Joint Regional Planning Panel

Thursday, 29 October 2015
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<tr>
<th>ITEM</th>
<th>SUBJECT</th>
<th>PAGE</th>
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<tr>
<td>ITEM-1</td>
<td>JRPP REPORT - DA NO. 1021/2015/JP – ALTERATIONS AND ADDITIONS TO NORTH ROCKS SHOPPING CENTRE TO INCLUDE ADDITIONAL SUPERMARKET FLOORSPACE AND ADDITIONAL CARPARKING - LOTS 1-2 DP 622156 - NORTH ROCKS SHOPS, 316-340A NORTH ROCKS ROAD &amp; 11 NEW NORTH ROCKS ROAD, NORTH ROCKS</td>
<td>3</td>
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<td>ITEM-2</td>
<td>JRPP REPORT - DA NO. 1371/2015/JP – FOUR X FIVE STOREY RESIDENTIAL FLAT BUILDINGS CONTAINING 181 UNITS AND TWO LEVELS OF BASEMENT PARKING ON PROPOSED LOT 3 IN PLAN OF SUBDIVISION OF LOT 2 DP 1180345 - PROPOSED LOT 3 IN A RESUBDIVISION OF LOT 2 DP 1180345 – NO. 68 HEZLETT ROAD, KELLYVILLE</td>
<td>46</td>
</tr>
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# JOINT REGIONAL PLANNING PANEL

## ITEM-1

**JRPP REPORT - DA NO. 1021/2015/JP**  
*(Sydney West Region)*

<table>
<thead>
<tr>
<th>JRPP No</th>
<th>2015SYW156</th>
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<tbody>
<tr>
<td>DA Number</td>
<td>1021/2015/JP</td>
</tr>
<tr>
<td>Local Government Area</td>
<td>THE HILLS SHIRE COUNCIL</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>ALTERATIONS AND ADDITIONS TO NORTH ROCKS SHOPPING CENTRE TO INCLUDE ADDITIONAL SUPERMARKET FLOORSPACE AND ADDITIONAL CARPARKING</td>
</tr>
<tr>
<td>Street Address</td>
<td>LOTS 1-2 DP 622156 - NORTH ROCKS SHOPS, 316-340A NORTH ROCKS ROAD &amp; 11 NEW NORTH ROCKS ROAD, NORTH ROCKS</td>
</tr>
<tr>
<td>Applicant</td>
<td>CHALLENGER LIFE NOMINEES P/L</td>
</tr>
<tr>
<td>Owner</td>
<td>CHALLENGER LIFE NOMINEES P/L &amp; THE HILLS SHIRE COUNCIL</td>
</tr>
<tr>
<td>Number of Submissions</td>
<td>FIVE</td>
</tr>
</tbody>
</table>

### Regional Development Criteria (Schedule 4A of the Act)

Council related development with a CIV of over $5 Million

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

- List all of the relevant environmental planning instruments: s79C(1)(a)(i):
  - The Hills Local Environmental Plan 2012
  - State Environmental Planning Policy (State and Regional Development) 2011.
- 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 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
- 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 Act Regulation 2000.
EXECUTIVE SUMMARY

The proposal is for alterations and additions to the existing North Rocks Shopping Centre (formerly known as Westfield). The proposal seeks to extend the shopping centre to the rear south-west corner of the site and across the property known as No. 11 New North Rocks Road (Lot 2 DP 622156). The proposed net increase in gross leasable floor space is 2468.5m². This equates to an increase of 11% of retail floorspace to the existing centre of 22,390m², which results in an overall floor space ratio (FSR) of 0.56:1. The maximum allowable FSR for the site is 1:1. The maximum proposed building height is 12 metres to the plant enclosure to the northern portion of the works and 10.5 metres at the rear of the building. The primary change in the composition of the leasable retail floorspace is the relocation of the existing Coles supermarket into a larger supermarket tenancy (replacing the previous Franklins supermarket).

The Coles supermarket is proposed to operate 24 hours, seven days per week. The Coles loading dock is proposed to operate from 7am to 10pm, seven days per week. The proposal includes an extension to the existing basement car parking area and rooftop car park, which will result in the provision of an additional 109 car parking spaces. Access to the parking areas will be maintained via the existing driveways onto North Rocks Road and New North Rocks Road.

The proposal seeks a variation to the requirements of Development Control Plan (DCP) 2012 Part D Section 1- Parking. Based on the additional GLFA of 2468.5m² an additional 134 car parking spaces are required. The proposal includes 109 additional car parking spaces. The proposed variation is considered satisfactory as the proposal achieves compliance with the RMS ‘Guide to Traffic Generating Development’ and based on traffic survey data collected from the site which demonstrates that sufficient parking will be provided to meet demand.

In addition, the proposal seeks a variation to the setback requirement of DCP 2012 Part B Section 6- Business. A minimum setback of six metres is required. The rear façade achieves compliance, however, there are fire stairs proposed on the rear elevation that encroach 1.5 metres into the required setback area, reducing the setback to 4.5 metres. The variation is considered satisfactory as the stairs will only be used in the event of an emergency and given the extensive landscaping proposed along the rear boundary.

The application was notified for 14 days on two occasions. Five submissions were received during the initial notification period. Following the receipt of additional information, the application was re-notified for 14 days and two further submissions were received. The issues raised in the submissions include hours of operation, privacy impact, fencing, road weight limits, increased traffic, overshadowing, suitability of landscaping, pedestrian access and acoustic impacts associated with the loading dock. The issues are addressed in the body of the report and have generally been addressed by the applicant through the submission of additional information.
As Council is currently the owner of No. 11 New North Rocks Road, an independent town planning review has been undertaken by Chris Young Planning. The peer review indicated that the conclusions in this report are reasonably made.

Accordingly, the application is recommended for approval subject to conditions.

In the absence of the JRPP process, the application would have been determined by Council’s Development Assessment Unit.

### BACKGROUND

<table>
<thead>
<tr>
<th>Owner:</th>
<th>Challenger Life Nominees P/L (No. 316-340A North Rocks Road) and The Hills Shire Council (No. 11 New North Rocks Road).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning:</td>
<td>B2 Local Centre</td>
</tr>
<tr>
<td>Area:</td>
<td>4.44Ha and 1616m² (No. 11 New North Rocks Road).</td>
</tr>
<tr>
<td>Existing Development:</td>
<td>Shopping centre and child care centre.</td>
</tr>
</tbody>
</table>

### MANDATORY REQUIREMENTS

| 1. Owner: | Challenger Life Nominees P/L (No. 316-340A North Rocks Road) and The Hills Shire Council (No. 11 New North Rocks Road). |
| 2. Zoning: | B2 Local Centre                                                                                                                                 |
| 3. Area: | 4.44Ha and 1616m² (No. 11 New North Rocks Road).                                                                                     |

#### BACKGROUND

| 1. Owner: | Challenger Life Nominees P/L (No. 316-340A North Rocks Road) and The Hills Shire Council (No. 11 New North Rocks Road). |
| 2. Zoning: | B2 Local Centre                                                                                                                                 |
| 3. Area: | 4.44Ha and 1616m² (No. 11 New North Rocks Road).                                                                                     |

#### MANDATORY REQUIREMENTS

| 1. LEP 2012 – Satisfactory. |
| 2. DCP 2012 Part B Section 6- Business – Variation proposed, see report. |
| 3. DCP 2012 Part C Section 1- Parking – Variation proposed, see report. |
| 5. Section 94 Contribution – N/A |

### SUBMISSIONS

| 1. Exhibition: | Not required. |
| 2. Notice Adj Owners: | Yes, on two occasions. |
| 3. Number Advised: | 47 |
| 4. Submissions Received: | Five |

### REASON FOR REFERRAL TO JRPP

| 1. Exhibition: | Not required. |
| 2. Notice Adj Owners: | Yes, on two occasions. |
| 3. Number Advised: | 47 |
| 4. Submissions Received: | Five |

### HISTORY

**28/03/2006**

Development Consent granted via an Ordinary Meeting of Council for alterations and additions on the eastern end of the centre (DA 2486/2005/HA). This application permitted a 214 car parking space shortfall based on the rate required by DCP 2012 Part C Section 1- Parking.

**20/02/2015**

Subject Development Application lodged with Council.

**10/02/2015**

Council resolved that the planning proposal to amend LEP 2012 to reclassify No. 11 New North Rocks Road from community to operational be progressed to finalisation (3/2014/PLP).
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>27/02/2015</td>
<td>Local Environmental Plan 2012 amended to reclassify No. 11 New North Rocks Road from ‘community’ land to ‘operational’ land.</td>
</tr>
<tr>
<td>13/03/2015</td>
<td>Letter sent to the applicant in relation to compliance with Development Control Plan (DCP) Part B Section 6 - Business, Part C Section 1 - Parking, engineering issues, tree management and environmental health issues and outlining the issues raised in submissions.</td>
</tr>
<tr>
<td>19/05/2015</td>
<td>Amended plans and additional information submitted in response to Council’s letter.</td>
</tr>
<tr>
<td>22/06/2015</td>
<td>Email sent to the applicant in relation to hours of operation of loading dock and acoustic issues.</td>
</tr>
<tr>
<td>24/06/2015</td>
<td>Response received from the applicant agreeing to reduced hours of operation for the loading dock and extension of the loading dock wall.</td>
</tr>
<tr>
<td>10/07/2015</td>
<td>Telephone discussion held with the applicant. The applicant was advised that the acoustic screening along the rear boundary was inadequate and that improved screening was required. The applicant advised that they would consider the issue and provide additional advice.</td>
</tr>
<tr>
<td>31/07/2015</td>
<td>Follow up correspondence sent to the applicant in relation to acoustic screening.</td>
</tr>
<tr>
<td>03/08/2015</td>
<td>The applicant advised that the additional information relating to acoustic screening was no longer required as additional acoustic treatment measures were proposed including amendments to the loading dock and hours of operation and extension of the loading dock wall.</td>
</tr>
<tr>
<td>19/08/2015</td>
<td>Further comments and conditions provided by Council’s Environmental Health Team.</td>
</tr>
</tbody>
</table>

**SUBJECT SITE**

The subject site is an irregular shape and is 4.44Ha in size. It is bounded by North Rocks Road to the north, east and west, New North Rocks Road to the south-east and 11 residential properties to the south-west. The proposal includes works over the property known as No. 11 New North Rocks Road. This property is currently owned by Council and contains a child care centre operated by a private entity. The shopping centre operator is currently in the process of acquiring this property from Council for amalgamation into the overall shopping centre site and Council’s Owner’s consent has been obtained for the works on No. 11 New North Rocks Road.
PROPOSAL

The proposal is for alterations and additions to the existing North Rocks Shopping Centre (formerly known as Westfield) in the south-western corner of the site. The proposal seeks to extend the shopping centre to the rear across the property known as No. 11 New North Rocks Road (Lot 2 DP 622156). The proposed net increase in gross leasable floor space is 2468.5m². This equates to an increase of 11% of retail floorspace to the existing centre of 22,390m². The primary change in the composition of the leasable retail floorspace is the relocation of the existing Coles supermarket into a larger supermarket tenancy (replacing the previous Franklins supermarket).

The Coles supermarket is proposed to operate 24 hours, seven days per week. The Coles loading dock is proposed to operate from 7am to 10pm, seven days per week. The proposal includes an extension to the existing basement car parking area and rooftop car park, which will result in the provision of an additional 109 car parking spaces. Access to the parking areas will be maintained via the existing driveways onto North Rocks Road and New North Rocks Road.

ISSUES FOR CONSIDERATION

1. Compliance with Local Environmental Plan 2012

The subject site is zoned B2 Local Centre under the provisions of Local Environmental Plan (LEP) 2012. Development for the purpose of shops is permissible within the B2 Local Centre zone. The proposal constitutes ancillary works to the existing shopping centre and is considered satisfactory with regard to LEP 2012 in terms of permissibility.

The subject site is limited to a floor space ratio (FSR) of 1:1 under the provisions of LEP 2012. The proposal will result in an FSR of 0.56:1, thereby achieving compliance.

The maximum building height permitted for the site is 12 metres under the provisions of LEP 2012. The maximum proposed building height is 12 metres to the plant enclosure to the north of the works and 10.5 metres at the rear portion of the building.

2. Compliance with Development Control Plan 2012 Part C Section 1- Parking

The application has been assessed against the requirements of Development Control Plan (DCP) 2012 Part C Section 1- Parking and the following variation has been identified:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>DCP REQUIREMENTS</th>
<th>PROPOSED DEVELOPMENT</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking provision.</td>
<td>Car parking is required to be provided at the rate of one parking space per 18.5m² of gross leasable floor area (GLFA).</td>
<td>Existing: The existing GLFA for the centre is 23,070m², resulting in 1247 car parking spaces being required. The centre currently has 1033 car parking spaces, resulting in an existing deficit of 214 car parking spaces.</td>
<td>No, however, the proposed extent of car parking is considered satisfactory. The applicant has submitted a parking study which indicates that the proposed extent of car parking will be</td>
</tr>
</tbody>
</table>
a) Car Parking Provision

Table 1 within Development Control Plan (DCP) 2012 Part C Section 1 - Parking sets the following required car parking rate for shopping centres:

- 1 space per 18.5m² of gross leasable floor area (GLFA).

The existing GLFA for the centre is 23,070m², resulting in 1247 car parking spaces being required. The centre currently has 1033 car parking spaces, resulting in an existing deficit of 214 car parking spaces.

The additional proposed GLFA is 2468.5m², resulting in an additional 134 car parking spaces being required.

The proposal seeks to provide 109 additional car parking spaces (hence a cumulative total of 1142 parking spaces for the centre), resulting in a deficit of 25 parking spaces.

As a result of the proposal, the existing car parking deficit will be increased to 239 car parking spaces.

The DCP car parking rates are based on the following objective:

(i) To provide sufficient car parking that is convenient for the use of residents, employees and visitors of the development.

The applicant has submitted a parking study which addresses the proposed car parking deficit as follows:

The Hills Development Control Plan 2012 sets out Council’s parking requirement for retail uses as one space per 18.5m² GLA, i.e. 5.4 spaces per 100m² GLA of retail area. This parking rate is similar to rates suggested by RMS for smaller shopping centres. The RMS ‘Guide to Traffic Generating Developments’ also indicates that as centres increase in
size, the parking demand rate for the centre reduces. For centres 20,000m² to 30,000m² GLA, the RMS Guidelines require a rate of 4.3 spaces per 100m². However, the RMS Guidelines state that wherever possible, the parking provision for a development should be based on surveys of that development or a similar development, rather than generic rates.

To determine existing parking demands for the centre, surveys of the parking demand were undertaken on Thursday 23 April 2015, Friday 1 May 2015 and Saturday 9 May 2015.

The surveys found that the peak parking demand occurred at 10.00am on the Friday, with 805 cars parked within the centre. The peak parking demand on the Saturday occurred at 12.00pm with a total of 795 cars parked within the centre. The corresponding parking rates represent a demand of 3.6 spaces per 100m² of retail area on the Friday and 3.5 spaces per 100m² of retail area on the Saturday.

Application of the surveyed peak parking rate of 3.6 spaces per 100m² to the increase in retail area of 2,468m² GLA, results in an increase in parking demand of 89 parking spaces. By comparison, the RMS rate of 4.3 spaces per 100m² results in a requirement for 106 additional parking spaces.

The proposed modifications to the centre provide an additional 109 spaces, satisfying the RMS requirement and the surveyed parking rate for the centre.

**Comment:**

The proposed extent of car parking is considered satisfactory for the following reasons:

- The proposal achieves compliance with the required car parking rates specified by the RMS ‘Guide to Traffic Generating Development’ as detailed above.

- The parking data submitted indicates that there is a significant vacancy rate of car parking spaces during peak periods in the existing shopping centre. The additional 109 car parking spaces are considered satisfactory to cater for the increased demand generated by the additions to the centre.

- The centre currently operates with a deficit of 214 car parking spaces based on the requirements of DCP 2012 Part C Section 1 - Parking. There is no record of complaints received or reported issues associated with a lack of car parking for the centre.

Accordingly, the proposed car parking variation is considered satisfactory.

3. **Compliance with Development Control Plan 2012 Part B Section 6- Business**

The application has been assessed against the requirements of DCP 2012 Part B Section 6- Business and the following variation has been identified:
### DEVELOPMENT STANDARD

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>DCP REQUIREMENTS</th>
<th>PROPOSED DEVELOPMENT</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>(d) Where any proposed development is opposite or adjacent to Residential, Special Purpose or Recreation zones, the building shall be setback a minimum of 6 metres, or as specified on the precinct plan maps contained in Appendix 1 to this Section.</td>
<td>The rear façade achieves compliance, however, there are fire stairs which encroach 1.5 metres into the required setback area, thereby reducing the setback to 4.5 metres in this area.</td>
<td>No, however, the proposal is considered satisfactory. The fire stairs will only be used in the event of a fire and will not impact on privacy.</td>
</tr>
</tbody>
</table>

### i) Rear Setback

Part 2.5 of DCP 2012 Part B Section 6- Business requires the following in relation to setbacks:

(d) Where any proposed development is opposite or adjacent to Residential, Special Purpose or Recreation zones, the building shall be setback a minimum of 6 metres, or as specified on the precinct plan maps contained in Appendix 1 to this Section.

The rear façade achieves compliance, however, there are fire stairs which encroach 1.5 metres into the required setback area, resulting in a 4.5 metre setback.

Part 2.5 of DCP 2012 Part B Section 6- Business is based on the following objectives:

(i) To provide an attractive streetscape and substantial areas for landscaping and screen planting.

(ii) To ensure adequate sight distance is available for vehicles entering and leaving the site.

(iii) To minimise overshadowing of adjoining properties.

(iv) To protect privacy and amenity of any adjoining land uses.

(v) To provide a desirable and aesthetically pleasing working environment.

(vi) To ensure endangered ecological communities are protected.

The applicant has provided the following justification for the proposed rear setback:

In regard to the required setback of 6 metres from the adjacent residential zone and the proposed fire stairs within 4.5 metres of the boundary it is considered that this is an appropriate design solution. It is considered that the objectives of the setback control within the DCP is to provide adequate screening and softening of the built form as well protecting the privacy and amenity of the adjoining land use.
It is noted that the proposed building (including the fire stairs) is further set back from the common boundary than the existing child care centre building. There is no active frontage of the shopping centre development along the entire southern boundary being extensively landscaped with only access path for maintenance and emergency fire stair egress if necessary.

As illustrated in the Landscape Plan, in accordance with DCP requirements, the interface area between the commercial development and the common boundary with adjoining residential land is proposed to be extensively landscaped for around 110 metres in a manner that retains and complements existing mature trees in the locality. The fire stairs only protrude from the wall to a first floor height for a distance of around 10 metres and are still set back further than the existing child care centre building. The fire stairs are also located within an area that is well screened from adjoining properties by existing mature vegetation. There will no significant impact on the privacy or amenity of adjoining residents arising from the minor area of variance to the numerical DCP control.

**Comment:**

The proposed rear setback is considered satisfactory for the following reasons:

- The fire stairs are a minor element of the façade and will only be used in the event of a fire or other emergency. Therefore, the stairs will not result in any impact on privacy.

- It is noted that the existing child care centre has a setback of approximately five metres from the southern boundary and has the potential to generate more significant acoustic impacts than the proposed additions to the shopping centre, given the proposed blank wall facing the southern boundary.

- There is extensive landscaping proposed along the southern boundary of the site, comprising a mixture of trees and shrubs. In addition, green wall landscaping is proposed along the southern boundary, comprising of an evergreen vine (Ficus Pumila).

Accordingly, the proposed rear setback is considered satisfactory.

4. **Issues Raised in Submissions**

The application was notified for 14 days in accordance with Council’s policy and 5 submissions were received. Following the receipt of additional information, the application was re-notified for 14 days and two further submissions were received. The issues raised in the submissions are addressed as follows:

<table>
<thead>
<tr>
<th>ISSUE/OBJECTION</th>
<th>COMMENT</th>
<th>OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concern is raised in relation to the proposed 24 hour operation and the hours of the proposed loading dock. The proposed hours of the loading dock exceed the hours of the existing loading docks on the site.</td>
<td>24 hour operation of the supermarket is proposed. The supermarket is wholly contained within the building and will result in minimal acoustic impacts on the adjoining properties. The applicant has amended the hours of the loading dock to between 7am to 10pm daily.</td>
<td>Issue addressed. See Condition Nos. 58 and 59.</td>
</tr>
<tr>
<td>ISSUE/OBJECTION</td>
<td>COMMENT</td>
<td>OUTCOME</td>
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<tr>
<td>The height of the parapet wall on the existing rooftop carpark area is 1.55m. The proposed parapet wall should be at least 1.8m in height to provide privacy to Pembury Avenue residents. There should be bollards installed on the edge of the rooftop carpark area to prevent vehicles crashing through the parapet wall.</td>
<td>The purpose of the parapet wall is to provide acoustic attenuation to the properties to the rear. Given the distance of the rooftop carparking area from the adjoining properties, the proposed landscaping and the proposed parapet wall, it is considered that there will be a minimal privacy impact. With regard to carpark safety, the carparking spaces will be fitted with wheel stops.</td>
<td>Issue addressed.</td>
</tr>
</tbody>
</table>
| Details are requested in relation to the proposed boundary fencing between the works and the Pembury Avenue properties. | A condition of consent is recommended requiring the following in relation to the boundary fencing (at the applicant’s expense):  
  
  The fence on the southern side of the carpark is to be upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrading the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.  
  
  It is noted that this was recommended in the acoustic report that was submitted. | Issue addressed. See Condition No. 15.                                                                                           |
<p>| New North Rocks Road has a weight limit of 3 tonnes. It is unclear how the delivery trucks will access the proposed loading dock given this weight limit. | The centre currently has loading facilities off New North Rocks Road for the existing supermarket. In association with the proposed alterations and additions to the centre, these loading facilities will be modified with access retained off New North Rocks Road. As a result, service vehicles accessing the loading facilities off New North Rocks Road would be exempt from the load restriction. | Issue addressed.           |
| The increase of traffic on New North Rocks Road has not been considered in the traffic report. Further, the additional traffic using the New North Rocks Road access to the site needs to | The traffic report submitted with the application assessed the traffic implications of the proposal on the surrounding road network and the access driveways onto New North Rocks Road and North Rocks | Issue addressed.           |</p>
<table>
<thead>
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<th>COMMENT</th>
<th>OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>be factored in. This intersection is dangerous and the owner should seek to provide a solution given the increased traffic that will be using this access point.</td>
<td>Road. The traffic report concludes that the New North Rocks Road driveway will continue to operate with average delays of between 15 and 25 seconds.</td>
<td>Issue addressed.</td>
</tr>
<tr>
<td>The data in the traffic report was not collected at peak times.</td>
<td>The traffic counts were undertaken during Thursday afternoon and Saturday midday peak periods. The Thursday afternoon period is a busy time for the shopping centre coinciding with the on-road peak period. The Saturday period is the overall peak period for the shopping centre.</td>
<td>Issue addressed.</td>
</tr>
<tr>
<td>The proposed height of the building will result in overshadowing of properties on Pembury Avenue. The setback should be increased to reduce overshadowing.</td>
<td>The site is zoned B2 Local Centre and has a maximum LEP height control of 12 metres. DCP 2012 Part B Section 6- Business provides a maximum height control of three storeys for buildings within the B2 Local Centre zone. The highest point of the proposed extension is 12 metres towards the centre of the site and 10.5 metres at the rear of the site. It is noted that the existing mature trees at the rear of residential properties in Pembury Avenue as well as the existing child care centre building and mature trees within 11 New North Rocks Road create existing overshadowing of the rear of the residential properties. The proposed building on the commercially zoned land has been kept lower than the statutory height control permits (in this vicinity) and designed in a similar built form to existing development (with a setback generally in accordance with Council controls) to provide an appropriate landscape interface with residential properties fronting Pembury Avenue.</td>
<td>Issue addressed. See Attachment No. 10.</td>
</tr>
<tr>
<td>ISSUE/OBJECTION</td>
<td>COMMENT</td>
<td>OUTCOME</td>
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<tr>
<td>The current landscaping to the rear of the site is overly high and overshadows properties to the rear. The landscaping should be a similar height to the building.</td>
<td>The proposed landscape treatment includes the retention of existing mature trees, a mix of medium sized trees and large shrubs to provide appropriate under-canopy areas within the setback area. The proposed tree plantings will have mature heights of between five to 10 metres, which is comparable with the height of existing trees. In addition, a green trellis structure will be provided along the façade to provide a landscaped edge to the development.</td>
<td>Issue addressed.</td>
</tr>
<tr>
<td>The current landscaping to the rear of the site has not been maintained. It is likely that the proposed landscaping will also not be sufficiently maintained.</td>
<td>It is noted that the maintenance of the existing landscaping could be improved. The proposal includes the establishment of a landscaped interface over a distance of around 110 metres (including enhancement of existing setback area). The ongoing appropriate landscape maintenance of the vegetated setback area will be provided by the ongoing property management of the site. A condition of consent is recommended that a maintenance schedule for the landscaping be submitted to Council prior to the issue of a Construction Certificate.</td>
<td>Issue addressed. See Condition No. 19.</td>
</tr>
<tr>
<td>There is no safe pedestrian access to the site from New North Rocks Road.</td>
<td>There is an existing pedestrian path that extends from New North Rocks Road frontage (southern boundary) into the site and along the alignment of the property boundary into the development. This pedestrian path is removed from main vehicle crossing points within the site and is considered appropriate.</td>
<td>Issue addressed.</td>
</tr>
<tr>
<td>Issue</td>
<td>Solution</td>
<td>Condition Addressed</td>
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| Refrigeration motors on trucks exceed acceptable residential noise levels. This is of concern given the proposed location of the loading dock. | A condition of consent is recommended requiring the following in relation to the loading dock:  
- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.  
- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.  
These measures along with the reduced loading dock operating hours (from 7:00am to 10:00pm daily) are considered satisfactory to limit the acoustic impact of the loading dock. | Issue addressed. See Condition No. 15. |
| Concern is raised in relation to light spill into adjacent residential properties from signage and car park lights. Information has not been submitted as to when the lighting and signage will be turned off. | The proposed additions will block light spill from the majority of vehicle traffic to within the basement parking area of the building. Light spill on the upper parking deck occurs at higher levels than any adjoining residential property and will be screened by appropriate parapet treatment.  
A condition of consent is recommended in relation to the standards to be complied with in relation to building/site lighting.  
There is no signage proposed on the southern elevation of the site and any signage visible from the public domain would be subject to a separate Development Application. | Issue addressed. See Condition No. 62. |
| The proposed fire stair encroaches into the required six metre setback area to the rear of the building. | The proposed variation for the fire stair encroachment into the rear setback area is addressed in section 3 of this report and is considered satisfactory. | Issue addressed. |
There is a current condition that no garbage removal trucks are to enter the site for garbage removal on Sundays and public holidays.

A condition of consent has been recommended restricting waste trucks using the site to between the hours of 7:00am to 8:00pm, 7 days per week.

Issue addressed. See Condition No. 59.

There was previously a stop sign on the New North Rocks Road exit, however, this was removed and was never re-installed.

A condition of consent is recommended requiring that a stop sign be reinstated at this exit point.

Issue addressed. See Condition No. 18.

Concern is raised in relation to the safety impact of having the parking for the Kmart Tyre and Auto business located opposite the tenancy given the increase truck and vehicle traffic using the access road to the rear.

It is noted that there is an existing marked pedestrian crossing for the use of Kmart Tyre and Auto staff and customers. There are also speed humps located either side of the pedestrian crossing. These existing measures are considered to be adequate to ensure the safety of people in this area.

Issue addressed.

5. Overshadowing Impacts

The applicant has submitted pre and post development shadow diagrams showing the impact on the properties to the rear of the site fronting Pembury Avenue at the winter solstice (see Attachment No. 10). The diagrams indicate that from 9:00am to 12 noon the solar access impact pre and post development is comparable. However, there will be some additional impact during afternoon hours.

It is noted that the existing trees located within the site adjacent to the rear boundary are proposed to be removed and that the trees located within the properties to the rear will be retained (an arborist report has been submitted detailing tree protection measures to be adopted for these trees). The removal of the trees within the development site will result in a beneficial influence on overshadowing and will assist in counteracting the additional shadowing imposed by the proposed works (refer Condition No. 7).

It is considered that the additional overshadowing imposed by the proposal is not unreasonable and that the private open space areas of the properties fronting Pembury Avenue is satisfactory.

ENGINEERING COMMENTS

The application has been assessed by Council’s Development Engineer and no objection is raised subject to conditions.
TRAFFIC COMMENTS

The additional 2,468m² of floorspace is expected to generate an additional 120-130 peak hour trips. This number of additional trips is not expected to adversely impact on the operational efficiency of the surrounding road network.

TREE MANAGEMENT COMMENTS

The application and accompanying arborist report which details the tree protection measures to be adopted for the trees to be retained located within the properties to the rear has been assessed by Council’s Tree Management Officer and is considered satisfactory subject to conditions.

ENVIRONMENTAL HEALTH COMMENTS

The application has been assessed by Council’s Environmental Health Officer and is considered satisfactory subject to conditions. A condition of consent (refer Condition No. 15) is recommended requiring that the recommendations of the acoustic report be implemented as follows:

- The fence on the southern side of the carpark is to be upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrading the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.
- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.
- A 1.55m high fence/parapet is to be erected on the southern side of the roof top car park.
- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.
- The air compressor is to be fitted within an appropriate enclosure.

RESOURCE RECOVERY COMMENTS

The application has been assessed by Council’s Resource Recovery Projects Officer and is considered satisfactory subject to conditions.

ROADS & MARITIME SERVICES COMMENTS

The application was referred to the NSW Roads and Maritime Service and no objection was raised subject to the proposed car parking areas associated with the development being designed in accordance with the relevant Australian Standards. It is noted that North Rocks Road is not designated as a classified road.

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 Development Control Plan (DCP) 2012 Part B Section 6- Business and Part C Section 1- Parking and is considered satisfactory.
The application was notified for 14 days, on two occasions, in accordance with Council’s policy and five submissions were received in response to the initial notification period and two submissions were received during the second notification period. The issues raised in the submissions have been addressed in the report and do not warrant refusal of the application.

Accordingly, the proposal is considered satisfactory and is recommended for approval subject to conditions.

**IMPACTS**

**Financial**

This matter has no direct financial impact on 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**

<table>
<thead>
<tr>
<th>DRAWING NO.</th>
<th>DESCRIPTION</th>
<th>REVISION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA 00</td>
<td>Cover Sheet/Location Plan</td>
<td>E</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>DA 02</td>
<td>New Extension Location Plan</td>
<td>D</td>
<td>19/02/2015</td>
</tr>
<tr>
<td>DA 03</td>
<td>Loading Dock, Basement Carpark &amp; Demolition Plan</td>
<td>G</td>
<td>08/05/2015</td>
</tr>
<tr>
<td>DA 04</td>
<td>Level 1 Tenancy, (GF/L1) Demolition Plan</td>
<td>E</td>
<td>19/02/2015</td>
</tr>
<tr>
<td>DA 04a</td>
<td>Level 2 – Parking Level, Demolition Floor Plan</td>
<td>B</td>
<td>19/02/2015</td>
</tr>
<tr>
<td>DA 05</td>
<td>Loading Dock Level, Basement Carpark Plan</td>
<td>G</td>
<td>08/05/2015</td>
</tr>
<tr>
<td>DA 06</td>
<td>Level 1 – Floor Plan Tenancy Upgrade</td>
<td>E</td>
<td>19/02/2015</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. Separate application for signs
A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures that are visible from the public domain.

3. Provision of Parking Spaces
The development is required to be provided with 109 additional off-street car parking spaces and 1142 total car parking spaces for the centre freely available. These car parking spaces shall be available for off street parking at all times.

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. 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, as well as the ongoing management phase. 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.

7. Tree Removal
Approval is granted for the removal of tree numbered 1-25, 29c as marked in Arboricultural Impact Assessment Report prepared by Earthscape Horticultural services dated May 2015.

All other trees are to remain and are to be protected during all works in accordance with the measures outlined in the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural services dated May 2015.

Suitable replacement trees are to be planted upon completion of construction.

8. 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.
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. 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.

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

13. 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. Where the swept turning paths for the articulated and large rigid vehicle show the vehicle movements through the aisle of the car parking area, there are to be no raised kerbs in the areas required for manoeuvrability.
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.

14. 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. Site Stormwater Drainage
The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. Connection into Council infrastructure requires inspection by Council’s construction engineer by request and lodging of the appropriate application.

ii. Water Sensitive Urban Design Elements
Water sensitive urban design elements, consisting of water quality treatment devices, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:


The MUSIC model submitted is approved in concept, however the following are to be incorporated into the final design drawings:

- Detailed designs are to include plans that identify the stormwater pipe network within the proposed development site and where pit filter basket(s) are to be installed.

- Pit filter baskets are to be installed at relevant locations to treat stormwater runoff prior to entering the OSD and Stormfilter Cartridge System (or approved equivalent).

15. Acoustic Requirements
The recommendations of the Acoustic Assessment and Report prepared The Acoustic Group dated 16th December 2014 referenced as, 44.4429.R3:MSC and the Acoustic Letter additional information prepared by the Acoustic Group dated 12th May 2015 referenced as, 45.4429L12:MSC are to be implemented as part of this approval. In particular:

- The fence on the southern side of the carpark is to be either upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrade the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.

- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.

- A 1.55m high fence/ parapet is to be erected on the southern side of the roof top car park.

- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.

- The air compressor is to be fitted with an appropriate enclosure.

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

17. Litter Control
A sufficient number of litter bins must be provided on the premises for litter disposal.

18. Stop Sign
A stop sign is to be installed within the site at the New North Rocks Road exit point.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

19. Maintenance of Landscaping
Prior to the issue of a Construction Certificate a schedule for the maintenance of the landscaping on the southern fringe of the site shall be submitted to Council for review and endorsement.

20. 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.

21. 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.

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

The stormwater concept plan prepared by Robert Bird Group Drawing C0-6-10 Revision 1 dated 06/05/2015 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

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

- A completed OSD Drainage Design Summary Sheet;

- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;

- A completed OSD Detailed Design Checklist;

- A maintenance schedule.

The design and construction of the OSD 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.

23. Stormwater Pump/ Basement Car Park Requirements
Where a stormwater pump out system is proposed - the 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.

24. 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.

25. 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 $110,500 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 a road frontage of 100m multiplied by the width of the road (13m).

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

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

PRIOR TO WORK COMMENCING ON THE SITE

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

29. 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.

30. 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).

31. Tree Protection Fencing
Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be as per Tree Protection Plan as per Arborist report for project.

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

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

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

33. Mulching within Tree Protection Zone
Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.
34. Trenching within Tree Protection Zone
Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

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

35. Waste Management Details Required
Prior to the commencement of works, the location of waste disposal and recycling for all construction and/or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by Council. Alternatively, details of the appointed skip bin hire company can be provided where they are engaged to carry out all the works.

36. 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.

37. Separate OSD Detailed Design Approval
No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

DURING CONSTRUCTION

38. 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. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

39. 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.

40. 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.

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

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

42. 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).

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

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

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

44. 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.

45. Completion of Subdivision Works
A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

46. 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 engineering works related to the public infrastructure 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. Pump System Certification
Where applicable, 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.
52. **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.

53. **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.  **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.

ii.  **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.

iii.  **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, as required.

54. **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.

55. **Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in Acoustic report prepared by The Acoustic Group dated 16th December 2014 referenced as, 44.4429.R3:MSC and the Acoustic Letter additional information prepared by the Acoustic Group dated 12th May 2015 referenced as, 45.4429L12:MSC. Certification is to be provided to Council’s Manager –
Health and Environment confirming the installation of components and that the required criterion has been met.

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

57. Consolidation of Allotments
All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

THE USE OF THE SITE

58. Hours of Operation
The approved supermarket is permitted to operate 24 hours, 7 days per week. Where hours of operation of the other tenancies created by the works exceed the approved hours of operation for the centre, a Development Application is required to be lodged with Council.

59. Hours of Operation of the Loading Dock
The hours of operation of the loading dock are as follows;
Delivery of goods shall be restricted to between 7:00am to 10:00pm, daily, seven days a week.
Access to the loading dock is to be blocked by way of a boom gate, steel gate, chains or bollards. It is to be erected outside of these hours to ensure that vehicles cannot access the dock outside of the approved hours.
The servicing of the premises by waste vehicles/garbage trucks is restricted to between 7:00am until 8:00pm, seven days per week.
Any alteration to the approved hours of operation or use of the loading dock shall require a separate approval by Council.

60. Waste and Recycling Management
To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

61. Noise to Surrounding Area
There shall be no amplified music or speakers external to the building.

62. Lighting
Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting. All lighting on the southern interface of the site shall be directed away from the adjoining residential properties.
63. **Shopping Trolley Management**
A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer shall:

- Install a geospatial fenced trolley containment area. All new trolleys are to be fitted with a wheel lock that is enabled before leaving the geospatial area (no access to public land). Details are to be submitted and approved by Council’s Manager Development Assessment.
- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

64. **Offensive Noise - Acoustic Report**
The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

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

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

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

66. **Garbage Storage – Odour Control**
A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage areas does not cause offensive odour.

67. **Loading Dock Signage**
Signage is to be provided at the loading dock stating the approved hours of operation for standard truck deliveries as well as the hours of operation for waste vehicles. This sign must also state a contact number for the after-hours security and statement for customers that they should call the number should there be a delivery outside of the approved operating hours.
ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Loading Dock and Basement Carpark Plan
5. Level 1 Floor Plan
6. Level 2 Parking Floor Plan
7. Elevations
8. Sections
9. Landscape Plan
10. Shadow Diagrams (2 pages)
11. Extension of Wall of Loading Dock
12. Peer Review Comments
ATTACHMENT 1 – LOCALITY PLAN

NOTE: NORTH ROCKS ACTION GROUP ALSO NOTIFIED

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TERTIAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.

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PAGE 33
ATTACHMENT 7 – ELEVATIONS & SECTIONS

1. GENERAL ELEVATION
   SOUTHEAST
   SCALE: 1:200

2. GENERAL ELEVATION
   NORTH-EAST
   SCALE: 1:200

3. GENERAL SECTION
   NORTH-EAST
   SECTION CUT INFRONT OF NEW LOADING DOCK
   SCALE: 1:200
ATTACHMENT 9 – PHOTO MONTAGES
ATTACHMENT 10 – SHADOW DIAGRAMS (2 PAGES)

PAGE 1 OF 2
PRE-DEVELOPMENT

01 SHADOW DIAGRAM – Winter Solstice with Trees shown
EXISTING CURRENT 9:00 a.m.  NTS

02 SHADOW DIAGRAM – Winter Solstice with Trees shown
EXISTING CURRENT 12:00 Noon  NTS

03 SHADOW DIAGRAM – Winter Solstice with Trees shown
EXISTING CURRENT 3:00 p.m.  NTS
POST-DEVELOPMENT

04. SHADOW DIAGRAM - Winter Solstice with Trees shown
NEW EXTENSION 9:00 a.m.

05. SHADOW DIAGRAM - Winter Solstice with Trees shown
NEW EXTENSION 12:00 Noon

06. SHADOW DIAGRAM - Winter Solstice with Trees shown
NEW EXTENSION 3:00 p.m.
ATTACHMENT 11 – EXTENSION OF WALL OF LOADING DOCK

Ground Floor Plan

South Elevation
CHRIS YOUNG Planning

5 Jambrero Ave., BAULKHAM HILLS NSW 2153
A.B.N. 25 092 903 654

Phone & Fax  (02) 9674 3759
Mobile 0408 474 967
Email chris.cyplan@gmail.com

1st October 2015

The General Manager,
The Hills Shire Council,
PO Box 75,
CASTLE HILL NSW 1765

Attention: Paul Osborne

Dear Mr Osborne

Re: Peer review, Alterations and additions to North Rocks Shopping Centre, DA 1012/20154/JP

Thank you for your recent appointment in relation to assisting Council in a peer review of the officer’s report regarding DA No. 1012/20154/JP being the alteration and additions to the existing North Rocks shopping Centre at North Rocks to include additional supermarket floor space and additional car parking.

I have studied the application, report and conditions including the SEE and plans, inspected the site and concur with the methodology and conclusions.

Initial questions regarding car parking provision, solar access, maximum building height and site consolidation have been addressed in the report and conditions proposed where relevant.

I consider the judgement and conclusions reached in the assessment report are reasonably made.

Should you require any further assistance on this matter please do not hesitate to contact me on 9674 3759, mobile 0408 474 967 or email chris.cyplan@gmail.com.

Yours sincerely

[Signature]

Chris Young
RUPP, Master Plan, Planning, Human Settlement Planning, M.P.I.A.
## EXECUTIVE SUMMARY

The Development Application is for construction of four x five storey residential flat buildings containing 181 units and two levels of basement parking with 233 car parking spaces on proposed Lot 3 in plan of subdivision of Lot 2 DP 1180345. The proposal provides for 7 x 1 bedroom units, 154 x 2 bedroom units and 20 x 3 bedroom units.

The development is proposed on the portion of the site zoned R3 Medium Density Residential. Under the provisions of the Sydney Region Growth Centres SEPP 2006, residential flat buildings are permissible in the zone. The DCP sets out a minimum density of 20 dwellings per hectare and no FSR control is applicable to the site.

The subject site has a height limit of 16m and the proposal exceeds the height limit by a maximum of 500mm or 3.1%. The variation to the height is minor which is attributed to
changes in site levels and to the provision of lift overruns. The increased height will have no impact upon the solar access on surrounding lots or the amenity of the area. The proposed development includes minor encroachments to the 6m building setback development standard of the North Kellyville DCP. The design generally complies with recommended building setbacks with the exception of balconies on levels 3 and 4 having a minimum setback of 4.5m fronting Barry Road. In conjunction with the landscaping, a reasonable streetscape is provided and impacts of the built form are minimised. There will be no unreasonable loss of privacy or amenity as a result of the variation. The setback variations to the upper storeys are minor and generally only relate to balcony balustrades. The variations are reasonable and provide articulation within the building facade and can be supported on that basis.

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**

<table>
<thead>
<tr>
<th>Owner:</th>
<th>Mr G Galdes and Mrs C Galdes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning:</td>
<td>R3 Medium Density</td>
</tr>
<tr>
<td>Area:</td>
<td>SP2 Local Road Widening</td>
</tr>
<tr>
<td>Existing Development:</td>
<td>9,020m² Single storey dwelling, garage and sheds</td>
</tr>
</tbody>
</table>

**MANDATORY REQUIREMENTS**

1. **Section 79C (EP&A Act) –** Satisfactory
2. **SEPP Sydney Region Growth Centres 2006 –** Variation, see report
3. **SEPP 65 – Design Quality of Residential Flat Development –** Satisfactory
4. **SEPP Building Sustainability Index BASIX 2004 –** Satisfactory
5. **State Environmental Planning Policy No 55—Remediation of Land –** Satisfactory
6. **North Kellyville DCP –** Variation, see report
7. **Section 94 Contribution –** $4,062,714.68
8. **Capital Investment Value:** $38,635,419.00

**SUBMISSIONS**

1. Exhibition: 30 days
2. Notice Adj Owners: 30 days
3. Number Advised: 12
4. Submissions Received: One from The Hills District Historical Society

**REASON FOR REFERRAL TO JRPP**

1. Capital Investment Value in Excess of $20 million to SEPP (Major Development) 2005
HISTORY

03/10/2014  Pre-lodgement meeting held.
13/02/2015  Second pre-lodgement meeting held.
06/05/2015  Subject Development Application lodged.
27/05/2015  Letter sent to the applicant requesting additional information in relation to engineering and resource recovery matters.
01/06/2015  Additional information submitted.
02/06/2015  Amended plans submitted.
25/06/2015  Briefing to JRPP members.
01/07/2015  Letters sent to the applicant stating that there are concerns with the subject application in relation to unit floor areas, the common open space areas, solar access, building and ceiling heights.
03/07/2015  Additional solar access information lodged.
13/07/2015  Additional information lodged to provide a justification to the proposed unit areas, further embellishment to common open space areas and a reduction in building height.
27/07/2015  Letter sent to the applicant requesting additional information in relation to unit floor areas.
28/07/2015  Development Consent No. 980/2015/ZA granted for subdivision of Lot 2 DP 1180345 creating six residential lots, two residue lots and one road widening lot including new road and demolition.
12/08/2015  Meeting held with the applicant and applicant’s consultants to discuss concerns with the unit floor areas proposed.
18/08/2015  Amended concept plans submitted increasing the size of units to comply with page 69 of the Residential Flat Design Code.
09/09/2015  Letter sent to the applicant requesting submission of amended plans which increase the size of units.
24/09/2015  Amended plans submitted.

PROPOSAL

The Development Application is for construction of four x five storey residential flat buildings containing 181 units and two levels of basement parking with 233 car parking spaces on proposed Lot 3 in plan of subdivision of Lot 2 DP 1180345. The development is proposed on the portion of the site zoned R3 Medium Density Residential.
The proposal is arranged as four distinct buildings as Block A, Block B, Block C and Block D. Blocks A & D are located on a north to south axis and Blocks B & C are on an east to west axis. Block A is located at the western end of the development site and Block D is at the eastern end.

The proposal provides for:

- 7 x 1 bedroom units (internal floor areas: 64-75m²).
- 154 x 2 bedroom units (internal floor areas: 75-118m²).
- 20 x 3 bedroom units (internal floor areas: 124-135m²).

Vehicle access is along the southern boundary of the site on Armbruster Avenue which is a new road to be constructed. Full road width construction for Armbruster Avenue, Thorogood Boulevard and Oxlade Street will need to occur under Subdivision Consent No. 980/2015/ZA. The consent also requires partial road construction for Norval Street. All roads are required to be completed and dedicated prior to the issue of the subdivision certificate and a condition of consent is recommended for the subject application that no occupation certificate be issued until the subdivision is registered. There will be two driveways to provide access to the basement level car park. There are no proposed changes to the Indicative Layout Plan within the DCP under this proposal.

A landscape plan has been prepared and provides for a variety of species, ground covers, fencing and common open space embellishment such as a playground area.

**THE SUBJECT SITE AND SURROUNDS**

The subject site is known as No. 68 Hezlett Road, Kellyville being Lot 2 DP 1180345 and has an area of 2.462 hectares. The site is located on the western side of Hezlett Road. The site has several structures including a single storey dwelling, garage and sheds. A dam is located to the south west and the northern portion of the site had been used for crop farming.

The site is located within the North Kellyville Precinct of the Sydney Region North West Growth Centre where extensive residential redevelopment is currently being undertaken. There will be supporting infrastructure to include open space areas, conservation areas, town centre land, schools, new roads and the upgrade of existing roads. Currently, the locality is characterised by rural residential properties accommodating single dwellings and market garden style activities along with ancillary sheds, dams and greenhouses.

**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 $38,635,419.00 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. Compliance with Requirements of SEPP (Sydney Region Growth Centres) 2006

(i) Permissibility and Zone Objectives

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 2 North Kellyville Precinct Plan, a residential flat building is permitted with consent within the R3 Medium 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>4.1B Residential density.</td>
<td>Minimum 20 dwg/ha.</td>
<td>138 dwg/ha.</td>
<td>Yes.</td>
</tr>
<tr>
<td>4.3 Height of buildings.</td>
<td>16m.</td>
<td>Components of Blocks B &amp; D exceed 16m by 500mm.</td>
<td>No – see comments below.</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards.</td>
<td>Exceptions will be considered subject to appropriate assessment.</td>
<td>Variations proposed to height are addressed below.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

a. Variation to Height

Clause 4.6 Exceptions to Development Standards states as follows:

(1) The objectives of this clause are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) 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
(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

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

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,

(c) clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.

SEPP Sydney Region Growth Centres 2006 limits the height of the development to 16m. Components of Blocks B & D exceed 16m by 500mm.

The applicant has reviewed this matter and has concluded that:

The only exceptions to the height limit are to allow for lift overruns and roof architectural features. The increased height will have no impact upon the solar access or neighbouring lots or the amenity of the area. Reliance is made on Clause 4.6 which permits exceptions to development standards. The height variation is a minor encroachment to the control which does not allow for an additional storey to be achieved and is a result of topography of the site. The built form has been sited and designed to minimise the height variation to only a small portion of two buildings and will not contribute to any visual disruption to the desired streetscape of the locality once fully developed. Only lift overruns and roof features extend beyond the 16m height limit imposed.
The proposed variation to the maximum height would have no greater impact than a fully compliant development as it will be indiscernible from a fully compliant proposal and will not result in any exacerbation of amenity issues arising from overshadowing, privacy or acoustic impacts.

The height objectives of the SEPP are:

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale.
(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form.
(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas.
(d) to provide appropriate height controls for commercial development.
(e) to restrict the height of buildings within the curtilage of heritage items.

The proposed height of the buildings is considered satisfactory given that the site is surrounded by proposed and future roads. As such the development is separated from adjoining sites in terms of its location and the shadow impact from the development is considered reasonable given the form of the development. The separation to adjoining future development will reduce the potential for overlooking and privacy impacts.

The urban form is considered to be appropriate for the area. The proposal incorporates a variety of finishes and colours and will result in an appropriate urban outcome.

The development has been designed to cater for the topography of the site. The non-compliance in height relates to lift overruns and roof features which are proposed to be located at Blocks B & D (see Attachment 9). The non-compliance does not result in any adverse amenity impacts and does not result in a detrimental impact on the streetscape.

Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General’s concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

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

The required Design Verification Statement was prepared by Andre Mulder of Zhinar 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

Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.
The development responds and reflects the context into which it is placed. The site is located in the North Kellyville Release Area and the development conforms to the future desired character of the area. The site is separated by existing and future roads on all sides. Across these roads there are adjoining sites that are zoned R1 General Residential and R2 Low Density Residential to the south. The site adjoins land zoned B2 Local Centre to the north and R2 Low Density Residential to the west. There is a recent approval for a new Woolworth’s supermarket at the B2 site. The area is being converted from a rural area into a new urban release area. This context is likely to evolve over time as adjoining sites are to be developed within these new zonings.

(ii) Scale

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

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 in particular as it is not inconsistent with other recent approved developments in the precinct.

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 proposed development addresses matters such as privacy and open space matters.

(iii) Built Form

*Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

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

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.
The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 20 dwg/ha for the site.

(v) **Resources, Energy and Water Efficiency**

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

*Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

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**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

*Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.*

*Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity, and provide for practical establishment and long term management.*

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**

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

*Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*

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

*Good design optimises safety and security, both internal to the development and for the public domain.*

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

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

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should 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.

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

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

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>Part 1 – Local Context – Primary Development Controls</td>
<td>Building Height</td>
<td>Where there is an FSR requirement, test height controls against it to ensure a good fit.</td>
<td>No FSR control however the proposal complies with the density controls that apply to the site.</td>
</tr>
<tr>
<td></td>
<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 – minor variations to 16m height limit.</td>
</tr>
<tr>
<td></td>
<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 19m.</td>
</tr>
<tr>
<td></td>
<td>Building Separation</td>
<td>Up to 4 storeys</td>
<td>12m minimum provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12m between habitable rooms/balconies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9m between habitable rooms/balconies and non-habitable rooms; 6m between non-habitable rooms.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Five to eight storeys/up to 25 metres</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>18m between habitable rooms/balconies.</td>
<td>12m minimum provided between balconies.</td>
</tr>
<tr>
<td>Development Standard</td>
<td>SEPP 65 Requirements</td>
<td>Proposed Development</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td>9m between non-habitable rooms.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design and test building separation controls in plan and section.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Test building separation controls for daylight access to buildings and open spaces.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Building separation controls may be varied in response to site and context constraints.</td>
<td></td>
<td></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>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<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>The proposal provides for a minimum 6m building façade setback to all roads and 4.5m balconies to Barry Road.</td>
<td>The development is located in a new release area. The street setback is considered acceptable.</td>
</tr>
<tr>
<td>Side and rear setback</td>
<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>As the development is surrounded by public roads there is no designated side setbacks, nevertheless, setbacks are either provided by generous landscaped setback areas or access driveways.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
| **Floor Space Ratio** | Test the desired built form outcome against proposed floor space ratio to ensure consistency with:  
- Building height.  
- Building footprint.  
- The three dimensional building envelope.  
- Open space requirements. | N/A, no FSR control applies to the site however the proposal technically meets the minimum density controls that apply to the site. | Yes. |
|---|---|---|---|

### Part 2: Site Design

<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.</th>
<th>The majority of open space is provided around the buildings. Deep soil zones equate to 32.1%.</th>
<th>Yes.</th>
</tr>
</thead>
</table>

| Open Space | The area of communal open space required should generally be at least 25-30% of the site area.  
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. | Each unit at ground level is provided with a private open space area of at least 15.2m².  
No – meets the minimum DCP requirement of 15% and the common open space areas are contiguous ensuring they are useable. | No – meets the minimum DCP requirement of 10m². |
|---|---|---|---|

| Pedestrian Access | 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. | Pedestrian access is provided from the street or car parking area to the apartment entrance. Entrance and access to the basement parking is achieved via the internal stairs and elevators. | Yes. |
|---|---|---|---|

| Vehicular Access | Generally limit the width of driveways to a maximum of 6m.  
Locate vehicle entries away from main pedestrian entries and on secondary frontages. | The maximum width of the driveway is 6.1m assessed to be satisfactory by engineering.  
Vehicular access is suitably separated from the pedestrian access. | Yes. |
|---|---|---|---|
## Part 3: Building Design

<table>
<thead>
<tr>
<th>Apartment Layout</th>
<th>Single aspect apartments should be limited to 8m from a window.</th>
<th>Single aspect units exceed 8m.</th>
<th>Yes - appropriate solar access and cross ventilation are provided to all units.</th>
</tr>
</thead>
<tbody>
<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, having a minimum of: 1 bedroom – 64m². 2 bedroom – 75m². 3 bedroom – 124m².</td>
<td>Yes - all units comply with page 69 requirements where a direct typology comparison can be made.</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 7 x 1 bedroom units, 154 x 2 bedroom units and 20 x 3 bedroom units.</td>
<td>Yes.</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>
<td>Yes.</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>
<td>Yes.</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>
<td>Yes.</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 six units per floor.</td>
<td>Yes.</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.</td>
<td>Yes.</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. | 70.7% 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. | 60.7% 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. Compliance with the North Kellyville Development Control Plan

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

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>DCP REQUIREMENTS</th>
<th>PROPOSED</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 3.6 – Table 8 Minimum Lot Size by Density Bands.</td>
<td>R3 Medium Density Residential (20 dwg/ha) - 2,000m².</td>
<td>9,123m².</td>
<td>Yes.</td>
</tr>
<tr>
<td>Section 4.3.4 – Table 19 Minimum Frontage.</td>
<td>30m.</td>
<td>124.9m to Barry Road.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Minimum Adaptable Dwellings.</td>
<td>10%.</td>
<td>10.4%.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Minimum Site Coverage.</td>
<td>50%.</td>
<td>43.3%.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Minimum Communal Open</td>
<td>15%.</td>
<td>15.6%.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
Space.

Minimum Private Open Space. 10m². Minimum 10.8m². Yes.

Minimum Front Setbacks. Front setback – 6m balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length. Balconies on Levels 3 and 4 for Blocks B & D have a minimum setback of 4.5m to Barry Road. No, minor encroachments, refer below.

Minimum Corner Lots Secondary Street Setback 6m. Point encroachment at the north east corner for Block D. No, minor encroachments, refer below.

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>DCP REQUIREMENTS</th>
<th>PROPOSED</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Habitable Room Separation.</td>
<td>12m.</td>
<td>12m.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Minimum Car Parking</td>
<td>1 space per dwelling plus 0.5 spaces per 3 or more bedroom dwelling</td>
<td>233 spaces provided</td>
<td>Yes</td>
</tr>
</tbody>
</table>

a) Setbacks

Section 4.3.4 – Table 19 of The North Kellyville DCP requires that residential flat buildings are to have a minimum front setback of 6m, balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length. Further, a minimum setback of 6m is required for corner or secondary street frontages.

The development includes balcony encroachments of up to 1.5m into the front setback area to Barry Road for the upper level storeys of Block B and there are minor balcony encroachments into the secondary setback area at the north east corner of Block D as illustrated in Attachment 11.
The objectives of this section of the DCP are:

a) To establish a high quality residential environment where all dwellings have a good level of amenity.

b) To ensure a variety of housing forms within residential areas.

c) To ensure the provision of the housing that will, in its adaptable features, meet the access and mobility needs of any occupant.

The applicant in justifying the proposed variation to the Development Standards states that:-

Building façade setbacks of 6m are provided to all street setbacks with some minor exceptions. The proposal is one of the first of its types in the release area but has made a positive contribution to the desired streetscape which allows for street tree plantings and achieves daylight access controls. The proposal provides for adequate articulation along each façade while respecting the setback controls. The setbacks complement the proposed open space, deep soil requirements and separation provisions.

The proposed variations are minor and do not result in any impacts on adjoining properties. The variations add to the articulation of the building façade and can be supported. The setbacks have been designed to ensure there is an appropriate landscape setting for the development and the setbacks of the proposed development as a whole are considered appropriate. The encroachments are supportable. There will be no adverse visual impact. Landscaping with deep soil plantings can be provided around the perimeter of the development.

b) Vision and Character

The DCP objectives of the North Kellyville Precinct are:

a. To accommodate the future population, in a manner which responds to environmental constraints.

b. To create strong social, pedestrian, transit, cycleway and vehicular links with surrounding areas.

c. To protect and enhance existing natural features and resources.

d. To create opportunities for the development of a variety of housing types and densities.

e. To encourage higher densities along public transport nodes and areas of high amenity.

f. To promote economically viable development.

g. To create a layout plan that will assist an equitable and manageable development process.

h. To provide three centres as focal points for walkable neighbourhoods.

No changes to the Indicative Layout Plan are proposed under this development and the development of this site will not impede on the orderly development of land or on surrounding sites. The proposed development is located within the southern division of Smalls Creek and the Smalls Creek character area is to be an area of residential development consisting of higher densities in the area south of Withers Road.

Part 2.4.1 – Residential Density objectives are:

a. To ensure minimum density targets are delivered.

b. To provide guidance to applicant’s on the appropriate mix of housing types and appropriate locations for certain housing types.

c. To establish the desired character of the residential areas.

d. To promote housing diversity and affordability.
Whilst the Smalls Creek character statement does not specifically envisage residential flat buildings, this form of development is permissible. There is appropriate justification for higher densities on the subject development site as it adjoins the North Kellyville Centre to the north. Approval of the proposal will not result in an incompatible form of development with the immediate locality in particular when compared to recent development consents granted for properties at Nos. 2-4 Barry Road and Nos. 16-18 Withers Road.

5. 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 proposal provides for 7 x 1 bedroom units (3.84%), 154 x 2 bedroom units (85.05%) and 20 x 3 bedroom units (11.05%).

Unit Size (Typology)
Of the 181 proposed units, 121 units (67%) fall under ‘Type 1’, 53 units (29%) fall under ‘Type 2’ and 7 units (4%) fall under ‘Type 3’ apartment sizes. The development does not conform to the unit size typology in the DCP.

<table>
<thead>
<tr>
<th>Apartment Size Category</th>
<th>Apartment Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Type 1</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>50m²</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>70m²</td>
</tr>
<tr>
<td>3 or more bedrooms</td>
<td>95m²</td>
</tr>
<tr>
<td>Type 2</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>65m²</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>90m²</td>
</tr>
<tr>
<td>3 or more bedrooms</td>
<td>120m²</td>
</tr>
<tr>
<td>Type 3</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>75m²</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>110m²</td>
</tr>
<tr>
<td>3 or more bedrooms</td>
<td>135m²</td>
</tr>
</tbody>
</table>

Although the development does not meet the 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:
<table>
<thead>
<tr>
<th>Unit No.</th>
<th>No. of Beds</th>
<th>Size (m²)</th>
<th>DCP Typology</th>
</tr>
</thead>
<tbody>
<tr>
<td>A001</td>
<td>2</td>
<td>118.5</td>
<td>3</td>
</tr>
<tr>
<td>A002</td>
<td>2</td>
<td>95.1</td>
<td>2</td>
</tr>
<tr>
<td>A003</td>
<td>1</td>
<td>64.4</td>
<td>1</td>
</tr>
<tr>
<td>A004</td>
<td>2</td>
<td>91.1</td>
<td>2</td>
</tr>
<tr>
<td>A005</td>
<td>2</td>
<td>91.2</td>
<td>2</td>
</tr>
<tr>
<td>A006</td>
<td>1</td>
<td>64.4</td>
<td>1</td>
</tr>
<tr>
<td>A007</td>
<td>3</td>
<td>124</td>
<td>2</td>
</tr>
<tr>
<td>A008</td>
<td>2</td>
<td>90.5</td>
<td>2</td>
</tr>
<tr>
<td>B001</td>
<td>1</td>
<td>64.2</td>
<td>1</td>
</tr>
<tr>
<td>B002</td>
<td>2</td>
<td>80.5</td>
<td>1</td>
</tr>
<tr>
<td>B003</td>
<td>2</td>
<td>80</td>
<td>1</td>
</tr>
<tr>
<td>B004</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>B005</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>B006</td>
<td>2</td>
<td>89.1</td>
<td>1</td>
</tr>
<tr>
<td>B007</td>
<td>1</td>
<td>64.2</td>
<td>1</td>
</tr>
<tr>
<td>B008</td>
<td>2</td>
<td>80.5</td>
<td>1</td>
</tr>
<tr>
<td>B009</td>
<td>2</td>
<td>80</td>
<td>1</td>
</tr>
<tr>
<td>B010</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>B011</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>B012</td>
<td>2</td>
<td>89.1</td>
<td>1</td>
</tr>
<tr>
<td>C001</td>
<td>1</td>
<td>61.4</td>
<td>1</td>
</tr>
<tr>
<td>C002</td>
<td>2</td>
<td>84.4</td>
<td>1</td>
</tr>
<tr>
<td>C003</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>C004</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>C005</td>
<td>2</td>
<td>89.1</td>
<td>1</td>
</tr>
<tr>
<td>C006</td>
<td>1</td>
<td>61.4</td>
<td>1</td>
</tr>
<tr>
<td>C007</td>
<td>2</td>
<td>84.4</td>
<td>1</td>
</tr>
<tr>
<td>C008</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>C009</td>
<td>2</td>
<td>75</td>
<td>1</td>
</tr>
<tr>
<td>C010</td>
<td>2</td>
<td>89.1</td>
<td>1</td>
</tr>
<tr>
<td>D001</td>
<td>2</td>
<td>80</td>
<td>1</td>
</tr>
<tr>
<td>D002</td>
<td>1</td>
<td>75.5</td>
<td>3</td>
</tr>
<tr>
<td>D003</td>
<td>2</td>
<td>78.3</td>
<td>1</td>
</tr>
<tr>
<td>D004</td>
<td>2</td>
<td>90.8</td>
<td>2</td>
</tr>
<tr>
<td>D005</td>
<td>2</td>
<td>90.7</td>
<td>2</td>
</tr>
<tr>
<td>D006</td>
<td>2</td>
<td>76.9</td>
<td>1</td>
</tr>
<tr>
<td>D007</td>
<td>2</td>
<td>96.9</td>
<td>2</td>
</tr>
<tr>
<td>D008</td>
<td>2</td>
<td>90.5</td>
<td>2</td>
</tr>
<tr>
<td>A101</td>
<td>2</td>
<td>118.5</td>
<td>3</td>
</tr>
<tr>
<td>A102</td>
<td>2</td>
<td>95.1</td>
<td>2</td>
</tr>
<tr>
<td>A103</td>
<td>2</td>
<td>78.3</td>
<td>1</td>
</tr>
<tr>
<td>A104</td>
<td>2</td>
<td>90.7</td>
<td>2</td>
</tr>
<tr>
<td>A105</td>
<td>2</td>
<td>90.7</td>
<td>2</td>
</tr>
<tr>
<td>A106</td>
<td>2</td>
<td>77.4</td>
<td>1</td>
</tr>
<tr>
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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.

6. Issues Raised in Submission

The application was placed on public notification for a period of 30 days. A submission from The Hills District Historical Society was received indicating they had no concerns due to the separation between the development and the heritage item ‘Yalta’ at No. 259 Hezlett Road.
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. These have been incorporated, where appropriate, into a recommended condition of consent.

SUBDIVISION ENGINEERING COMMENTS

No objections are raised to the proposal and relevant conditions of consent are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the North Kellyville 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 Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report.

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

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

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

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

6. Provision of Parking Spaces
The development is required to be provided with a total 233 off-street car parking spaces and five motorcycle spaces. These spaces shall be available for off street parking at all times.

7. Accessibility and Adaptability
The access compliance assessment report dated 14 April 2015 must be adhered to at all stages.

8. Compliance with NSW Police Force Requirements
The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 1 June 2015 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.

9. Tree Removal
Approval is granted for the removal of three trees as marked in Arboricultural impact assessment prepared by Redgum Horticulture dated 13 April 2015.
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.

10. Planting Requirements
All trees planted as part of the approved landscape plan are to be minimum 75 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.

11. Acoustic Requirements
The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 68 Hezlett Road, Kellyville, dated 12/11/2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:
Section 4.3.1 – Recommended Treatments;
Section 4.3.1.1 – Recommended Glazing;
Table 5 – Glazing Requirements;
Table 6 – Minimum STC of Glazing (with Acoustic Seals);
Section 4.3.1.2 External Doors;
Section 4.3.1.3 Roof / Ceiling Construction; and
Table 7 – External Roof Construction (Colorbond Steel or equivalent).

12. Control of Early Morning Noise from Trucks
Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

13. 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.

14. 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.

15. 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.

16. Construction of Garbage Rooms
All work involving construction of the two garbage rooms is required to comply with the requirements of Council’s waste storage area specifications, as attached to this consent. Storage facility in each room must be provided for a minimum of 5 x 1100L bulk garbage bins and 15 x 660L bulk recycling bins. The measurements of these bins are provided below:

660L: 850mm (d) 1370mm (w) 1250mm (h)
1100L: 1245mm (d) 1370mm (w) 1470mm (h)

NOTE: The garbage rooms must be mechanically ventilated and should include automatic odour control systems.

17. Separate Application for Strata Subdivision
A separate application must be submitted for any proposed strata titled subdivision of the approved development.

18. 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.

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 ramp grades are to be maximum 22% with the relevant transitions as per above documentation.

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.

20. 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.

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

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

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.

iv. Service Conduits
Service conduits to each of the proposed new structures, laid in strict accordance with the relevant service authority’s requirements, are required. Services must be shown on the engineering drawings.

v. Water Sensitive Urban Design Elements
Water sensitive urban design elements, consisting of bioretention areas and rainwater tanks, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided. The MUSIC model submitted as part of the DA process has nominated the use of effective nutrient removing plants in
the bio-retention basins. This requires a plant mix of greater than 50% to be made up of the following species:

i. Carex;
ii. Juncus;
iii. Melaleuca; and
iv. Goodenia ovata.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:


21. Garbage Vehicle Access and Loading
Minimum vehicle access and loading facilities must be designed in accordance with AS2890.2 for the standard SRV with a modified vehicle length. The overall modified vehicle length is 7.4m. The additional 1m is rear overhang. The access and loading design must accommodate for the modified vehicle length and also provide additional space for loading (rear of vehicle).

NOTE: Garbage vehicles must enter and leave the site in a forward direction and are only permitted a single reverse movement into a designated loading area.

22. Waste Loading Bay Signage
Appropriate signage must be mounted in a visible location and is to be maintained by the Body Corporate, indicating the waste loading bays are to be available and unimpeded at all times. This must also be referenced within the strata management statement.

23. Adherence to Waste Management Plan
All commitments of the Waste Management Plan submitted to and approved by Council must be implemented during construction of the development, except where amended by other conditions of consent. 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.

24. Asbestos Removal
Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

25. 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 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.
26. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

27. 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.

28. Submission of a Salinity Report
A salinity report is to be prepared and submitted prior to the issue of the construction certificate. The recommendations of the report are to be implemented as part of this approval.

29. 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 Growth 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

30. 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.

31. Section 94 Contribution – North Kellyville
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>
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<tr>
<th>Purpose: 1 Bedroom Unit</th>
<th>Purpose: 2 Bedroom Unit</th>
<th>Purpose: 3 Bedroom Unit</th>
<th>Purpose: Credit</th>
<th>No. of 1 Bedroom Units: 180</th>
<th>No. of 2 Bedroom Units: 120</th>
<th>No. of 3 Bedroom Units: 60</th>
<th>Sum of Units</th>
<th>No. of Credits: 1</th>
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<tr>
<td>Open Space - Land</td>
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<td>$10,248.59</td>
<td>$13,908.38</td>
<td>$30,000.00</td>
<td>$342,18</td>
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<td>$73,058.57</td>
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<td>$1,099.30</td>
<td>$2,239.29</td>
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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. 13.

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.

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

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

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

33. Protection of Internal Noise Levels (Residential Unit Development)
An acoustic statement is required to be submitted to Council’s Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the Acoustic Report prepared by Acoustic Logic Pty Ltd, with reference number 68 Hezlett Road, Kellyville and dated 12/11/2014, have been included in the construction plans of the development.

34. Street Numbering Identification and Letterbox Location
Prior to any Construction Certificate being issued, a plan showing the layout and location of the letterboxes for all units in the development must be submitted to Council’s Team Leader – Land and Information, for written approval. Street and unit numbering will be determined after receipt of this plan.

Written correspondence from Australia Post, certifying their approval to the proposed location of the letterboxes must accompany this plan.

Australia post normally requires there be one single group of cluster letterboxes. Should more than one cluster be required, or should a combination of cluster and individual be required, Australia Post approval is necessary.

35. 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.

36. 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.

37. 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.

38. 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 $310,420 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 (440m) of the subject site multiplied by the width of the road.

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.

40. Water Sensitive Urban Design Elements – Bioretention Area and Rainwater Reuse Tank (North Kellyville)
The construction certificate issued for this structure must include the bioretention area and rainwater reuse tank conditioned earlier in this consent.

41. 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.

PRIOR TO WORK COMMENCING ON THE SITE

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

43. 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.

44. 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.

45. 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.

46. 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).

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

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

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

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

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

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

57. 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.

DURING CONSTRUCTION

58. 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. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.
59. **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.

60. **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).*

61. **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.

62. **Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority**
Section 109E(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.

63. **Asbestos Removal**
Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

64. **Stockpiles**
Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

65. **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.

66. 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.

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.

68. 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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

69. 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.

70. Acoustic Compliance Report
The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled 68 Hezlett Road, Kellyville prepared by Acoustic Logic Pty Ltd dated 12/11/2014. Certification is to be provided to the certifying authority that the project specific noise levels as outlined in the report have been met.

71. 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.

72. 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.
73. 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.

74. 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.

75. Registration of Subdivision
Any Occupation Certificate shall not be issued for this development until the subdivision pursuant to Development Consent No. 980/2015/ZA has been registered.

76. 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.

77. 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.

78. 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.

79. 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. 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.

ii. 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.

iii. 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.
80. 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.

81. 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 waste collection vehicle.

82. Final Inspection of Garbage Rooms

Prior to an Occupation Certificate being issued, a final inspection of the garbage rooms 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.

83. 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.

84. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required form 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.

THE USE OF THE SITE

85. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting.
ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. SEPP Zoning Map and DCP Road Layout Map
4. SEPP Height Limit Map
5. Site Plan
6. Elevations
7. Photomontage
8. Landscape Plan
9. Analysis of Height Diagram
10. Approved Subdivision Plan
11. Proposed Variation to Setbacks
ATTACHMENT 1 – LOCALITY PLAN

NOTE: ONE SUBMISSION RECEIVED FROM THE HILLS DISTRICT HISTORICAL SOCIETY
ATTACHMENT 7 – PHOTOMONTAGE

PHOTOMONTAGE - VIEW FROM NORTH-EAST
ATTACHMENT 9 – ANALYSIS OF HEIGHT DIAGRAM
ATTACHMENT 11 – PROPOSED VARIATIONS TO SETBACKS

- Levels 3 & 4 balcony encroachments
- Min. 6m setback
- Minor point encroachment at Block D
- Min. 6m setback