Water Management Capital (SPC)</td>
<td>$-</td>
</tr>
<tr>
<td>Administration</td>
<td>$6,309.30</td>
</tr>
<tr>
<td>Water Management Land (KCP)</td>
<td>$60,930.66</td>
</tr>
<tr>
<td>Water Management Capital (KCP)</td>
<td>$154,178.22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$835,534.48</strong></td>
</tr>
</tbody>
</table>

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated annually. Prior to payment of the above contributions, the applicant is advised to contact Council’s Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No. 15.

Council’s Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council’s Administration Centre.

25. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

26. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growths Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates.

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission’s website at www.gcc.nsw.gov.au

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

27. Notice of Requirements

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

Following an application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.
28. Internal Pavement Structural Design Certification
Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

29. Protection of Internal Noise Levels
An acoustic statement is required to be submitted providing methods of noise attenuation (if any) prior to the issue of a Construction Certificate ensuring the following noise levels are achieved:

a) 35 dB (A) in any bedroom between 10pm am 7am.

b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

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

31. Engineering Works and Design
The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

a) Council’s Design Guidelines Subdivisions/ Developments
b) Council’s Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council’s Manager – Subdivision and Development Certification.

Engineering works can be classified as either “subdivision works” or “building works” as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:

a) A completed application form.
b) An electronic copy of the design plans and accompanying documentation.
c) Payment of the applicable application and inspection fees.
d) Payment of any required security bonds.

2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/maintenance liability with respect to these assets once completed.

A “compliance certificate” as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This “compliance certificate” can be issued by Council’s Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council’s Construction Engineer in accordance with the terms attached to the issued “compliance certificate”. Post construction, a further “compliance certificate” as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council’s Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.
3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. **Full Width Road Construction**

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

<table>
<thead>
<tr>
<th>Road Name: Proposed Road 1</th>
<th>Formation: (Footpath/ Carriageway/ Footpath) (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Type: Street along Riparian Corridor</td>
<td></td>
</tr>
<tr>
<td>DCP: Box Hill Precinct (Figures 25 and 31)</td>
<td></td>
</tr>
<tr>
<td>3.5m/ 2.5m/ 6m/ 4.5m (16.5m)</td>
<td></td>
</tr>
<tr>
<td>(Verge/ Parking/ Carriageway/ Shared Verge) (m)</td>
<td></td>
</tr>
<tr>
<td>Pavement Design:</td>
<td></td>
</tr>
<tr>
<td>Access/ Local (Design Guidelines Section 3.12)</td>
<td></td>
</tr>
</tbody>
</table>

The wider 4.5m verge must be located on the northern side of the Road 1 correlating with the cycleway and street trees required (Figure 31) at this location.

The wider 2.5m parking lane must be located on the southern side of the Road 1 correlating with the street trees required at this location.

Civil Siteworks Plan Sheet 1 DA4.01 Revision 4 dated 12/11/2015 prepared by Northrop must be amended to reduce the proposed road reserve to be 16.5m wide opposed to 17.5m, consequently reduce the verge on the southern side to 3.5 opposed to 4.5m.

As a result of narrowing the road reserve, the road location may require a shift of 1m to the south on Civil works plan ensuring alignment is consistent with the architectural plans.

Proposed excavation on eastern and western ends of the proposed road 1 must be retained by separate structures (walls and footings) constructed within the development site unless agreed to extending earth batters within the adjoining properties. The walls must be vertical, must be structurally designed masonry walls. No rock walls will be permitted.

Construction of such walls must be bonded for removal during the extension of the adjoining roads to the east and west.

The street drainage must be extended to the drainage system, to be constructed within the drainage easement created within Lot 2 DP 1160957.

ii. **Partial Width Road Reconstruction**

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:
<table>
<thead>
<tr>
<th>Road Name:</th>
<th>Formation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alan Street</td>
<td>(Footpath/ Carriageway/ Footpath) (m)</td>
</tr>
</tbody>
</table>

**Road Type:** Local Street  
**DCP:** Box Hill Precinct (Figures 21)  
**Formation:** 3.5m/ 11m /3.5m (18m)  
**Pavement Design:** Access/ Local (Design Guidelines Section 3.12)

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

Any requirements relating to partial width road reconstruction from the relevant section of Council’s DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

Civil Site Works Plan – Sheet 1 Drawing DA4.01 Revision 4 dated 12/11/2015 must be amended to address the above and to include street drainage in Alan Street.

### iii. Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at both ends of proposed Road 1 that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at both eastern and western end of proposed Road 1.

Design and construction of the cul-de-sac must comply with the requirements of TransGrid.

### iv. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council’s Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

### v. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.
vi. Concrete Footpath
A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on northern side of Alan Street in accordance with the DCP and the above documents.

vii. Concrete Cycleway
A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern side of proposed Road 1 in accordance with the DCP and the above documents.

viii. Disused Layback/ Driveway Removal
All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

ix. Integrated Stormwater Management
Stormwater Management (Quantity and Quality Control) measures are to be provided to comply with the objectives of the Water Sensitive Urban Design (WSUD) strategy outlined under the section 7.1 Integrated Stormwater Management of the Box Hill DCP.

Stormwater Management Report Reference W150008 CR01-A dated 12 November 2015 prepared by Northrop and the Concept Stormwater Management Plan Drawing DA3.01 Revision 4 dated 12/11/2015 are not to be used for construction. The detailed design must reflect a set of revised information to be approved by Council to ensure the following:

The amendments must include:

a) Revised calculation and modelling including the area of Proposed road 1 in the estimation of the measures.

b) Revised sizing of Rainwater tank and Onsite Stormwater Detention tank and temporary detention basins to the requirements of Watercycle Management studies referenced in the DCP

c) Revised MUSIC modelling and associated treatment train to correctly represent the control measures consistent with the stormwater management report.

d) Revised stormwater management plan to be consistent the items (a) to (c).

e) Onsite Detention tank is to be designed to the requirement section 4.2.8 of the UPRCT OSD Handbook, and to be relocated at a location to facilitate public access for maintenance.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- Complete design calculations;
- Revised DRAINS model reflecting the amended drainage network;
- Revised MUSIC model to be compatible with final design detail;
- A maintenance schedule.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:
i. A completed application form;

ii. Four copies of the design plans and specifications;

iii. Payment of the applicable application and inspection fees.

The purpose of temporary basins is to ensure there is no impact downstream between the pre-development and post development conditions, both with respect to the volume and quality of runoff, for a range of storm events. The cost of removing these basins/ rain gardens and all associated pits and pipes must be determined at the detailed design stage, with a bond for 150% of the cost of these works submitted to ensure this occurs when the regional basins are installed by Council. The bond amount must be confirmed with Council prior to payment.

The design of the basins must incorporate appropriate batter and stabilisation methods to be recommended by the geotechnical engineer in consultation with Council’s Construction Engineer.

x. Stormwater Drainage – Pipe Extension

New kerb inlet pits must be provided in Alan Street fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

xi. Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the NSW Office of Water (as well as Sydney Water, in the case of stormwater management land).

32. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of INSERT is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (INSERT) multiplied by the width of the road (INSERT).

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

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

33. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is $10,000.00. The bond amount must be confirmed with Council prior to payment.

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

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

34. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:
a) Be in favour of The Hills Shire Council;
b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
c) Have no expiry date;
d) Reference the development application, condition and matter to which it relates;
e) Be equal to the amount required to be paid in accordance with the relevant condition;
f) Be itemised, if a single security bond is used for multiple items.
Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

35. Draft Legal Documents
Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

PRIOR TO WORK COMMENCING ON THE SITE

36. Principal Certifying Authority
A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

37. Builder and PCA Details Required
Notification in writing of the builder’s name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

38. Management of Building Sites – Builder’s Details
The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

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

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

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water’s requirements, the building plans will be stamped indicating that no further requirements are necessary.

40. Approved Temporary Closet
An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.
41. Stabilised Access Point
A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

42. Protection of Existing Trees
The following activities are restricted within the Tree Protection zone of tree located on the neighbouring property:
- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

43. Trenching within Tree Protection Zone
Trenching for installation of proposed retaining wall within the Tree Protection Zone of trees located on neighbouring properties is to undertaken by hand and under the supervision of a project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

44. Demolition Works and Asbestos Management
The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

45. Discontinuation of Domestic Waste Service
Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner or site manager must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Construction and/ or demolition workers are not permitted to use Council’s domestic waste service for the disposal of any waste. Please telephone Council on (02) 9843 0310 for the discontinuation of waste services.

46. Traffic Control Plan
A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.
A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

**47. Erection of Signage – Supervision of Work**

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

a) The name, address and telephone number of the Principal Certifying Authority;

b) The name and telephone number (including after hours) of the person responsible for carrying out the works;

c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

**48. Contractors Details**

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than $10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

**49. Sediment and Erosion Control**

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

**50. Public Infrastructure Inventory Report**

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

a) Planned construction access and delivery routes; and

b) Dated photographic evidence of the condition of all public assets.

**DURING CONSTRUCTION**

**51. Hours of Work**

Work on the project to be limited to the following hours: -

**Monday to Saturday - 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

**52. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:
• Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;

• All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and

• All stockpiles of materials that are likely to generate dust must be kept damp or covered.

53. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 631005M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application may be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application will be required for a BASIX Certificate with a new number.

54. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

55. Filtration Motor Noise

The sound pressure level of the swimming pool filter and pump equipment shall not exceed (at the boundary) a level greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997. If the noise of the filter causes a nuisance to the occupiers of adjacent dwellings, the swimming pool filter and pump shall be fully enclosed in an enclosure to attenuate noise emitted by the swimming pool equipment.

56. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

57. Swimming Pool Safety Fencing

It should be noted that any steps, retaining walls, objects (for example – planter boxes, pump enclosures and the like) or level changes that would otherwise reduce the height of the barrier within a property shall not be located within 500mm of the barrier.

58. Resuscitation Warning Notice
In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:
(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
and
(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
and all other details required by the Regulation.

59. Pool not to be Filled Until Occupation
The pool is not to be filled with water until the dwelling is occupied.

60. Contamination
Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council’s Manager- Environment and health is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land.

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

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

62. Rock Breaking Noise
Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council’s Manager – Environment and Health within seven (7) days of receiving notice from Council.

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

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

65. Critical Stage Inspections – Engineering Works
The subdivision works must be inspected by Council in accordance with the schedule included in Council’s Works Specification Subdivisions/ Developments. A minimum of 24 hour’s notice is required for inspections. No works are to commence until the first inspection has been carried out.
PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

66. **Landscaping Prior to Issue of Occupation Certificate**
Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

70. **Design Verification Certificate**
Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

71. **Landscaping Prior to Issue of Occupation Certificate**
Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

72. **Registration of Swimming Pool/Spa**
Prior to issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

73. **Internal Pavement Construction**
Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

74. **Final Inspection of Bin Store**
Prior to an Occupation Certificate being issued, a final inspection of the bin store and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council’s design
specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority’s suggested appointment time.

75. Agreement for Onsite Waste Collection
Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

76. Subdivision Certificate Application
When submitted, the Subdivision Certificate application must include:

a) Three copies of the final plan.

b) The original administration sheet and Section 88B instrument, along with one copy of each.

c) All certificates and supplementary information required by this consent.

d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

77. Public Road Dedication
An Occupation Certificate must not be issued until the proposed public road has been dedicated at no cost to Council in accordance with the undertaking submitted relating to dedication of proposed road 1 annotated in the approved architectural drawings.

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

79. Works as Executed Plans
Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council’s Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

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

a) Works as executed plans prepared on a copy of the approved plans;

b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;

c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

81. Pump System Certification
Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.
82. **Water Sensitive Urban Design Certification**

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

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

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

83. **Confirmation of Pipe Locations**

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

84. **Stormwater CCTV Recording**

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

85. **Public Asset Creation Summary**

A public asset creation summary must be submitted with the WAE plans. A template is available on Council’s website.

86. **Performance/ Maintenance Security Bond**

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

87. **Public Infrastructure Inventory Report - Post Construction**

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

88. **Security Bond – Temporary Turning Head**

A $20,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

89. **Creation of Restrictions / Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council’s standard recitals must be used.
i. Dedication – New Road
The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication of proposed road 1.

ii. Easement – Temporary Public Access
A temporary public access easement must be created within the development over the temporary cul-de-sac turning head using the “temporary public access easement” terms included in the standard recitals.

iii. Easement – Public Stormwater Drainage
Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council’s Design Guidelines Subdivisions/Developments.

iv. Easement – Private Stormwater Drainage
Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council’s Design Guidelines Subdivisions/Developments.

v. Restriction – Rainwater Tanks
All residential lots must be burdened with a restriction using the “rainwater tanks” terms included in the standard recitals.

vi. Restriction – Bedroom Numbers
All lots that contain a new dwelling home/attached dwelling must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

vii. Restriction/Positive Covenant – Onsite Stormwater Detention
The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

viii. Restriction/Positive Covenant – Water Sensitive Urban Design
The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

ix. Positive Covenant – Stormwater Pump
The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Zoning and DCP Road Layout Plan
5. Site Plan
6. Elevations
7. Sections
8. DCP Road Relocation Plan
9. Perspectives
10. Advice from TransGrid
ATTACHMENT 2 – AERIAL PHOTOGRAPH
ATTACHMENT 4 – ZONING PLAN AND DCP ROAD LAYOUT

[Image of a zoning plan and DCP road layout map showing various land use zones and road networks.]

Scale: 1:4,188
Date: 6/11/2015
Prepared for:
Prepared by:

Copyright of 2012 Aerial Imagery is with Idexx Pty Ltd (Unilic). Lisenced Third party supplier of 2014 aerial and laser scanned imagery.
ATTACHMENT 8 – DCP ROAD RELOCATION PLAN
view from south-west

view from south-east
view from north
Training, Logistics and Property
Telephone: (02) 9620 0104
Your Reference: DA 1631/2015/JP

26 October, 2015

The General Manager
The Hills Shire Council
PO Box 7084
BAULKHAM HILLS BC, NSW 2153
Attn: Robert Bucakham

Dear Mr Buckham

Re: Development Application DA 1631/2015/JP – 4 Alan Street, Box Hill (Lot 122 in DP 11104)

We refer to The Hills Shire Council’s referral of the abovementioned Development Application (DA) in accordance with regulation 45 of SEPP (Infrastructure) 2007. TransGrid notes that development will entail construction of 93 apartments and the formation of a road.

TransGrid owns and operates the NSW high voltage transmission line network, being State significant infrastructure. The subject land is restricted by TransGrid’s 60.96 metre wide transmission line easement that accommodates the following infrastructure:

- Sydney West – Sydney North No2 330KV (Feeder 14, Structure 34 - 35)

Attached is a plan from the TransGrid Asset Management Information System (TAMIS) identifying the subject land along with our registered land interests.

TransGrid has reviewed the proposed development and determined that it is conditionally acceptable subject to the following provisions:

1) No structures such as outdoor art and fitness stations are to be installed within TransGrid’s easement, as TransGrid does not endorse nor encourage people to congregate on the easement and/or under the transmission lines.

2) All vegetation and landscaping proposed within TransGrid’s easement should be kept to a minimum and must not exceed a mature height of 3 metres.

3) TransGrid’s access to our easement must be maintained at all times, including during the construction period.
4) No mounds of earth or other materials may be formed or left on the easement above existing ground levels, even on a temporary basis, as doing so creates a hazard that effectively reduces the vertical clearances to the transmission lines.

5) During construction, traffic control measures must be implemented to prevent vehicles colliding with TransGrid's high voltage transmission line.

6) Temporary fencing panels must be earthed and every second panel isolated from the next pair. Please contact TransGrid in the event of any uncertainty.

7) Height restrictors must be applied to cranes, back-hoes, elevated work platforms plus any other plant and equipment proposed to operate on the easement that is capable of exceeding the 4.2m height restriction.

8) All works will need to be carried out in accordance with the NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006. Please also refer to the accompanying TransGrid Easement Guidelines for Third Party Development and contact TransGrid in the event of any uncertainty.

9) TransGrid requests notification before construction work commences. This is to ensure a TransGrid Easement Officer can brief the developer and their contractor of the key high voltage transmission line safety issues before construction work commences.

10) TransGrid requests formal notification for any further development on the subject land (including fencing, detention basin's or lighting etc) in order to assess and determine whether it complies within our easement restrictions. TransGrid's prior written consent is required for any proposed encroachment of our transmission line easement.

Subject to the abovementioned provisions, this letter serves as TransGrid's conditional formal approval for (DA 1631/2015/JP).

Thank you for consulting with TransGrid in respect of this matter and should you have any queries, please feel free to contact the undersigned on (02) 9620 0104.

Yours sincerely,

Skye Shanahan
Property Enquiries Coordinator | Training, Logistics and Property

End.
**ITEM-4**

**JRPP REPORT - DA 159/2016/JP**  
(Sydney West Region)

<table>
<thead>
<tr>
<th><strong>JRPP No</strong></th>
<th>2015SYW140</th>
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<tbody>
<tr>
<td><strong>DA Number</strong></td>
<td>159/2016/JP</td>
</tr>
<tr>
<td><strong>Local Government Area</strong></td>
<td>THE HILLS SHIRE COUNcil</td>
</tr>
<tr>
<td><strong>Proposed Development</strong></td>
<td>SHOP TOP HOUSING, RETAIL SPACE, PARKING AND LANDSCAPING. THE APPLICATION INCLUDES 162 RESIDENTIAL UNITS, 30 BUSINESS/RETAIL TENANCIES AND PARKING FOR 610 VEHICLES.</td>
</tr>
<tr>
<td><strong>Street Address</strong></td>
<td>LOT 13 DP 833069 – NO. 332-334 ANNANGROVE ROAD, ROUSE HILL</td>
</tr>
<tr>
<td><strong>Applicant/Owner</strong></td>
<td>ABAX CONTRACTING PTY LTD</td>
</tr>
<tr>
<td><strong>Number of Submissions</strong></td>
<td>TWO (1 IN SUPPORT, 1 OBJECTION)</td>
</tr>
</tbody>
</table>
| **Regional Development Criteria**  
(Schedule 4A of the Act) | GENERAL DEVELOPMENT WITH A CIV OF OVER $20 MILLION |
| **List of All Relevant s79C(1)(a) Matters** | - List all of the relevant environmental planning instruments: s79C(1)(a)(i)  
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development  
- State Environmental Planning Policy (State and Regional Development) 2011  
- State Environmental Planning Policy Infrastructure 2008  
- State Environmental Planning Policy No 55 — Remediation of Land  
- The Hills Local Environment Plan 2012  
- List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)  
- Nil  
- List any relevant development control plan: s79C(1)(a)(iii)  
- DCP 2012 Part B Section 6 – Business  
- DCP 2012 Part B Section 7 - Industrial  
- DCP 2012 Part C Section 1 – Parking  
- DCP 2012 Part C Section 3 – Landscaping  
- List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)  
- Nil |
The development application is for a Shop Top Housing development, Retail space, parking and landscaping. The application includes 162 residential units, 30 business/retail tenancies and parking for 610 vehicles.

The subject site is zoned B6 Enterprise Corridor under The Hills Local Environmental Plan 2012. The proposal does not meet the definition of shop top housing. The residential component of the proposal does not entirely sit directly above the retail/business component of the development and the building fronting Annangrove Road contains ground floor residential accommodation. A shop top housing development is defined in LEP 2012 as “one or more dwellings located above ground floor retail premises or business premises”. Each of the four residential buildings are partly located above large residential storage areas, residential garbage rooms, loading docks and retail parking. The development also does not provide for active ground level street frontages which are typical characteristics of shop top housing development particularly the building fronting Annangrove Road, which presents as a residential flat building when viewed from Annangrove Road.

In addition concern is raised with the ground floor which incorporates 30 separate business / retail tenancies ranging in areas from 100m$^2$ to 889m$^2$. The development application does not seek consent to the use of the individual tenancies. In the B6 Enterprise Corridor Zone business premises and office premises are permitted. Retail premises, with the exception of neighbourhood shops (which are limited to a floor area of 100m$^2$) are prohibited in the zone. As such concern is raised with the intended use of the ground floor and the associated economic impacts of providing floor space surplus to any realistic demand.

In addition to the current LEP issues above, a Council initiated planning proposal which in part seeks to prohibit shop top housing in the B6 Enterprise Corridor zone was adopted by Council on 28 July 2015 (the same day the subject application was lodged). The proposed amendments to the LEP have now been forwarded to the Department of Planning and Environment for finalisation.

The purpose of the prohibition of shop top housing and the associated objective is to minimise potential land use conflicts between residential and employment uses in the B6
Enterprise Corridor zone. The prohibition of shop top housing will also address the misuse of this term where applicants seek to provide significant residential densities in commercial / industrial areas well beyond the scope of what was intended for shop top housing and where significant residential densities were neither anticipated nor required. The amendment is considered imminent and certain.

Concern is raised that a site containing 162 residential units in a B6 Enterprise Corridor zone will inhibit investment in, and the development of adjoining land for, industrial and commercial purposes due to land use conflict concerns. Concerns are also raised regarding the impact of odour on proposed residential units on the site due to its proximity to Sydney Water’s sewage treatment plant off Mile End Road. The applicant has submitted odour assessment but the assessment is considered inadequate both by Sydney Water and by Council’s health staff. The information provided is insufficient. A phase 2 Odour assessment has been requested.

During the notification period one submission was received in support and one objection from Sydney Water which identifies that residential uses within the buffer area are not supported. This plant is likely to expand in the future and the buffer area protects Sydney Water’s ability to service the area. Critical infrastructure should be protected to service the planned growth for the North West Growth Centre and North West Rail Link Corridor.

A Class 1 appeal has been lodged in the NSW Land and Environment Court against the deemed refusal of the application.

The application is recommended for refusal.

**BACKGROUND**

<table>
<thead>
<tr>
<th>Owner: Abax Contracting Pty Ltd.</th>
<th>1. LEP 2012 – Unsatisfactory.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning:</strong> B6 Enterprise Corridor and SP2 Infrastructure (Local Road Widening)</td>
<td>2. Draft LEP – Prohibited.</td>
</tr>
<tr>
<td><strong>Area:</strong> 2.69Ha</td>
<td>3. The Hills DCP 2012 – Satisfactory.</td>
</tr>
<tr>
<td><strong>Existing Development:</strong> Vacant</td>
<td>4. Section 79C (EP&amp;A Act) – Unsatisfactory, see Report.</td>
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<td></td>
<td>5. SEPP Building Sustainability Index BASIX 2004 – Satisfactory.</td>
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<tr>
<td></td>
<td>7. SEPP 65 Design Quality of Residential Flat Buildings – Unsatisfactory.</td>
</tr>
<tr>
<td></td>
<td>SEPP Infrastructure 2007 – Satisfactory.</td>
</tr>
<tr>
<td></td>
<td>8. Section 94 Contribution - $3,235,691.95</td>
</tr>
</tbody>
</table>
SUBMISSIONS | REASONS FOR REFERRAL TO JRPP
---|---
1. Exhibition: Yes, 31 days | 1. Capital Investment Value (CIV) exceeds $20 million.
2. Notice Adj Owners: Yes, 31 days | |
3. Number Advised: 24 | |
4. Submissions Received: Two (1 in support 1 objection) | |

HISTORY

09/12/2014 | Council resolved to exhibit a (Council initiated) planning proposal which in part sought to prohibit shop top housing in the B6 Enterprise Corridor zone.
05/03/2015 | Gateway determination issued.
09/12/2014 | Council resolved to exhibit the planning proposal, draft Development Control Plan amendments and draft Public Domain Plan for the North Rocks Employment Precinct.
12/06/2015 | Prelodgement meeting held. The applicant was advised that the proposed development was not supported.
28/07/2015 | Council adopted a (Council initiated) planning proposal which in part sought to prohibit shop top housing in the B6 Enterprise Corridor zone. The planning proposal has now been forwarded to the Department of Planning and Environment for finalisation.
28/07/2015 | Subject Development Application Lodged.
28/08/2015 | Briefing of Joint Regional Planning Panel and site inspection.
08/10/2015 | Letter sent to applicant identifying issues related to the draft LEP amendment being imminent and certain, permissibility, economic impacts, landscaping, acoustics, odour, flora and fauna servicing, and engineering matters. The applicant was advised to withdraw the development application or have the application determined based on the submitted information.
08/10/2015 | General Terms of Approval received from Office of Water.
16/11/2015 | Class 1 application lodged with the Land and Environment Court.

PROPOSAL

The development application is for a shop top housing development. The development will consist of 30 business/retail tenancies within a ground level and 162 dwellings within 4 residential blocks. The development will be provided with car parking areas within 2 basements and a ground level open parking area from Withers Road.
Retail / Business
The ground floor of the development will consist of 30 separate business / retail tenancies ranging in areas from 100m$^2$ to 889m$^2$. The development application does not seek consent to the use of the individual tenancies.

Residential
The residential component of the development includes 4 residential blocks each 5 stories in height. The proposed residential blocks will contain a total of 162 units comprising 30 x 1 bed, 96 x 2 bedroom and 36 x 3 bedroom units.

Parking
Off street parking is provided for all residential units within the basement levels. A total of 610 spaces are proposed, as follows:
- 312 spaces for residents;
- 38 spaces for residential visitors; and
- 260 customer staff spaces.

The proposal is defined as ‘Integrated Development’ under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Office of Water under the Water Management Act 2000.

ISSUES FOR CONSIDERATION

1. Compliance with The Hills Local Environment Plan 2012

(i) Permissibility

Shop Top Housing Definition
LEP 2012 defines Shop Top Housing as follows:

“One or more dwellings located above ground floor retail premises or business premises”

Shop-top housing is currently permitted in the B6 Enterprise Corridor Zone, however it is considered that the proposal does not meet the definition of shop top housing. The residential component of the proposal does not entirely sit directly above the retail/business component of the development and the Building fronting Annangrove Road contains ground floor residential accommodation. As stated above, a shop top housing development is defined in LEP 2012 as “one or more dwellings located above ground floor retail premises or business premises”. Each of the four residential buildings are partly located above large residential storage areas and garbage rooms. The development also does not provide for active ground level street frontages which are typical characteristics of shop top housing development particularly the building fronting Annangrove Road, which presents as a residential flat building when viewed from Annangrove Road.

In Hrsto v Canterbury City Council (No 2) [2014] NSWLEC 121, Canterbury City Council successfully argued that the part of the development proposed that contained ‘residential accommodation’ on the ground floor level of the building could not be characterised as ‘shop top housing’.

The subject proposal contains residential units on the ground floor which are located above basement retail parking and therefore does not provide for active ground level street frontages which are typical characteristics of shop top housing development.
In contrast, the subject proposal in part provides residential levels above subterranean retail premises and parking. In this regard, it is considered that the proposal fails the test of shop top housing.

**Retail and Business Uses**

The ground floor incorporates 30 separate business / retail tenancies ranging in areas from 100m$^2$ to 889m$^2$. The development application does not seek consent to the use of the individual tenancies. In the B6 Enterprise Corridor Zone business premises and office premises are permitted. Retail premises, with the exception of neighbourhood shops which are limited to a floor area of 100m$^2$ are prohibited in the zone. As such concern is raised with the intended use of the ground floor and the associated economic impacts of providing floor space above any realistic demand.

**(ii) Objectives of the Zone**

The current objectives of the B6 Enterprise Corridor zone in LEP 2012 are as follows:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development

It is considered that the proposal is inconsistent with objectives 1 to 3. It is noted that objective 4 is proposed to be deleted as part of Council adopted planning proposal which in part seeks to prohibit shop top housing in the B6 Enterprise Corridor zone. The planning proposal has now been forwarded to the Department of Planning and Environment for finalisation.

It is considered that the uses proposed within the development will create land use conflicts between residential and employment uses within the subject site and in the B6 Enterprise Corridor zone. The development application provides a development that is primarily focussed on housing and will degrade opportunities for commercial and industrial business investment in the locality given the potential for land use conflict will be significantly increased.

**(iii) Development Standards**

The following addresses the relevant principal development standards of the SEPP:

<table>
<thead>
<tr>
<th>CLAUSE</th>
<th>REQUIRED</th>
<th>PROVIDED</th>
<th>COMPLIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Minimum Lot Size</td>
<td>4,000m$^2$</td>
<td>2.69Ha (Existing)</td>
<td>Yes</td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td>16 metres</td>
<td>16m</td>
<td>Yes</td>
</tr>
<tr>
<td>4.4 Floor space ratio</td>
<td>1:1</td>
<td>0.97:1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**(iv) Other LEP Provisions**

The proposal has been considered against the relevant provision of the SEPP. Specific regard has been given to Clauses:
• 5.1 Relevant acquisition authority;
• 5.1A Development on land intended to be acquired for public purposes;
• 5.4 Controls relating to miscellaneous permissible uses;
• 5.9 Preservation of trees or vegetation;
• 6.2 Public utility infrastructure; and
• 7.2 Earthworks

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses with the exception of Clause 5.4 relating the floor area of neighbourhood shops and 6.2 relating to servicing.

Clause 5.4 of the LEP limits the floor area of ‘neighbourhood shops’ to 100m². In the B6 Enterprise Corridor Zone business premises and office premises are permitted. Retail premises, with the exception of neighbourhood shops which are limited to a floor area of 100m² are prohibited in the zone. The ground floor incorporates 30 separate business / retail tenancies ranging in areas from 100m² to 889m². The development application does not seek consent to the use of the individual tenancies.

Clause 6.2 of the LEP requires that ‘adequate arrangements’ have been made for the proposed development for servicing. It is noted that no specific correspondence has been submitted from Sydney Water or Endeavour Energy in relation to serving the proposed development. Please provide advice demonstrating adequate arrangements have been made in relation to servicing.

2. Draft LEP

On the day that the application was lodged (28 July 2015) Council adopted a (Council initiated) planning proposal which in part seeks to prohibit shop top housing in the B6 Enterprise Corridor zone. The planning proposal has now been forwarded to the Department of Planning and Environment for finalisation.

The purpose of the proposed prohibition of shop top housing and the associated objective is to minimise land use conflicts between residential and employment uses in the B6 Enterprise Corridor zone. The prohibition of shop top housing will ensure that the focus of the B6 Enterprise Corridor zone is on employment rather than housing and will further support commercial and industrial business investment in these areas since potential for land use conflict will be significantly reduced.

The making of the draft instrument should therefore be considered imminent and certain and therefore the application cannot be supported.

3. Economic Impact

The development application is not supported by an economic report and does not address Council’s hierarchy of centres as detailed in the Centres Direction, nor the impacts on existing retail development in the area, including the Rouse Hill village shops location at Mile End Road and Windsor Road. The permissibility of the proposed retail components are also questionable. Further specific details regarding the permissibility of the uses are have been requested.

The application states that “the proposed development will not affect the economic strength of established retail centres in the locality, such as the Rouse Hill Town Centre. The proposed development will provide services for the day to day needs of nearby residents, rather than to provide businesses in competition with nearby retailers”. The application advises that it “will have a positive social and economic impact in the locality of Rouse Hill. The development would see a substantial increase in the local population which will in turn support local service providers and businesses, as well as supplementing those services with a further 30 business / retail tenancies”.

PAGE 158
An objective of the B6 Enterprise Corridor zone is to maintain the economic strength of centres by limiting retail activity. In providing 30 retail / business tenancies ranging in size from 100m$^2$ – 889m$^2$, the subject development will effectively constitute a local centre and is beyond the scope of the envisaged retail potential of a B6 Enterprise Corridor zone, particularly in a single location. The development will have direct impacts on the operations of nearby retail developments such as the Rouse Hill village shops, which are located less than 2kms from the site. Furthermore, land zoned B2 Local Centre in the Box Hill release area to the north which is yet to be developed is located only 830m from the site.

A Key Direction of the Centres Direction is to improve the functioning and viability of existing centres (C4) and includes guiding, facilitating and promoting the revitalisation and redevelopment of existing centres. The Centres Hierarchy provides a framework for the scale, location and objectives of centres. This approach ensures that the population has access to centres that meet their needs. A centres hierarchy is important for the achievement of orderly and sustainable development throughout the Shire, and the development of centres that are appropriate in scale and design for their location. It aims to achieve centres that are vibrant, viable and diverse, with minimal impacts on surrounding land uses.

The development is inconsistent with Council’s Centres Direction and centres hierarchy and therefore has the potential to undermine the existing and planned centres in the locality.

LEP 2012 prohibits retail premises as a group term in the B6 Enterprise Corridor zone together with shops, providing a reasonable indication of the intended role of retail functions in employment areas as opposed to designated retail centres. The zone does permit neighbourhood shops, office premises and business premises in addition to food and drink premises. The purpose of a neighbourhood shop is to provide for the day to day needs of people who live or work in the local area and is not to exceed 100m$^2$ in size. It is noted that the smallest tenancy proposed is 100m$^2$. A business premises is intended for occupations to provide a service directly to members of the public and includes such activities as banks, post offices etc. Such services are generally well distributed throughout employment and retail areas rather than concentrated in a single complex of multiple tenancies. The proposed retail component of the development, in terms of the number of shops is considered to be well beyond the intended role of business and neighbourhood shop services in employment areas and inconsistent with the objectives of the B6 Enterprise Corridor zone.

The development is inappropriate for this location. The proposed uses are inconsistent with the intentions for B6 zoned land provided in the zone objectives.

4. **Compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)**

A Design Verification Statement has been prepared. This statement has addressed the nine (9) matters for consideration under SEPP 65 and the Apartment Design Guidelines. Concern is raised that the proposal fails to appropriately consider the following Principles of SEPP 65:

- Principle No. 1 – Context and Neighbourhood Character;
- Principle No. 2 – Built Form and Scale;
- Principle No. 3 – Density; and
- Principle No. 6 – Amenity
The proposal does not provide a development that responds to the desired future context and character of the locality. The development seeks to provide a built form that will respond to the Enterprise Corridor and instead provides a de-facto local centre that will adversely impact upon the existing and future Rouse Hill Town Centre and Rouse Hill Village. The site will be unable to sustain the proposed population due to limited infrastructure, public transport and access to local services. The proposal will result in poor amenity for residents being located within a site containing numerous business tenancies, and open carpark and will result in undesirable odour impacts associated with Sewerage Treatment Plant given the location and design of the proposal.

5. **Compliance with The Hills DCP 2012**

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

- Part B Section 6 – Business
- Part B Section 7 – Industrial (Edwards Road Precinct)
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping

DCP Part B Section 5 Residential Flat Buildings does not apply to the development. The proposal is a 'shop top housing' development and therefore provisions of this section of the DCP do not apply based on the provisions of Part 1.1 which provides:

"This Section of the DCP applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) 2012, residential flat buildings are a permissible use.

As residential flat buildings are not permitted in the B6 zone this section of the DCP does not apply.

Although the proposal is generally not supported the development achieves compliance with the relevant requirements of the DCP.

6. **SEPP 55 - Remediation of Land**

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

"(1) A consent authority must not consent to the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

The application has identified that a further contamination assessment is recommended by their consultant Compaction & Soil Testing Services Pty Ltd (CSTS) in report (Doc Ref 166-E1036-AA) dated June 2015. Given the findings in terms of contamination, minor remediation is likely.
7. **Issues Raised in Submissions**

The application has been exhibited and notified to adjoining property owners. Two submissions were received. One submission was received in support of the application. The submission identified that the application was enterprising and positive for the area.

An objection was also received from Sydney Water who are an adjoining land owner and operate Rouse Hill Waste water Recycling Plant. Their comments are included below:

**Sydney Water Comments**

Sydney Water does not support residential development within close proximity of the Rouse Hill Wastewater Recycling Plant (WRP).

Between 2008 and 2010, Sydney Water worked with The Hills Shire Council to develop and agree upon compatible land use zonings for the buffer around the existing plant. The subject site is within this agreed buffer area. The buffer zone agreed to is bounded by:

- Annangrove Road
- Withers Road
- Mile End Road, and
- a line extending from the junction of Annangrove Road and Edward Road and the junction of Second Ponds Creek and the yet unformed Hillview Road (northern end of Mile End Road)

In terms of the accuracy of the odour assessment submitted by the proponent, we note that separate modelling has not been carried out and that the assessment relies upon 2005 historical data provided by Sydney Water in relation to measured odour emissions for the existing plant and wind data. The assessment concludes that adverse odour impacts are not likely and even if they do occur, a complaint is unlikely. Sydney Water is concerned that the proposed residential use is not compatible with the adjacent plant and will most likely result in complaints given our experience in other parts of Sydney. Sydney Water's Rouse Hill Water Recycling Plant (WRP) is critical infrastructure which provides essential wastewater and recycled water services to homes and businesses in Bella Vista, Kellyville, Kellyville Ridge, Rouse Hill, Stanhope Gardens and The Ponds. The plant also services parts of the North West Growth Centre and North West Rail Link renewal corridor. Population growth within the plant's catchment is predicted to increase substantially. Considering current forecasts, the WRP will require amplification within 5 to 10 years. Given the critical and strategic importance of the Rouse Hill WRP and our focus on maintaining compatible uses within close proximity of the plant, Sydney Water believes that the proposed development is inappropriate and therefore we object to the proposal.

**NSW OFFICE OF WATER**

The application includes works within 40 metres of defined watercourses namely Second Ponds Creek. The Office of Water’s comments are included at Attachment 7. No objection was raised.

**ROADS & TRAFFIC AUTHORITY COMMENTS**

The application was referred to Roads & Traffic Maritime Services in accordance with Schedule 3 of SEPP Infrastructure 2007. No objection was raised to the proposed development.
NSW POLICE

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected.

SUBDIVISION ENGINEERING COMMENTS

The proposal has been assessed by Council’s Subdivision Engineer. Additional information has been requested from the applicant to address.

- A subdivision plan has not been provided and is required as the development includes creation of a lot for future acquisition. The layout of the future road lot will likely require discussion with the RMS as the road widening in this area is believed to be for bus lane/ bus stop.

- The swept turning paths provided for the HRV’s are all on one drawing and as a result are unclear. The following swept turning paths for the HRV are required:
  - Two HRV’s crossing paths at the corner of the service road (use different colours for different vehicles)
  - An HRV utilising each of the turning bays with another HRV in the adjacent loading bay(s)
  - An HRV entering and exiting a loading bay
  - An HRV entering and exiting the site from Withers Rd

- Where swept turning paths overlap and are not required to be shown on the same drawing, separate drawings are to be provided.

- The car parking spaces are to be clearly marked as either residential, visitor, retail or disabled. Typical dimensions for each use is to be provided and is to be in accordance with AS 2890.1 and AS 2890.6.

- Council’s Parking DCP notes that ‘In larger developments loading and delivery areas should operate independently of other parking areas’ (See Section 2.9). Technically both car parking areas which are accessed via the service road are non-compliant. Considering the ‘Retail Staff Parking’ area is an isolated area away from truck movements this area can be accepted however the 14 ‘Staff Parking’ spaces which are along the service road are not supported and are to be removed.

- No stormwater plan has been provided and is required.

- The stormwater plans should show the on-site infiltration system which has been nominated as part of the WSUD measures being implemented.

TRAFFIC MANAGEMENT COMMENTS

No objection is raised to the proposal on traffic grounds.

TREE MANAGEMENT COMMENTS

A Tree Management Statement or Arboricultural impact Report is to be prepared by a suitably qualified Australian Qualification Framework Level 5 Arborist. This must address the impact of the proposal on neighbouring trees, including those that form part of Cumberland Plain Woodland along the road verge of Withers Road. The following information should be provided:
- Identify all existing trees including species, condition, height and spread;
- Identify whether trees are to be removed, replanted or retained; and
- Details of how those trees to be retained will be protected during construction.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

Odour
The application was notified to Sydney Water given the site’s proximity to the Rouse Hill Water Recycling Plant. Sydney Water’s comments are attached for your review. Council staff concur with the comments provided by Sydney Water.

The report prepared by Pacific Environmental Limited dated 26 July 2015 provides revised 2005 modelling results based on meteorological inputs alone. This is not a sufficient assessment of the current odour emissions from the Rouse Hill WWTP.

A Level 2 Impact Assessment is requested in compliance with Approved Methods for the Modelling and Assessment of Air Pollutions in New South Wales by the Department of Environment and Conservation (August 2005) is to be prepared. The assessment is to take into consideration the height of the development.

Salinity
The Desktop Review of Site Contamination Status (Ref: 166-E1036-AA) prepared by C.S.T.S. dated June 2015 states that discrete samples taken onsite were analysed for heavy metals as well as salt content to determine the salinity classification of the site, however no results were discussed relating to salinity.

The Salinity Potential in Western Sydney 2002 Map by the Department of Infrastructure, Planning and Natural Resources (March 2003) indicates the site may have a high salinity potential. A salinity assessment is to be undertaken to identify the salt content within the depths of the proposed basement car parks and recommendations are to be made accordingly.

Acoustic Assessment
A review of the acoustic assessments prepared by Atkins Acoustic & Associates Pty Ltd (Ref: 45.7000.R1.Rev00:CFCD7 & 45.7000.R2.Rev00:CFCD7) dated 27 July 2015. A number of matters that have not been adequately addressed.

Road Traffic Noise Assessment (45.7000.R1.Rev00:CFCD7)
The Road Traffic Noise Assessment rightfully assesses the impact of road traffic noise on the proposed residential dwellings however does not take into consideration the following noise sources onsite that could also contribute to offensive noise;

- Vehicle movements (including starting vehicles and opening/closing doors) within the retail car parking area, and
- Truck movements within the 6 separate loading docks (including noise generated by reversing beepers).

No noise predictions or attenuation methods have been provided with relation to the above noted noise sources. The predicted Nosie levels from such noise sources are to be assessed and, for design purposes, recommendations on the methods of attenuation to satisfy the following internal noise levels for the apartments is required;

(a) In any bedroom in the building: 35dB(A) at any time between 10:00pm and 7:00am;
(b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.
Loading Docks and Retail Carpark Hours of Operation

No details have been provided with respect to the proposed hours of operation for the loading docks and the retail car park. Council staff are aware that the occupancies of the retail units is unknown, however the acoustic consultants are able to model the impact of noise sources generated onsite in a ‘worst case scenario’ capacity.

For example, 2 ‘mini major’ stores may require regular deliveries by heavy rigged vehicles and waste collection by contractors is a noise source that will also need to be considered. The noise levels predicted may restrict the times the loading docks and the retail carpark is utilised.

Loading Dock and Carpark Access Plan of Management

Information is required to be submitted to address access issues to the loading dock so as to ensure that trucks cannot enter the loading dock after the approved hours. Details of the mechanism proposed to block access to the loading dock is required to be submitted as well as a plan of management for ensuring the loading dock is run according to the approved hours of operation.

Site Noise Exposure Assessment (Ref: 45.7000.R1.Rev00:CFCD7)

The difficulty in assessing the potential noise impacts to the site from surrounding sites is that a number of the surrounding rural blocks are currently vacant. Given the site is zoned IN2 light industrial, noise generating activities are likely to be permitted in the zone. The noise generated by such activities cannot be predicted as it is unknown what they will be.

A review of the noise exposure from surrounding land uses has been undertaken and deemed acceptable by the acoustic consultant. However I raise concern with the aural observation confirming that a consistent ‘pump/aeration/blower’ and ‘water flow’ was audible at approximately 120m from the Rouse Hill Water Recycling Plant. I feel that this may be a contributing factor to the uncharacteristically high background noise readings recorded by the acoustic consultant. Furthermore, should this plant increase in size in the future this may have an impact on the residents.

Predicted Noise Levels Produced by Cafes/ Restaurants on site

It would be prudent to assume that one or more of the retail units will be occupied by late night operating food premises. Given the close proximity of balconies to the open carpark and possibly outdoor seating areas, consideration is to be made to the predicted noise levels from businesses operating late at night.

Should the applicants not wish to consider late night operations, then a general condition restricting business to operate till 10pm can be added to the consent if the application is seen as favourable.

Irrespective, the applicant is to provide comments with regards to the impact late night trade may have on the residents and whether further attenuation methods are required.

Mechanical Plant/s

The submitted plans do not indicate the locations of the mechanical plant and thus the acoustic consultant has not assessed the likely noise impact. Noise attenuation methods may be required to ensure the plant does not cause a noise nuisance. As a result further information on the location of the mechanical plant is required and noise attenuation recommendations are to be provided if required.
Internal Residential Noise Levels

The applicant is to provide comments confirming that the design of the development will be acoustically treated where necessary so as to achieve the following noise levels:

(a) In any bedroom in the building: 35 dB(A) at any time between 10:00pm and 7:00am;
(b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40 dB(A) at any time.

Details on materials to be utilised for noise attenuation, where recommend, is to be provided.

RESOURCE RECOVERY COMMENTS

No objection is raised to the proposal.

NSW POLICE COMMENTS

No objection is raised to the proposal.

CONCLUSION

The application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered unsatisfactory.

The proposed development is considered to be inconsistent with the objectives of the zone and does not meet the intent of shop top housing as defined in the LEP. The development does not provide for active frontages such as retail uses which is required in shop top housing development at street level.

Accordingly, the application is recommended for refusal

IMPACTS:

Financial

Costs will be incurred as the applicant has lodged an appeal with the NSW Land and Environment Court.

The Hills Future - Community Strategic Plan

The social and environmental impacts have been identified and addressed in the report. The proposal conflicts with the development objectives of the LEP and Business and Parking DCP. It is considered unsatisfactory with regard to The Hills Future Community Strategic Plan.

RECOMMENDATION

The Development Application be refused on the following grounds:
1. The proposal does not satisfy the definition of shop top housing nor the objectives of the B6 Enterprise Corridor zone as provided in The Hills Local Environmental Plan 2012. The residential component of the proposal does not sit truly above the retail component. Shop top housing is defined in LEP 2012 as “one or more dwellings located above ground floor retail premises or business premises”. (Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979).

2. The proposal includes retail spaces that are either not permitted or exceed the neighbourhood shops floor area requirement of 100m$^2$ required under Clause 5.4 – Controls relating to miscellaneous permissible uses of The Hills LEP 2012. (Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979).

3. The proposed development does not comply with the objectives of the B6 Enterprise Corridor zone under The Hills Local Environment Plan 2012 as it is considered that the uses proposed within the development will create land use conflicts between residential and employment uses within the subject site and in the B6 Enterprise Corridor zone. The development application provides a development that is primarily focussed on housing and will degrade opportunities for commercial and industrial business investment in the locality given the potential for land use conflict will be significantly increased. (Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).

4. The proposal is inconsistent with The Hills LEP 2012 Draft Amendment (11/2015/PLP) which in part seeks to prohibit shop top housing in the B6 Enterprise Corridor zone and remove an objective which states “To provide for residential uses, but only as part of a mixed use development.” (Section 79C(a)(ii) of the NSW Environmental Planning and Assessment Act 1979).

6. The proposal does not comply with the Design Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development in terms of:
   - Principle No. 1 – Context and Neighbourhood Character;
   - Principle No. 2 – Built Form and Scale;
   - Principle No. 3 – Density; and
   - Principle No. 6 – Amenity (Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979).

7. The proposed development is contrary to the provisions of Clause 50 of the NSW Environmental Planning and Assessment Regulations 2000, which requires the applicant to provide all the necessary and requested information to Council to allow for a proper assessment of the application, including the submission of information including a servicing, economic impact, engineering matters, landscaping, tree management, ecology, odour and salinity. (Section 79C 1(a)(iv) of the NSW Environmental Planning and Assessment Act, 1979).

8. The impacts of the development on both the natural and built environments in the locality are unacceptable. (Section 79C 1(b) of the NSW Environmental Planning and Assessment Act 1979).

9. The development is not considered to be suitable for the site as it is an overdevelopment in terms of scale and intensity. (Section 79C 1(c) of the NSW Environmental Planning and Assessment Act 1979).

10. The development is considered not to be in the public interest. (Section 79C 1(e) of the NSW Environmental Planning and Assessment Act 1979).
ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Retail Floor Plan
5. Elevations
6. Photomontage Image
7. Office of Water – General Terms of Approval
8. Zoning Map
ATTACHMENT 4 – RETAIL FLOOR PLAN
Corner of Annangrove Road and Withers Road
The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Robert Buckham

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2016/159/JP
Description of proposed activity: Shop top housing development containing basement residential parking and at grade retail parking
Site location: 332-334 Annanagrove Road Rouse Hill

I refer to your recent letter regarding an Integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water’s (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the Water Management Act 2000 (WMA Act), as detailed in the subject DA.

Please note Council’s statutory obligations under section 91A (3) of the Environmental Planning and Assessment Act 1979 (EPA Act) which requires a consent granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council’s development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).

- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council’s proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au
Marquise Tower, 16 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e water.environment@dpi.nsw.gov.au
Template ref: CAN4, Version 2.1 – July 2010
DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.

DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval after consent has been issued by Council and before the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council’s development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water’s website: www.water.nsw.gov.au  Water licensing  Approvals  Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

Gina Potter
Water Regulation Officer
Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast
NSW Department of Primary Industries – DPI Water