

MINUTES OF THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL MEETING HELD AT THE HILLS SHIRE COUNCIL ON THURSDAY, 23 SEPTEMBER 2010 AT 3:00 PM

PRESENT:

Janet Thomson
Bruce MacDonald
Paul Mitchell
Dave Walker
Stewart Seale

Chairperson
Panel Member
Panel Member
Panel Member
Panel Member

IN ATTENDANCE

Paul Osborne	Manager - Development Assessment Services
Gavin Cherry	Development Assessment Co-ordinator
Rob Buckham	Development Assessment Co-ordinator
Claro Patag	Development Assessment Co-ordinator

APOLOGY:

Michael Edgar	Panel Member
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The meeting commenced at 3:00pm. The Chair welcomed everyone to the Sydney West Regional Panel Meeting.

1. Declarations of Interest

Dave Walker declared a non-pecuniary interest in Item 7.

2. Business Items

ITEM 1 ***JRPP 2009SYW006 – The Hills Shire Council DA280/2010/JP - Seniors Living Development, Old Glenhaven Rd, Glenhaven***

3. Public Submissions

Paul Kyle	Addressed the panel against the item
Natasha Wells	Addressed the panel in favour of the item

4. Business Item Recommendations

JRPP 2009SYW006 – The Hills Shire Council DA280/2010/JP - Seniors Living Development, Old Glenhaven Rd, Glenhaven

Council's Development Assessment Coordinator advised that the development application was amended at the request of the NSW Rural Fire Services to ensure the development complied with

the Planning for Bushfire Protection Guidelines and that all asset protection zones are contained wholly within the subject site. This resulted in the deletion of the Residential Care Facility component and 18 self care dwellings.

Moved by Dave Walker

Seconded by Paul Mitchell

That the Panel adopt the Council officer's recommendation to approve the proposal.

MOTION CARRIED

ITEM 2 ***ITEM 2 - JRPP 2009SYW009 – The Hills Shire Council DA 318/2010/JP – Proposed Warehouse and Commercial Development, Lot 2 DP 251094, Mile End Rd, Rouse Hill***

5. Public Submissions

Nil

6. Business Item Recommendations

JRPP 2009SYW009 – The Hills Shire Council DA 318/2010/JP – Proposed Warehouse and Commercial Development, Lot 2 DP 251094, Mile End Rd, Rouse Hill

While five (5) submissions were received during the assessment of the development application, no further submissions were tabled at the meeting with no listed speakers

Moved by: Bruce MacDonald

Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to approve the proposal.

MOTION CARRIED

ITEM 3 ***ITEM 3 - JRPP 2009SYW018 – The Hills Shire Council DA 562/2010/JP - 18-storey Apartment Development with Retail Component at Ground Floor, 2-8 James Street, Carlingford***

7. Public Submissions

Babak Digdeli Addressed the panel **against** the item

Warwick Gosling Addressed the panel **in favour** of the item

8. Business Item Recommendations

ITEM 3 - JRPP 2009SYW018 – The Hills Shire Council DA 562/2010/JP - 18-storey Apartment Development with Retail Component at Ground Floor, 2-8 James Street, Carlingford.

The development application be deferred to the date of the first Joint Regional Planning Panel meeting in 2011. The next report is to address the following:-

Provide advice from Energy Australia on the appropriateness of the proposed development giving consideration to its intensity and proximity to the substation and transmission lines; and

A detailed assessment of all planning and design matters

Moved by Bruce McDonald

Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to defer the proposal.

MOTION CARRIED

ITEM 4 ***ITEM 4 - JRPP 2009SYW031 – The Hills Shire Council DA No. 895/2010/JP - 18 storey mixed use (residential/retail) development, 2-14 Thallon Street & 7-13 Jenkins Road, Carlingford.***

9. Public Submissions

Beth Jacobs	Addressed the panel against the item
Babak Digdeli	Addressed the panel against the item
Warwick Gosling	Addressed the panel in favour of the item

10. Business Item Recommendations

ITEM 4 - JRPP 2009SYW031 – The Hills Shire Council DA No. 895/2010/JP - 18 storey mixed use (residential/retail) development, 2-14 Thallon Street & 7-13 Jenkins Road, Carlingford.

The development application be deferred to the date of the first Joint Regional Planning Panel meeting in 2011. The next report is to address the following:-

Provide advice from Energy Australia on the appropriateness of the proposed development giving consideration to its intensity and proximity to the substation and transmission lines; and

A detailed assessment of all planning and design matters

Moved by Bruce McDonald

Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to defer the proposal.

MOTION CARRIED

ITEM 5 ***ITEM 5 - JRPP 2010SYW001 – The Hills Shire Council DA No. 943/2010/JP - 4-18 storey mixed use development, 1-7A Thallon Street, Carlingford***

11. Public Submissions

Babak Digdeli	Addressed the panel against the item
Warwick Gosling	Addressed the panel in favour of the item

12. Business Item Recommendations

ITEM 5 - JRPP 2010SYW001 – The Hills Shire Council DA No. 943/2010/JP - 4-18 storey mixed use development, 1-7A Thallon Street, Carlingford

The development application be deferred to the date of the first Joint Regional Planning Panel meeting in 2011. The next report is to address the following:-

Provide advice from Energy Australia on the appropriateness of the proposed development giving consideration to its intensity and proximity to the substation and transmission lines; and

A detailed assessment of all planning and design matters

Moved by Bruce McDonald

Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to defer the proposal.

MOTION CARRIED

ITEM 6 **ITEM 6 - JRPP 2010SYW005 – The Hills Shire Council DA No. 993/2010/JP - Proposed Amended Central Residential Precinct within the Norwest Town Centre, 1-34 / 16-54 Central Park Avenue, Baulkham Hills**

13. Public Submissions

Nil

14. Business Item Recommendations

ITEM 6 - JRPP 2010SYW005 – The Hills Shire Council DA No. 993/2010/JP - Proposed Amended Central Residential Precinct within the Norwest Town Centre, 1-34 / 16-54 Central Park Avenue, Baulkham Hills

Two (2) memorandums were tabled at the meeting being dated 15 September 2010 and 23 September 2010. These memorandums requested the following amendments to the recommended conditions of consent: -

STAGE 1 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application."

2. Condition No. 3 be **deleted** and **replaced** as follows: -

"3. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No. 41 be **deleted** and **replaced** as follows: -

"41. Section 94 Contribution – Stage 1

A current contribution of \$541, 674.39 being 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.

Please note: Section 94 rates are updated quarterly."

4. Condition No. 45(i) and (ix) be **deleted** and **replaced** as follows: -

"i. Shared Cycleway / Foot Path - Solent Circuit

Brick paved shared footpath and cycleway of 2.5m width **along the southern side of Solent Circuit** to link with the existing cycleway on the southern side of Solent Circuit adjacent to Norwest Lake.

Brick paved footpath 1.5m width along the Solent Circuit Frontage of the development site."

ix. Stormwater Management - Water Quality Control Measures

Based strictly on stormwater quality management principles, Water Quality Control Measures consisting of Vegetated swales, Proprietary gross pollutant traps - Hydrofilter HF1000 (or similar) and Stormfilter (or similar), Proprietary pit insert - Enviropod 200 (or similar), Bio-retention Basin; and Rainwater tanks are to be located generally in accordance with the following references:

- Stormwater Management Plan for Norwest Town Centre and Riparian Corridor (Revision B dated October 2007).
- Stormwater Management Plan (Supplementary Report) for Norwest Town Centre Residential Development (Revision B dated October 2009).
- Concept Stormwater Drainage Plans Sheets 1 to 4, Drawings –
 - 00510_DA_C201 – Revision 01 - dated 18 December 2009
 - 00510_DA_C202 – Revision 01 - dated 18 December 2009
 - 00510_DA_C203 – Revision 01 - dated 18 December 2009
 - 00510_DA_C204 – Revision 01 - dated 18 December 2009
- MUSIC Model "Water Quality - Norwest.sqz.

NOTE: The applicant is to utilise latest best practice guidelines in designing Water Quality Control Measures. Such guidelines include but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

Submission of detailed design and construction plans for the Water Quality Control Measures shall include:

- a) long section and cross sections of the proposed design elements;
- b) appropriate all weather vehicular access designed and constructed up to the proprietary gross pollutant traps, Hydrofilter HF1000 (or similar) and Stormfilter (or similar), to allow for the periodic maintenance of the devices in accordance with guidelines provided by the device supplier;

- c) water quality and quantity modelling of the entire stormwater system for the proposed development including all model parameters, data outputs and model result files;
- d) Such detailed modelling is required to inform and support the detailed design and construction of the proposed Water Quality Control Measures. This is to demonstrate a reduction in annual average pollution export loads from the development site in line with the latest NSW Department of Environment Climate Change and Water environmental targets of:
 - 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

5. Condition No. 60 be **deleted**

6. Condition No. 71 from Stage 2 being **carried over** to Stage 1. Condition No. 72 from Stage 2 is as follows: -

"72. Public Asset Creation Summary

The submission of the following information is required:

- a) The length and tendered cost of all constructed road works (public roads);
- b) The land area dedicated as public road;
- c) The length and cost of all constructed drainage works (excluding common or inter-allotment drainage lines);
- d) The length, width and cost of constructed concrete foot-paving;
- e) The length, width and cost of constructed cycleway;

NOTE: This information must be tabulated and sorted by street name (all works) and pipe size (for drainage works)."

STAGE 2 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application."

2. Condition No. 3 be **deleted** and **replaced** as follows: -

"3. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No. 9 be **deleted** and **replaced** as follows: -

"9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to: -

- A collapsible clothes line is to be provided for each dwelling.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided."

4. Condition No. 26 be **deleted** and **replaced** as follows: -

"36. Section 94 Contribution – Stage 2

A current contribution of \$291,021.95 being 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.

Please note: Section 94 rates are updated quarterly."

5. Condition No. 37 be **deleted** and **replaced** as follows: -

"37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council (**or carried over from the preceding stage**) to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs."

6. Condition No. 39(ii) be **deleted**

7. Condition No. 62 be **deleted**.

8. Condition No. 71 be **deleted** from Stage 2.

STAGE 3 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. Condition No. 6 be **deleted** and **replaced** as follows: -

"6. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No. 8 be **deleted** and **replaced** as follows: -

"8. Provision of Parking Spaces

The development is required to be provided with forty **two (42)** residential car parking spaces. These car parking spaces shall be available for off street parking at all times."

4. Condition No. 4 be **deleted** and **replaced** as follows: -

"9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to: -

- A collapsible clothes line is to be provided for each dwelling.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided."

5. Condition No. 36 be **deleted** and **replaced** as follows: -

"36. Section 94 Contribution – Stage 3

A current contribution of \$403,695.10 being 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.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

6. Condition No. 37 be **deleted** and **replaced** as follows: -

37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council (**or carried over from the preceding stage**) to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

7. Condition No. 62 be **deleted**.

STAGE 4 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. Condition No. 6 be **deleted** and **replaced** as follows: -

"6. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No. 9 be **deleted** and **replaced** as follows: -

"9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to: -

- A collapsible clothes line is to be provided for each dwelling.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.
- The eaves associated with Dwelling 46 are to be located outside of the Transmission Easement or concurrence provided from Integral Energy (or applicable authority) prior to the issue of the Construction Certificate.

4. Condition No. 36 be **deleted** and **replaced** as follows: -

"36. Section 94 Contribution – Stage 4

A current contribution of \$286,804.26 being 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.

Please note: Section 94 rates are updated quarterly."

5. Condition No. 37 be **deleted** and **replaced** as follows: -

"37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council **(or carried over from the preceding stage)** to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs."

6. Condition No. 60 be **deleted**.

STAGE 5 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. Condition No. 3 be **deleted** and **replaced** as follows: -

"3. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No 9 be **deleted** and **replaced** as follows: -

"9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to: -

- A collapsible clothes line is to be provided for each dwelling.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

4. Condition No. 34 be **deleted** and **replaced** as follows: -

"34. Landscape Bond

A landscape bond in the amount of **\$15,000** is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stages. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 5 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan."

5. Condition No. 37 be **deleted** and **replaced** as follows: -

37. Section 94 Contribution – Stage 5

A current contribution of \$133,761.60 being 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.

Please note: Section 94 rates are updated quarterly.

6. Condition No. 38 be **deleted** and **replaced** as follows: -

"38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council (**or carried over from the preceding stage**) to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs."

7. Condition No. 62 be **deleted** and **replaced** as follows

STAGE 6 CONDITIONS OF CONSENT

1. Condition No. 1 be **deleted** and **replaced** as follows: -

"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.

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. Condition No. 3 be **deleted** and **replaced** as follows: -

"3. Tree Removal

Approval is granted for the removal of **all trees** within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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."

3. Condition No. 10 be **deleted** and **replaced** as follows: -

"10. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to: -

- A collapsible clothes line is to be provided for each dwelling.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

4. Condition No. 35 be **deleted** and **replaced** as follows: -

"35. Landscape Bond

A landscape bond in the amount of **\$15,000** is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stages. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 5 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan."

5. Condition No. 37 be **deleted** and **replaced** as follows: -

37. Section 94 Contribution – Stage 6

A current contribution of \$86,161.86 being 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.

Please note: Section 94 rates are updated quarterly.

6. Condition No. 38 be **deleted** and **replaced** as follows: -

"38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council (**or carried over from the preceding stage**) to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs."

7. Condition No. 41(ii) be **deleted**.

8. Condition No. 43 be **deleted**.

9. Condition No. 65 be **deleted**.

Moved by Bruce MacDonald

Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendments as outlined above.

MOTION CARRIED

ITEM 7 **ITEM 7 - 2010SYW029 The Hills DA No. 1553/2010/JP – Proposed Commercial Development and 106 Serviced Apartment Units; 22 Brookhollow Avenue, Baulkham Hills**

15. Public Submissions

Nil

16. Business Item Recommendations

ITEM 7 - 2010SYW029 The Hills DA No. 1553/2010/JP – Proposed Commercial Development and 106 Serviced Apartment Units; 22 Brookhollow Avenue, Baulkham Hills

A memorandum was tabled at the meeting dated 23 September 2010. These memorandum responds to the request of the Joint Regional Planning Panel Members and seeks amendment to the following condition of consent:-

1. Condition No. 85 be **deleted** and **replaced** as follows:-

85. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – OSD & Rainwater Reuse Modification

A restriction as to user restricting development over or the varying of the finished levels of the OSD structures and associated components as constructed.

ii. Restriction – Prohibition on Strata Subdivision

A restriction as to user prohibiting strata subdivision of the residential serviced apartments to ensure the units are not utilised for permanent residential accommodation.

iii. Positive Covenant – OSD & Rainwater Reuse Maintenance

A positive covenant to ensure the on-going maintenance of the OSD structure and associated components as constructed.

iv. Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure on-going maintenance of the stormwater pump-out system is carried out at six (6) monthly intervals (minimum). The wording must specifically indemnify Council from all costs associated with the maintenance of the system.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement

Moved by Bruce MacDonald
Seconded by Dave Walker

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the recommended conditions of consent, with amendments as outlined above.

MOTION CARRIED

The meeting concluded at 3.50pm.

Endorsed by

Bruce McDonald
Acting Chair
07 October 2010