

FURTHER REPORT

JRPP PLANNING REPORT

JRPP NO:	2010SYW020
DA NO:	1286/2010/JP
APPLICANT:	MR. JOE AFLAK
PROPOSED DEVELOPMENT:	SIX (6) STOREY APARTMENT BUILDING CONSISTING OF 78 APARTMENT UNITS AND TWO (2) LEVELS OF BASEMENT CAR PARKING FOR 157 VEHICLES
PROPERTY	LOT 1-6 DP 18828, NOS. 1-11 DONALD STREET, CARLINGFORD
LODGEMENT DATE:	24 MARCH 2010
REPORT BY:	CLARO PATAG – DEVELOPMENT ASSESSMENT COORDINATOR THE HILLS SHIRE COUNCIL
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS.

FURTHER REPORT

On 8 June 2011, a status report on the subject Development Application (with an attached assessment report submitted to the Joint Regional Planning Panel on 24 March 2011) was submitted to the Panel with a recommendation to defer the determination of this application pending the resolution of outstanding engineering matters (see Attachment AA1).

Council received the amended stormwater and basement parking drawings from the applicant on 25 July 2011.

On 8 August 2011, Council officers wrote to the applicant advising that several matters were still outstanding with respect to flooding, vehicular access and parking issues that have not been adequately resolved and requested the submission of additional information to enable further processing of the Development Application.

The subject site is affected by flooding, due to the presence of a trapped low point/ Council drainage easement which passes through the subject site along the boundary between 1-3 Donald Street. This easement contains a 450mm diameter pipeline that extends further upstream (east) towards Young Road via Council's Young Road Reserve behind the subject site. Downstream (west) of the subject site, the trapped low point/ Council drainage easement extends beyond Donald Street into 2-4 Donald Street, 19 Post Office Street and 10 Paul Place.

On 10 August 2011, the applicant submitted the additional engineering information (including an amended basement parking layout increasing the total number of parking spaces to 157 spaces) and this has been assessed by Council's Subdivision Coordinator as

being satisfactory. The stormwater concept plan has been amended as part of the additional information submitted which includes the deletion of the trapped low point/ Council drainage easement and its replacement with a new 750mm diameter pipeline extending from Young Road, south to Post Office Street, then west along the northern side of Post Office Street (fronting the subject site) connecting to the existing kerb inlet pit fronting 19 Post Office Road. A second 750mm diameter pipeline between Donald Street fronting the subject site and Post Office Road is also proposed. This will require works in Young Road, Post Office Street, Donald Street and Council's Young Road Reserve as part of the proposal, as discussed in more detail in Condition 55 below. The purpose of this exercise is to remove flood affectation from the subject site, diverting it to Post Office Road instead, as per the overarching stormwater management strategy established by the Carlingford DCP.

As detailed in the report to the JRPP on 24 March 2011, the proposed development complies with the Precinct-wide Built Form controls under clause 4 of BHDCP Part E Section 22 – Carlingford Precinct and BHLEP 2005 (Amendment No. 20 – Carlingford Precinct) with the exception of floor space ratio (FSR) and number of storeys. The applicant has lodged a SEPP 1 objection to the floor space ratio standard prescribed in the Carlingford Precinct LEP. The proposed development has a floor space ratio of 1.50:1 or 6,745m² of gross floor area, which represents a difference of 86m² or 0.01% departure from the standard. The SEPP 1 objection was addressed in the previous report and it was considered that this minor variation would not cause any unreasonable or unacceptable impacts to neighbouring properties in terms of visual bulk and scale, overshadowing loss of privacy or views, and in that respect the SEPP 1 objection is supported as strict compliance with the development standard is unnecessary and unreasonable in the circumstances of the case.

In terms of the building height specified in the LEP Building Height Map, BHLEP 2005 (Amendment No. 20) – Carlingford Precinct, the Carlingford Precinct DCP provides an equivalent number of storeys as depicted in the table under clause 4.2.2 and in this case the maximum height of 21m allowable for the site equals to 6 storeys. The development partly exceeds by 1 storey due to the protrusion of the basement car park adjacent to the Post Office Street frontage by more than 1 metre above natural ground level which is due to the topography of the site. The variation to the number of storeys is supported as the protrusion of the basement level by more than 1 metre above the natural ground level does not adversely impact upon adjoining properties in terms of overshadowing or loss of privacy and does not significantly add to the overall bulk and scale of the development. Despite this variation to the number of storeys, the development maintains compliance with the 21m height limit specified in the LEP and the protrusion is not obtrusive when viewed from both Post Office and Donald Street as it is sufficiently obscured by landscape screening on both street frontages. The variation to the total number of storeys in the DCP is supported in this regard

The subject site is not subject to a Voluntary Planning Agreement and therefore the Section 94 Contributions Plan No. 14 for the Carlingford Precinct applies.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Baulkham Hills Local Environmental Plan 2005, Baulkham Hills Development Control Plan, State Environmental Planning Policy (Major Development) 2005, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 1 – Development Standards, and is considered satisfactory.

It is recommended that the subject Development Application be approved subject to conditions.

IMPACTS:

Financial

This matter has no direct impact upon Council's adopted budget or forward estimates. The applicant will be required to pay the monetary contributions pursuant to Contributions Plan No. 14 – Carlingford Precinct as a condition of consent.

Hills 2026

The proposal responds to the revitalisation of the Carlingford Precinct which is an integral component of Council's Residential Direction and response to the State Governments Draft North West Sub-Regional Strategy. The proposal provides a good mix of housing which is an environmentally sustainable form of residential development and would protect and enhance the character of the locality and the Shire as a whole.

RECOMMENDATION

That the subject Development Application be approved subject to the following conditions:

GENERAL MATTERS & ADVICE

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

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA03	Site Plan	B	January 2011
DA04	Site Calculation Plan	B	December 2010
DA05	Basement 2 Plan	D	July 2011
DA06	Basement 1 Plan	E	August 2011
DA07	Ground Floor Plan	C	July 2011
DA08	Level 1 Plan	B	December 2010
DA09	Level 2 Plan	B	December 2010
DA10	Level 3 Plan	B	December 2010
DA11	Level 4 Plan	B	December 2010
DA12	Level 5 Plan	B	December 2010
DA13	Roof Plan	B	December 2010
DA14	Elevations 1	B	December 2010
DA15	Elevations 2	B	December 2010
DA16	Shadow Diagrams	B	December 2010
DA17	Pre & Post Adaptable Layouts	B	December 2010
-	Finishes Schedule	-	-
L-01/3	Landscape Plan	B	20/01/11
L-02/3	Landscape Plan	B	20/01/11
L-03/3	Landscape Plan	B	20/01/11
-	3D Diagrams (8 pages)	-	-

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. Provision of Parking Spaces

The provision and maintenance thereafter of 173 off-street car parking spaces and 4 motorcycle spaces.

4. External Finishes & Materials

External finishes and materials shall be in accordance with the details submitted with the development application and approved with this 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. Compliance with the NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached as Appendix "A" to this consent and dated 26 May 2010.

7. Compliance with the NSW Police Requirements

Compliance with the requirements of the NSW Police attached as Appendix "B" to this consent and dated 17 May 2010, in terms of the relevant Crime Prevention through Environmental Design (CPTED) factors such as surveillance, access control and territorial reinforcement with the exception of traffic matters outlined in the letter which are addressed separately as separate conditions in this consent.

8. Compliance with NSW Transport/RailCorp Requirements

Compliance with the requirements of the NSW Transport/RailCorp attached as Appendix "C" to this consent and dated 12 April 2011.

9. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

10. 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.

11. 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.

12. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

14. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

15. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works 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. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

16. 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.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's medium duty standard.

The driveway must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Concrete Footpath Paving

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

iv. Footpath Verge Formation

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

v. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

17. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

18. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

19. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a. The location and type of each WSUD element, including details of its operation and design;
- b. A brief description of the catchment characteristics, such as land uses, areas etc;
- c. Estimated pollutant types, loads and indicative sources;
- d. Intended maintenance responsibility, Council, landowner etc;
- e. Inspection method and estimated frequency;
- f. Adopted design cleaning/ maintenance frequency;
- g. Estimate life-cycle costs;
- h. Site access details, including confirmation of legal access, access limitations etc;
- i. Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j. Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k. Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l. A work method statement;
- m. A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

20. Numbering

The responsibility for property numbering is vested solely in Council.

The property and mailing address for this development is as follows:

Units 1-78/1-11 Donald Street Carlingford NSW 2118

This consists of the following Unit Numbering: Refer attached Plan

Block A - Lift 1	Units 1-11
Block A – Lift 2	Units 12-25
Block B – Lift 3	Units 26-42
Block B – Lift 6	Units 43-53
Block C – Lift 4	Units 54-67
Block C – Lift 5	Units 68-78

These unit numbers, as issued, are to be displayed clearly on all unit door entrances.

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

Signage by way of a site plan must be displayed at the entrance to the property. This should indicate positioning and numbering of all buildings and Unit numbers on the site.

21. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

Any amendments to these plans that may affect the approved numbering MUST be referred to the Council's Land Information Section for additional assessment.

22. Unidentified Heritage Items and/or Archaeological Relics

If during demolition works any evidence of any previously unidentified European heritage items and/or archaeological relics are found, all work on the site is to cease and the NSW Heritage Office contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Office.

23. Historic Structures

The historic brick wall, gates, stone wall, entrance way and any other identified structures located on the property are to be retained in situ and unaffected by any demolition or construction works.

24. Program of Works

Given the identified significance of the historic structures a program of works to prevent any further damage or deterioration is to be submitted to Council for its endorsement prior to commencement of works and is to address: -

- a. Securing the structures
- b. Rectifying damage to the buildings caused by vandalism
- c. Repairs to any of structures
- d. Any other repairs to ensure continued structural stability.

25. Completion of Works

The program of works as outlined in Condition (XX) above and as endorsed by Council is to be completed within six (6) months from the date of consent.

26. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. 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. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

27. Imported 'waste derived' fill material

- (i) The only waste derived fill material that may be received at the development site is:
 - a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
 - b. any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

- (ii) Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

28. Dust Control

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 work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

29. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)

An acoustic statement is required to be submitted prior to the issue of the Construction Certificate ensuring the following is achieved:

- a. The L_{10} (20 minute) internal noise level with windows and external façade doors closed shall not be greater than 40 dB(A).
- b. The L_{10} (20 minute) internal noise level, with windows and external façade doors normally open, shall be less than 50 dB(A)

The requirements of (b) may be equally satisfied by the alternative provision of either a mechanical or natural ventilation system or a special acoustic design solution as approved by Council.

30. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of

the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

31. Construction Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

32. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

33. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

34. Liquid Spill Clean-up Equipment

Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

35. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

36. Stockpiles

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

37. 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.

38. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by RSA Acoustics, referenced as Report No 4586, dated February 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular, recommended construction components.

39. Tree Removal

Approval is granted for the removal of twenty seven (27) trees as indicated on Landscape Plan prepared by RFA Landscape Architects dated 02/03/2010 as they will be affected by the proposed development.

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.

40. Tree/s to be retained

To maintain the treed environment of the Shire, Two (2) *Calodendrum capense* trees are retain.

41. 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. All ground covers planted as part of the approved landscape plan are to be minimum 150mm pot size.

42. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. 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. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

43. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

44. Domestic Waste Management

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 6 x 1100 litre bulk garbage bins and 27 x 240 litre recycling bins in Garbage Room 1 and 3 x 1100 litre bulk garbage bins and 13 x 240 litre recycling bins in Garbage Room 2.

Garbage Rooms must be clearly signposted for easy identification for servicing and delivery of bins by Council's waste collection contractor. All 240 litre recycling bins must be identified with units numbers.

45. 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 area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

46. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

47. Landscape Bond

A landscape bond in the amount \$20,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate 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.

48. Integral Energy

A letter of consent showing satisfactory arrangements have been made underground electricity to the site in accordance with Integral Energy's Network Connection Contestable Works General Terms and Conditions Policy.

49. Telecommunications

A letter of consent showing satisfactory arrangements have been made with the relevant telecommunications carrier(s) for the provision of underground telecommunications services to the site.

50. Detailed Landscaping Plan

A detailed landscaping plan shall be submitted to Council prior to the issue of the Construction Certificate. The landscaping plan shall be prepared and certified by a qualified landscape architect and designed in accordance with the requirements as outlined within the Carlingford Public Domain Plan, Section 5 – Design Concept.

Landscape plans shall contain the following information:

- Outline of the proposal including all buildings
- Existing trees (height and location)
- Trees to be removed
- Proposed planting (quantity, species, and expected mature height)
- Proposed earth mounding
- Paths and paving (location and materials)
- Proposed fencing and retaining wall details
- The method of planting and the proposed maintenance program; and
- Details of lighting, fencing, seating and paving, where relevant.

A qualified consultant/contractor shall be engaged for all landscaping works.

51. Section 94 Contribution – Carlingford

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: -

Apartments

Purpose	No. of 1 bed: 31	No. of 2 bed: 41	No. of 3 bed: 6	Sum of Units	No. of credits: 6	Total Section 94
Open Space - Land	\$120,533.89	\$204,640.02	\$34,083.72	\$359,257.63	\$56,254.62	\$303,003.01
Open Space - Capital	\$15,128.31	\$25,684.45	\$4,277.82	\$45,090.58	\$7,060.50	\$38,030.08
Transport - Capital	\$70,866.00	\$120,314.91	\$20,038.98	\$211,219.89	\$33,074.04	\$178,145.85
Administration	\$9,333.48	\$15,846.50	\$2,639.28	\$27,819.26	\$4,356.12	\$23,463.14

Stormwater Management	\$85,108.95	\$144,496.30	\$24,066.48	\$253,671.73	\$39,721.44	\$213,950.29
Community Facilities	\$46,483.57	\$78,918.85	\$13,144.26	\$138,546.68	\$21,694.38	\$116,852.30
<i>Total</i>	\$347,454.20	\$589,901.03	\$98,250.54	\$1,035,605.77	\$162,161.10	\$873,444.67

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. 14.

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.

52. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction. A detailed design must be submitted to Council for approval before a Construction Certificate is issued. Council may require amendments to the concept design.

53. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

54. 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.

55. Engineering Works and Design

The design and construction of the engineering works outlined 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.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Stormwater Drainage – Pipe Extension/ Diversion

The existing street drainage system must be extended/ diverted as follows:

- A new 750mm diameter pipeline must be constructed extending from the existing kerb inlet pit on the western side of Young Road, extending south to Post Office Road, then west along the northern side of Post Office Street to the existing kerb inlet pit fronting 19 Post Office Road.
- A new 750mm diameter pipeline must be constructed extending from the existing kerb inlet pit on the western side of Donald Street, extending south to Post Office Road connecting to the new 750mm diameter pipeline above.
- The existing 450mm diameter pipeline between Young Road and Donald Street in Council's Young Road Reserve and the subject site must be removed.

The pipe extension must be located underneath the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

ii. Stormwater Drainage – Realigned Overland Flow Path

The existing trapped low point passing through Council's Young Road Reserve and the subject site must be realigned as follows:

- A formed overland flow path between Young Road at RL 105.84 AHD and Post Office Road at RL 104.46 AHD must be created through Council's Young Road Reserve. The final arrangement and configuration of this channel, must be shown on a detailed design submitted to Council for approval.
- The above works will necessitate a retaining wall at the interface between Council's Young Road Reserve and the subject site in the existing trapped low point at RL 102.81 AHD. This wall must be located wholly within the subject site.
- The disturbed area must be stabilised with grass once these works are completed.

56. 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 Australian Consulting Engineers is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

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.

Water sensitive urban design elements 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:

- 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/>.

57. Basement Car Park and Subsurface Drainage

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI 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, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

58. Works on Adjoining Land

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

59. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

60. 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.

61. 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.

62. 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 of \$61,200.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (140m) plus an additional 50m on either side (240m) and the width of the road measured from face of kerb on both sides (8.5m).

The bond must be lodged with Council prior to the issue of a Construction Certificate.

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.

63. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

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 completed to Council's satisfaction.

64. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1286/2010/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

65. 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).

PRIOR TO WORKS COMMENCING ON THE SITE

66. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the 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 hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

67. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

68. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

69. 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.

70. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

71. 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.

72. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

73. Principal Certifying Authority

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

74. 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.

75. 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).

76. 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.

77. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

78. 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 made available to Council officers on request.

79. Erosion and Sedimentation Controls – Minor Works

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

80. 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).

81. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

82. 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 made available to Council officers on request.

83. Notification of Asbestos Removal

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

84. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chain wire fencing which is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

DURING CONSTRUCTION

85. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000 it is a condition of this development consent that all commitments listed in BASIX Certificate No. 359406M dated 11 February 2011 be complied with.

86. 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.

87. 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.

88. 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.

89. Standard of Works

All work must be completed in accordance with this consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation must incur no cost to Council.

90. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

91. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO THE ISSUE OF OCCUPATION AND/OR SUBDIVISION CERTIFICATE

92. 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.

93. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

94. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

95. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

96. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

97. Removal of Existing Drainage Easement

The existing drainage easement must be removed before an Occupation Certificate is issued. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

98. 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.

99. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

100. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant. Refer to Council's standard recitals document, a copy of which is available on Council's website.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Restricting Development – WSUD Modification

A restriction as to user restricting development over or varying of the finished levels and layout of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

iv. Positive Covenant – WSUD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

v. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

101. 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.

102. 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.

103. 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 from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited 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.

104. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

105. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the 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 BHDCP Part D, Section 3 – Landscaping.

106. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

107. 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 The Control of Obtrusive Effects of Outdoor Lighting*.

108. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECC) Industrial Noise Policy and submitted to Council 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 use of the does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997.

109. 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 accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the reports recommendations. Any noise attenuation recommendations must be implemented.

ATTACHMENTS

AA1. Copy of Previous Reports to JRPP Meeting of 8 June 2011 & 24 March 2011

JRPP STATUS REPORT

JRPP NO:	2010SYW020
DA NO:	1286/2010/JP
APPLICANT:	MR. JOE AFLAK
PROPOSED DEVELOPMENT:	SIX (6) STOREY APARTMENT BUILDING CONSISTING OF 78 APARTMENT UNITS AND TWO (2) LEVELS OF BASEMENT CAR PARKING FOR 156 VEHICLES
PROPERTY	LOT 1-6 DP 18828, NOS. 1-11 DONALD STREET, CARLINGFORD
LODGEMENT DATE:	24 MARCH 2010
REPORT BY:	CLARO PATAG – DEVELOPMENT ASSESSMENT COORDINATOR THE HILLS SHIRE COUNCIL
RECOMMENDATION:	DEFERRAL PENDING THE RESOLUTION OF OUTSTANDING ENGINEERING MATTERS

STATUS OF PROPOSAL

On 24 March 2011, a status report on the subject Development Application was considered by the Joint Regional Planning Panel (JRPP) (refer Attachment A1) with a recommendation to defer the determination of the application pending finalisation of the engineering assessment and adoption by Council of the Carlingford Precinct Public Domain Plan.

Council considered a report on the draft Carlingford Precinct Public Domain Plan on 12 April 2011 and it was resolved that the plan be adopted.

Assessment of the engineering aspects of the proposal at the time of writing this report have not been finalised and are subject to the resolution of outstanding engineering issues identified in the submitted Stormwater Management Plan (SMP) Report. Clarification is being sought from the applicant regarding the submitted MUSIC Model in terms of the following:

- Nomination of re-use of roof runoff to be directed to the proposed rainwater tank.
- Volume of roof area to be directed to the rainwater tank.
- The model/size of Humeceptor (an oil and grit separator focused on capturing fine suspended solids and hydrocarbons) being proposed.

It is recommended that the determination of the subject Development Application be further deferred pending the resolution of outstanding engineering matters.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Baulkham Hills Local Environmental Plan 2005, Baulkham Hills Development Control Plan, State Environmental

Planning Policy (Major Development) 2005, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 1 – Development Standards, and are considered satisfactory.

It is recommended that determination of the subject Development Applications be further deferred pending the resolution of outstanding engineering matters.

IMPACTS:

Financial

The draft VPAs for the major key sites are currently on exhibition at the time of writing this report (between 10 May 2011 and 10 June 2011) and upon adoption of the draft VPAs by Council, the Development Applications may be determined.

Hills 2026

The proposal responds to the revitalisation of the Carlingford Precinct which is an integral component of Council's Residential Direction and response to the State Governments Draft North West Sub-regional Strategy. The proposal provides a good mix of housing which is an environmentally sustainable form of residential development and would protect and enhance the character of the locality and the Shire as a whole.

RECOMMENDATION

That determination of the subject Development Application be deferred pending the resolution of outstanding engineering matters.

ATTACHMENTS

A1. Copy of Previous Reports to JRPP Meeting of 24 March 2011

JRPP STATUS REPORT

JRPP NO:	2010SYW020
DA NO:	1286/2010/JP
APPLICANT:	MR. JOE AFLAK
PROPOSED DEVELOPMENT:	SIX (6) STOREY APARTMENT BUILDING CONSISTING OF 78 APARTMENT UNITS AND TWO (2) LEVELS OF BASEMENT CAR PARKING FOR 156 VEHICLES
PROPERTY	LOT 1-6 DP 18828, NOS. 1-11 DONALD STREET, CARLINGFORD
LODGEMENT DATE:	24 MARCH 2010
REPORT BY:	CLARO PATAG – DEVELOPMENT ASSESSMENT COORDINATOR THE HILLS SHIRE COUNCIL
RECOMMENDATION:	DEFERRAL FOR CONTINUED ASSESSMENT PENDING COUNCIL'S ADOPTION OF THE PUBLIC DOMAIN PLAN.

EXECUTIVE SUMMARY

The Development Application is for the construction of a six storey apartment development comprising a total of 78 residential apartment units containing 31 x 1 bedroom, 41 x 2 bedroom and 6 x 3 bedroom units. One hundred and fifty seven (157) off-street car parking spaces are proposed within two basement levels.

The draft BHLEP 2005 (Amendment No. 20) – Carlingford Precinct was gazetted on 3 March 2011 and the associated draft Development Control Plan and draft Contributions Plan came into force on 15 March 2011.

The proposal was accompanied by a SEPP 1 objection to the required maximum allowable floor space ratio of 1.49: 1 as prescribed in the gazetted LEP. The proposed floor space ratio is 1.5;1. This represents a 0.01% departure from the standard. The variation is approximately 86m² of floor area, which equates to approximately 1.1m² of extra floor space per unit. The SEPP 1 objection is supportable as the minor non-compliance will not give rise to any significant adverse impacts on the amenity of adjoining properties and streetscape.

The proposed development complies with the precinct-wide built form controls with the exception of floor space ratio (as detailed above), building height, unit size and private open space and conforms to the development pattern as provided in the BHDGP Part E Section 22 – Carlingford Precinct.

It is recommended that the determination of the subject Development Application be deferred pending finalisation of engineering assessment and adoption by Council of the

Carlingford Precinct Public Domain Plan. A report to Council recommending that the draft Carlingford Precinct Public Domain Plan be adopted is scheduled on 12 April 2011.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Joe Aflak	1.	LEP 2005 Amendment No. 20 – Carlingford Precinct – Permissible with consent.
Zoning:	Current & Proposed Residential 2(a1)	2.	SEPP (Major Development) 2005 – Complies.
Area:	4,475.36m ²	3.	SEPP No. 65 – Design Quality of Residential Flat Development – Complies
Existing Development:	Dwellings and outbuildings	4.	SEPP (Infrastructure) 2007 – Complies
Political Donation Disclosure	None.	5.	SEPP 1 Development Standards – Satisfactory
		6.	BHDCP Part E Section 22 – Carlingford Precinct – Variations, see report.
		7.	Section 79C (EP&A Act) – Satisfactory
		8.	Section 94 Contribution – \$889,342.82

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days.	1.	Capital Investment Value in excess of \$10 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes 1st Notification - 18 days 2nd Notification – 18 days		
3. Number Advised:	1st Notification - One hundred and fifty nine (159) 2nd Notification – One hundred and sixty six (166)		
4. Submissions Received:	1st Notification - Two (2) 2nd Notification – Two (2)		

HISTORY

- 18/12/2009** Meeting held with the applicant to discuss concept proposal for the site.
- 24/03/2010** Subject Development Application lodged with Council.
- 25/03/2010** Stop-the-clock letter sent to the applicant requiring the

	submission of a scale model.
01/04/2010	Subject Development Application lodged electronically with JRPP.
09/04/2010 to 27/04/2010	Subject Development Application notified to adjoining and surrounding property owners and placed on public exhibition.
12/04/2010	Subject Development Application referred to the NSW Roads and Traffic Authority pursuant to State Environmental Planning Policy (Infrastructure) 2007.
13/04/2010	Scale model submitted.
15/04/2010	Subject Development Application referred to Joint Regional Planning Panel.
22/04/2010	Briefing of the Joint Regional Planning Panel held.
27/04/2010	Letter sent to the applicant requesting additional waste management information.
04/05/2010	Subject Development Application referred to RailCorp as the proposed development is in close proximity to the proposed Parramatta Rail Link (PRL) West Corridor. The matter was also referred to the NSW Police in accordance with the requirements of "Safer by Design Guidelines".
04/05/2010	Letter received from the applicant clarifying Council's request for additional waste management information.
10/05/2010	Additional waste management information submitted.
24/05/2010	Response from RailCorp dated 21/5/2010 received advising that the Development Application requires RailCorp's concurrence in accordance with clause 86(2) of the State Environmental Planning Policy (Infrastructure) 2007 as the development is in close proximity to the Parramatta Rail Link West Corridor. RailCorp requested Council to advise the applicant to prepare and submit Geotechnical and Structural documentation that meets RailCorp's requirements.
26/05/2010	Letter sent to the applicant requesting additional information as advised by RailCorp.
26/05/2010	Letter received from the NSW Roads and Traffic Authority raising no objection to the proposal subject to their requirements.
27/05/2010	Letter sent to the applicant requesting that compliance with the current development controls in BHDCP Part C Section 7 – Apartment Building be addressed as supplementary to the Statement of Environmental Effects submitted with the Development Application.
27/05/2010	Letter received from the applicant seeking clarification in relation to RailCorp's request for additional information.

	Response sent to the applicant advising to liaise directly with RailCorp and clarify the additional information being requested.
31/05/2010	Assessment against BHDCP Part C Section 7 – Apartment Buildings received from the applicant. Response sent to the applicant requesting written justification to non-compliances with the above DCP on the basis that the proposal has been designed and submitted in accordance with the draft LEP and draft DCP for Carlingford Precinct.
02/06/2010	Letter sent to RailCorp enclosing a \$250 cheque forwarded by the applicant in payment for RailCorp's concurrence fee as required under Clause 252(A)(5) of the Environmental Planning and Assessment Regulation 2000.
08/06/2010	Letter received from RailCorp dated 4/6/10 requesting Council to advise the applicant of the adjustment to their request for additional information. Letter sent to the applicant to this effect.
22/06/2010	Council considered a report on the draft LEP, DCP and Section 94 Contributions Plan for the Carlingford Precinct. The amendments to the draft LEP proposed a reduction in building height from 21m or six storeys to 16m or four storeys, which was attributable to the deletion of the village green at Parklea Place. The proposed amendments would render the proposal non-compliant.
07/07/2010	Meeting held between the applicant and Council officers to discuss the implications of the proposed amendments to the draft LEP, DCP and Contributions Plan to their current proposal. The applicant indicated they will make a submission to Council and request Council reconsider its position particularly in relation to the building height control in this particular section of the Carlingford Precinct mainly due the site's topographical constraints.
13/07/2010 13/08/2010	to Exhibition of amended draft LEP, draft DCP and draft Contributions Plan.
05/08/2010	Letter sent to the applicant requesting additional engineering information relating to vehicular access and parking, flooding and drainage and geotechnical issues.
09/08/2010	Letter sent to the applicant requesting additional information to address the issues raised by Council's Forward Planning Department, the majority of which were discussed during the meeting held with the applicant on 7/7/10.
30/08/2010	Letter received from the applicant requesting Council for additional time to respond to additional information requested due to the proposed changes to the draft LEP which will affect the proposed density on the subject site.
13/09/2010	Written concurrence granted by RailCorp pursuant to the provisions of State Environmental Planning Policy (Infrastructure) 2007 due to close proximity of the development above the Parramatta Rail Link (PRL) West Corridor subject to a deferred

commencement requirement pursuant to section 80(3) of the Environmental Planning and Assessment Act, 1979 that the consent would not operate until that applicant satisfies Council that the owners of the development site have entered into an Agreement with RailCorp which would address the potential impacts of the proposed development on the PRL.

- 14/09/2010** Submission received from the applicant in response to the proposed amendments to the building height controls accompanied by a town planning justification to retain the 21 metre height control for the site.
- 09/11/2010** A report on the outcomes of the exhibition of the draft Local Environmental Plan, draft Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct and draft Section 94 Contributions Plan No. 14 – Carlingford Precinct was considered by Council. See details of the Council Resolution below under the heading “Status of the Draft Planning Control Instruments”
- 17/11/2010** Council wrote to the Department of Planning’s Regional Director, Sydney West Region pursuant to section 58 of the Environmental Planning and Assessment Act 1979, advising that Council considered a further report on the planning proposal for the Carlingford Precinct and the response to issues raised as a result of the public exhibition process. A copy of the planning proposal was attached in the letter which according to the Department of Planning’s letter dated 30 June 2010 would be finalised by the end of December 2010.
- 29/11/2010** Council wrote to the Director General Department of Planning advising that Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct was adopted by Council at its meeting of 9 November 2010 and noted that the plan will come into force after the Local Environmental Plan for the Carlingford Precinct is published on the NSW Legislation website.
- 17/12/2010** Telephone call received from the applicant who advised that amendments to the current proposal will be made which will include changes to the basement car park and density mix.
- 21/02/2011** Amended plans and additional information submitted by the applicant. The amendments include the following:
- Reconfiguration of the basement car park and provision of six (6) additional car parking spaces
 - Conversion of six (6) apartment units in Buildings A and C from Ground Floor to Level 2 from 1 bedroom to 2 bedroom units (which resulted to the provision of additional parking spaces)
- The additional information submitted includes a revised flood study and a geotechnical and soil behaviour report in response to the stormwater drainage issues raised by Council engineering staff during the preliminary assessment of the subject application. The amended plans and additional information were re-notified to adjoining and surrounding property owners for 14 days.
- 24/02/2011** Letter sent to the applicant requesting that clause 35(8) of the

BHLEP 2005 be addressed, as No. 1 Donald Street potentially contains structures that are more than 50 years old.

- 01/03/2011** Letter received from the Director General, NSW Planning dated 27/02/2011 advising that as a delegate of the Minister for Planning he has made the amendments to Baulkham Hills Local Environmental Plan (LEP) 2005 regarding the Carlingford Precinct.
- 02/03/2011** Draft heritage report submitted. The applicant was advised to submit a full assessment against clause 35 of BHLEP 2005.
- 03/03/2011** Baulkham Hills Local Environmental Plan 2005 (Amendment No.20) in respect to the Carlingford Precinct was gazetted.
- 10/03/2011** Amended plans referred to RailCorp for review of their concurrence (issued on 13 September 2010) pursuant to the provisions of SEPP (Infrastructure) 2007 as the development is in close proximity above the Parramatta Rail Link (PRL) West Corridor.

PROPOSAL

The Development Application is for the demolition of existing dwellings on the subject site and construction of a six storey apartment development consisting of seventy eight (78) apartment units and one hundred and fifty seven (157) car parking spaces within two levels of basement car parking.

The subject site is on a corner location having two street frontages, Post Office Street as the primary street frontage and Donald Street as the secondary street frontage. The site has a total area of 4,475.36m² and comprises six (6) residential allotments.

The subject site is currently zoned Residential 2(a1) under the provisions of Baulkham Hills Local Environmental Plan 2005 and remains as Residential 2(a1) zone under BHLEP 2005 Amendment No. 20 (also known as the "Carlingford Precinct LEP"). The proposal is permissible subject to floor space ratio and building height controls as prescribed in the Carlingford Precinct LEP.

BACKGROUND

Council, at its meeting of 19 May 2009, considered a report on the Carlingford Precinct and resolved to adopt the Draft Local Environmental Plan (Draft LEP) for the Carlingford Precinct and the Draft Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct upon gazettal of the Draft LEP.

A further recommendation was made in relation to endorsing Draft Section 94 Contribution Plan No. 14 – Carlingford Precinct. Council resolved to support the recommendation as indicated above.

The proposed development was designed and prepared in accordance with the building height and floor space ratio controls contained in the initial draft LEP and development standards in the draft Carlingford Precinct DCP.

Council, at its meeting of 22 June 2010, considered a report on four separate draft Voluntary Planning Agreements for 1,159 dwellings in the Carlingford Precinct and draft amendments to the adopted draft Local Environmental Plan, draft Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct and draft Section 94

Contributions Plan No. 14 – Carlingford Precinct. One of the specific amendments outlined in the report was the reduction in the maximum permissible height along the northern side of Post Office Street between Jenkins Road and Young Road from 21m to 16m, which affected the subject development site and sixteen (16) other properties in this part of the Carlingford Precinct. The intention of this reduction in height for development in the northern part of the Precinct was to reduce the potential population in the northern part of the Precinct commensurate with the reduction in the amount of open space in this area as a result of the deletion of the village green at Parklea Place, and as a result will reduce the value of works in the draft Contributions Plan. The amendments to the draft LEP, draft DCP and draft Contributions Plan were publicly exhibited for a period of 32 days from 13 July to 13 August 2010. The applicant made a submission to the proposed amendments and specifically requested the retention of the 21 metre height control for the subject site.

On 9 November 2010, Council considered a report on the outcomes of the exhibition of the amendments to draft LEP, draft DCP and draft Contributions Plan. A number of post-exhibition amendments were set out in the report which included an increase in building heights for development in Donald Street (which includes the subject site) and Young Road from 16m to 21m. The report took into consideration the submission by the applicant and acknowledged that a reduction in height without a reduction in density may mean that development is bulky in form in order to maximise dwelling yield, thereby potentially resulting in an undesirable design outcome. As such it was considered more appropriate to revert to a 21m height in Donald Street and Young Road. It was noted in the report that a 21m height in Donald Street and Young Road would provide a transition in building height from 27m on Pennant Hills Road on the eastern border of the Precinct and lower heights of 10m and 16m in the north and north-western parts of the Precinct respectively. It was recommended in the report to amend the draft LEP to provide for a 21m building height for the properties in Donald Street and Young Road. Refer Attachment 18 – Carlingford Precinct Building Height Map.

ISSUES FOR CONSIDERATION

1. Baulkham Hills Local Environmental Plan 2005

The subject site is currently zoned Residential 2(a1) under the provisions of BHLEP 2005 Amendment No. 20 (Carlingford Precinct) which introduces floor space ratio and building height controls. BHLEP 2005 will be replaced by a new Local Environmental Plan (LEP 2010) which is anticipated to be exhibited between 29 March 2011 and 13 May 2011. The subject site is proposed to be rezoned to High Density Residential (R4) in the new LEP 2010. The proposal is permissible under both the current and proposed zoning of the land and has been designed in accordance with BHDCP Part E Section 22 – Carlingford Precinct. A SEPP 1 Objection has been lodged by the applicant requesting a slight variation to the maximum floor space ratio of 1.49: 1. The proposal has been designed in accordance with the draft LEP which initially proposed a floor space ratio (in this part of the precinct) of 1.5: 1.

2. SEPP 1 Objection

A written SEPP Objection to the maximum floor space ratio prescribed under Clause 63(3) (b) of the BHLEP 2005 (Amendment No. 20) – Carlingford Precinct accompanied the proposal.

Clause 6 of SEPP 1 states:

“Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained) therefore the person intending to carry out that development may make a development

application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection."

The proposed development exceeds the maximum floor space ratio requirement of 1.49:1 (as identified on the Carlingford Precinct - Floor Space Ratio Map referenced under Clause 60(3) (b) in the amended LEP).

A maximum floor space ratio of 1.49:1 corresponds to 6,668m² of allowable gross floor area (GFA). The proposed development has a floor space ratio of 1.50:1, or 6,754m² of GFA, which represents a difference of 86m² or a 0.01% departure from the standard.

The objectives of the floor space ratio controls for the Carlingford Precinct are:

- (i) to provide control over the bulk and scale of future development,*
- (ii) to achieve consolidation of development around Carlingford Railway Station,*
- (iii) to facilitate a focal point around Carlingford Railway Station, and*
- (iv) to ensure future development responds to the desired scale and character within the precinct.*

The applicant in the SEPP 1 objection argues that strict compliance with this standard is considered to be unreasonable and unnecessary for the following reasons:

"Notwithstanding the proposed non-compliance with the 1.49:1 FSR standard, the proposed development is considered to perform favourably in relation to the objectives of this standard.

The proposed building relates appropriately in scale to surrounding buildings. The elevations of the proposed building are well articulated to reduce visual bulk, through varying setbacks, the proportioning, arrangement and detailing of window openings and external wall treatments, and the varied combination of external materials and finishes.

The proposed building setbacks from the site's front, rear and side boundaries are also compliant with the relevant DCP standards.

The proposed provision for landscaping is compliant and of a high standard and quality.

The siting, design and external appearance of the proposed building and open space areas within the development are considered to be appropriate and relate sympathetically to the scale and character of development in the surrounding locality.

The proposed development is of a high quality design and represents an efficient and appropriate use of the land that is entirely compatible with the environmental capacity of the site and its zoning.

The proposed development will not result in any unreasonable or unacceptable impacts to neighbouring residential properties and buildings in terms of visual bulk and scale, overshadowing, loss of privacy or views.

The overall height of the proposed building has been minimised by the proposed roof form. The elevations of the proposed building are well articulated to reduce visual bulk and scale."

Comment:

While the proposed development does not strictly comply with the maximum floor space ratio development standard contained in BHLEP 2005 (Amendment No. 20) – Carlingford

Precinct, it satisfies the stated and underlying objectives of the development standard and the broader planning and zoning objectives for the locality.

The proposal will not give rise to any significant adverse impacts on surrounding properties and streetscape as a result of the proposed variation. To amend the proposal to make it fully compliant will be discernable as the resultant height, bulk, scale will remain the same. In this regard, it is considered that strict compliance with the development standard is unnecessary and unreasonable in the circumstances of the case, and that refusal of the Development Application mainly on this basis is not warranted.

3. Status of the Draft Planning Control Instruments

As noted in the above history table, a report on the outcomes of the exhibition of the draft Local Environmental Plan, draft Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct and draft Section 94 Contributions Plan No. 14 – Carlingford Precinct was considered by Council on 9 November 2010. Council resolved the following:

- 1. The draft Local Environmental Plan, draft Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct and draft Section 94 Contributions Plan No. 14 – Carlingford Precinct be adopted. Commencement of the draft DCP and draft Contributions Plan shall occur following notification of the draft Local Environmental Plan, and*
- 2. The planning proposal for the Carlingford Precinct be forwarded to the Department of Planning for finalisation.*

Pursuant to Section 58 of the Environmental Planning and Assessment Act 1979, Council wrote to the Department of Planning's Regional Director, Sydney West Region advising that Council considered a further report on the planning proposal for the Carlingford Precinct in response to issues raised as a result of the public exhibition process. A copy of the planning proposal was enclosed which satisfied the deadline set by the Department of Planning in accordance with their letter dated 30 June 2010.

It was also noted in the Council's letter that this Development Application including the other three (3) development applications within the Precinct (895/2010/JP, 943/2010/JP and 562/2010/JP) have been scheduled for determination at the Joint Regional Planning Panel's first meeting in 2011.

On 14 December 2010, Council considered a further report on the draft Voluntary Planning Agreements providing the payment of monetary contributions works in kind and land dedication for key sites within the Carlingford Precinct. The report also dealt with matters arising from the Section 58 submission of the draft LEP to the Department of Planning in relation to satisfactory arrangements for the undergrounding of the 132Kv double circuit powerlines. Notwithstanding Council's resolution to adopt the recommendation as put, a further report dated 22 February 2011 was considered to address concerns raised by the applicant. Council resolved the following:

Council rescind the resolution of the Ordinary Meeting of Council on 14 December 2010 in relation to Item 24 – Key Sites Voluntary Planning Agreements – Carlingford and replace instead the recommendations 1, 2 and 3 as printed in tonight's Business Paper on Pages 234 & 235, which reads:

- 1. Council delegate to the General Manager authority to authorise the exhibition of the Draft Voluntary Planning Agreements and Explanatory Notes as provided in Attachment 2 for 28 days in accordance with the EP&A Act 1979 subject to the following amendments as recommended by Council's Lawyer being agreed to and made by the applicant:*

- a) *Costs associated with the operation of the draft VPAs be drafted to provide for the payment of legal costs on an indemnity basis.*
 - b) *Legal and other costs for the preparation of the planning agreements be fixed as a lump sum and the draft VPAs provide for payment of this as a monetary contribution on the date of the planning agreement.*
 - c) *Provisions related to security for monetary contributions may be addressed as a condition of development consent for each stage prior to the issuing of a Construction Certificate.*
 - d) *Council agree to defer provision of a bank guarantee for works in kind until the issue of the Construction Certificate for each site.*
 - e) *Council may consider agreeing to easements that have little impact on the land being used as open space.*
 - f) *In respect to land to be dedicated to Council that the draft VPAs provide:*
 - *a requirement for the developer to provide a survey plan for the caveats as required by the Office of Land & Property Information; and*
 - *an ability of Council to lodge a caveat over the entire property prior to registration of the planning agreements.*
 - g) *The limitation of the use of payments to the works specified in Schedule 2 only be rejected.*
 - h) *The original drafting of Clause 8 be reinstated to resolve concerns regarding amendments that that confuse the date for completion of works-in-kind.*
 - i) *Provisions related to the undergrounding of the 132kV double circuit powerlines be deleted and instead addressed as a condition of deferred commencement.*
2. *The Developer be advised that in the opinion of Council, adequate arrangements for the undergrounding of the existing 132kV double circuit powerlines may be addressed as conditions of development consent with the following parts:*
- a) *Deferred commencement condition requiring the Energy Australia design contract to be signed prior to the consent becoming active;*
 - b) *A condition of consent that requires the Energy Australia Construction Contract to be signed prior to the issuing of a Construction Certificate; and*
 - c) *A condition of consent requiring the 132kV double circuit powerlines to be undergrounded prior to the approval of the Strata Subdivision Certificate or Occupation Certificate, whichever occurs first.*
3. *Council advise the JRPP that it has no objection to the issuing of an Operational Consent for key site (4) (James Street), subject to Gazettal of the Carlingford LEP.*

On 3 March 2011, Baulkham Hills Local Environmental Plan 2005 (Amendment No.20) in respect to the Carlingford Precinct was published on the NSW legislation website. The associated draft Development Control Plan and draft Contributions Plan came into force on 15 March 2011.

The draft Carlingford Precinct Public Domain Plan which is referred to in Section 3.6 (Structure Plan – Public Domain) of the Carlingford Precinct DCP was publicly exhibited from 15 February 2011 to 18 March 2011. The draft plan represents the long term vision for the upgrade of the public realm in the Carlingford Precinct and will be implemented via conditions of consent for future development. A report to Council recommending that the plan be adopted is scheduled on 12 April 2011.

4. Compliance with BHDCP Part E Section 22 – Carlingford Precinct

Clause 3.3.2 - Northern Precinct (Desired Future Character):

The subject site is located in the Northern Precinct, while the other current development proposals within Southern Precinct for apartment building developments have been for large scale apartment buildings. As envisaged in the DCP, the northern end of the Precinct will comprise lower scale apartment buildings interspersed with existing multi unit developments.

The Carlingford Precinct DCP suggests that built form of the proposed development on the subject site should reflect a transition of scale between the larger apartment buildings in the Southern Precinct (i.e. close to Carlingford Train Station) and smaller apartment buildings in Northern Precinct (north of Post Office Street).

This transition must be addressed in order to keep the development consistent with the desired future character of the area. Also, it is very important to note that the subject site is located at the boundary of Northern Precinct and very adjacent to Southern Precinct (refer Attachment 17 - Precinct Boundary Map).

The development proposal for a six (6) storey apartment building with 78 units and 156 car spaces is considered suitable for the subject site and will be consistent with the desired future character of the area.

Clause 3.4 to Clause 3.7 - Structure Plan:

Road network, footpaths, streetscape and street interfaces:

The proposed development on the subject site will contribute in the upgrade of the existing road network, footpath surfaces and street interfaces of Post Office Street and Donald Street. The DCP has envisaged a boulevard style road design to be appropriate for street edges on Post Office Street. Hence, a 10m setback to Post Office Street has been proposed in order to facilitate this as depicted in Figure 9 of the DCP. In addition to the street setback, relevant landscaping has been proposed to work in accordance with the Structure Plan as indicated in Figure 6 - Public Domain.

Building Height:

The building height has been determined through suitable residential density for the subject site which is expected to maximise usage of the train service by the maximum number of people in the shortest, most convenient walking distance from the train station.

Open Space:

The siting of the building addresses the proposed open spaces and allows interaction of residents with that space for the purpose of direct solar access and also for passive surveillance.

Street Hierarchy:

It is important to note that the subject site is located along one of the two structural axes of the Carlingford Precinct, Post Office and Boundary Street which are proposed to be designed as boulevards. In order to achieve this, a setback of 10m from Post Office Street and a building height of 21m from natural ground level is considered appropriate to achieve a built form that would create a strong identity at the corner.

The following table shows the proposal's performance against the Precinct-wide Built Form controls under Clause 4 of BHDCP Part E Section 22:

DEVELOPMENT CONTROLS	Proposal	Compliance
<p>Floor Space Ratio</p> <p>- must not exceed the maximum ratio specified for that development site in the FSR Map, BHLEP 2005 (Amendment No. 20) - Carlingford Precinct at 1.49:1 (refer Attachment 19)</p>	<p>Site Area: 4,475m² Total floor area: 6,754m² FSR: 1.50:1</p>	<p>No, however a SEPP 1 Objection has been lodged by the applicant to justify this minor variation to the FSR standard, which represents a 0.01% departure. The justification provided by the applicant as discussed above is supported.</p>
<p>Building Height</p> <p>- must not exceed the maximum height specified for that development site in the Building Height Map, BHLEP 2005 (Amendment No. 20) - Carlingford Precinct (refer Attachment 18)</p> <p>The maximum height of the building at any point shall be measured from natural ground level to the ridge of the roof or top of the flat slab or top of the parapet if there is parapet on the roof slab. Natural ground level means the actual physical level of the site as existing prior to development taking place.</p> <p>The building heights specified in the Building Height Map, BHLEP 2005 - Carlingford Precinct equal to following number of storeys:</p> <p>10m = 2 storeys 16m = 4 storeys 21m = 6 storeys 27m = 9 storeys 28m = 9 storeys, with retail at ground floor and commercial at first floor 33m = 11 storeys 57m = 18 storeys, with retail at ground floor and commercial at first floor</p>	<p>21m</p> <p>Part 6, part 7 storeys with 6 storey residential component and maximum 21m building height.</p> <p>The development exceeds by 1 storey due to the protrusion of the basement car park adjacent to the Post Office Street frontage by more than 1m above</p>	<p>Yes</p> <p>No, however the variation is supported as the protrusion of the basement level by more than 1 metre above the natural ground level does not adversely impact upon adjoining properties in terms of shadowing and privacy and does not significantly add to the overall bulk and scale of the</p>

Development on sloping sites are to be stepped so that the ground floor does not exceed 1m above natural ground level immediately below any point on the ground floor.	natural ground level. Due to the topographical condition of the site, such protrusion cannot be avoided. The protrusion of more than 1m above the natural ground level is considered an additional storey.	development. The proposal maintains compliance with the 21m height limit and the protrusion is not obtrusive when viewed from both Post Office Street and Donald Street as it is sufficiently obscured by landscape screening on both street frontages.
Site Coverage Building site coverage shall not exceed 35% of site area. "Building" means building footprint to the outside of the external walls excluding underground parking structures no more than 1.2m above ground and where roof of the parking structure is a private or communal open space.	33.8%	Yes
Site Requirements The minimum site area of development sites shall be consistent with the site areas specified in the potential site amalgamation plan.	Subject site exceeds the site area identified in the amalgamation plan. Refer Attachment 16 – Potential Site Amalgamation Plan.	Yes.
Deep Soil Areas of natural ground within the site that have relatively natural soil profiles retained. A minimum of 25% of the unbuilt upon area of a site is to be a deep soil zone; alternatively 15% of the total site area - whichever is greater.	1,305m ² (29% of site area)	Yes
Apartment Size Single-aspect apartments should be limited in depth to 8m from a window The back of a kitchen should be no more than 8m from a window The width of cross-over or	Between 4-7m 7.3m maximum N/A	Yes Yes N/A

<p>cross-through apartments over 15m deep should be 4m or greater to avoid deep narrow apartment layouts</p> <p>Buildings not meeting minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms</p> <p>The following are the minimum unit sizes for the Northern Precinct:</p> <p>1 bedroom - 75m²</p> <p>2 bedroom - 110m²</p> <p>3 bedroom = 135m²</p>	<p>N/A</p> <p>All 1 bedroom units exceed 75m²</p> <p>Units 63 & 68 (Building C), Units 32, 34, 35, 36, 38, 40, 41, 42, 45, 46, 49 & 50 (Building B), Units 10 & 15 (Building A) are under 110m²</p> <p>All 3 bedroom units exceed 135m²</p>	<p>N/A</p> <p>Yes</p> <p>No, however the variation is supported as the proposal satisfies the unit size requirements under SEPP65 - Residential Flat Design Code.</p> <p>The development satisfies the objectives of the standard as it provides a diversity of apartment types, which will cater for different household requirements at present and in the future and maintains equitable access to new housing by cultural and socio-economic groups.</p> <p>Yes</p>
<p>Setbacks</p> <p>Post Office Street - 10m</p> <p>Donald Street - 6m</p>	<p>Main façade wall - 10m (except for the basement wall which is set back 5m)</p> <p>6m (except for upper balconies which are set back 5.5m)</p>	<p>Yes</p> <p>Yes</p>
<p>Building Separation</p> <p>Buildings from 5-8 storeys:</p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable/balconies and 	<p>18m</p>	<p>Yes</p>

non-habitable rooms; and - 9m between non-habitable rooms		
Open Space Area of communal open space to be 30% of site area Private open space to be accessible from living areas of dwelling units Minimum area of private open space for each apartment at ground level must be 25m ² with minimum preferred dimension of 4m	63% (including deep soil turf area at rear & common courtyards shared by units) Living areas of all units are provided with accessible private open spaces/balconies All units comply except for the private open space areas to Units A4 and B2 which are both 18m ² and have both minimum dimension of 2.5m.	Yes Yes No, however the variation is supported as the private open space areas provided to Units A4 and B2 will still provide residents with passive and active recreational opportunities, and their configuration is useable and provides a pleasant outlook.
Balconies Minimum depth - 2m Minimum area - 10m ²	2.2m 10m ²	Yes Yes
Solar Access Living rooms and private open space - 80% of apartments to have min. 4hours between 9am - 3pm on winter solstice Single-aspect apartments with a southerly aspect (SW-SE) to be max. of 10% of total units. Narrow footprint buildings and split level floor plans permit good solar access Main windows should have suitable shading or solar control to avoid discomfort (shutters / blinds / screens / retractable awnings)	Provided as required. Less than 10% of total units are proposed to have SW or SE aspect. Permits good solar access. Complies with BASIX.	Yes Yes Yes Yes
Car Parking Provision Resident Parking 1 space per 1 bedroom 2 spaces per 2 or 3 bedroom 31x1 bedroom = 31 spaces 41x2 bedroom = 82 spaces		

6x3 bedroom = 12 spaces Total required: 125 spaces	Proposed: 125 spaces	Yes
Visitor Parking 2 spaces per 5 apartments Required: 31 spaces	Proposed: 32 spaces.	Yes
Total parking required: 156 spaces	Total parking proposed: 157 spaces	Yes
All car parking required by Council shall be provided on-site in accordance with the requirements of Part D Section 1	All car parking spaces provided on site.	Yes
Car parking including visitor parking shall be located underground to minimise the height of buildings above natural ground level	Located underground.	Yes
Visitor Parking is to be located in easily accessible and identifiable areas	Accessible from Donald Street	Yes
Ensure vehicular ingress and egress to the site is in a forward direction at all times	Ingress and egress in a forward direction.	Yes
Adequate provision shall be made for service vehicle access and service areas.	Provided as required.	Yes
Driveways are to have a minimum width of 6m at property boundary for a distance of 6m within the development to ensure easy entry/exit of vehicles	Provided as required.	Yes
The design and configuration of access ways and driveways shall be in accordance with Part D Section 1 - Car Parking of this DCP.	Provided as required.	Yes
Locate vehicle entries away from main pedestrian entries and on secondary frontages	Located off Donald Street (secondary frontage).	Yes
For buildings containing more than 50 units, access for garbage collection trucks, service and delivery	Provided as required.	Yes

<p>vehicles is to be provided via a driveway to a loading dock and a separate indoor, ventilated garbage room</p> <p>All car parking areas and spaces shall be designed in accordance with DCP Part D Section 1 - Car Parking</p> <p>Car parking space dimensions and gradient layouts design shall be in accordance with the relevant Australian Standard.</p>	<p>Car parking areas have been designed as per the requirements.</p> <p>Car parking dimensions and gradients in accordance with Australian Standards.</p>	<p>Yes</p> <p>Yes.</p>
<p>Fences and Walls</p> <p>Must protect acoustic amenity and privacy of courtyards. Courtyard fences to be masonry construction.</p> <p>Residential buildings to be set 10m from front boundary, fencing/walls fronting a street shall be setback a min of 2m. This is to allow for consistent street edge landscaping, and shall include recesses and other architectural features.</p> <p>All fencing or walls shall be combined and integrated with site landscaping.</p> <p>Following is not acceptable as fencing material or finish:</p> <ul style="list-style-type: none"> • pre-painted, profile metal sheeting, and • rendered finishes when the entire fence is rendered <p>The use of natural material is encouraged.</p> <p>Front fences should not be of a height so as to prevent casual surveillance of the public realm and adjacent prosperities.</p>	<p>10m front boundary is proposed and street edge with landscaping is proposed in accordance with the DCP requirements.</p>	<p>Yes</p>
<p>Orientation</p> <p>Orient and design buildings to maximise the number of dwellings with direct</p>	<p>Buildings are positioned to take advantage of direct solar access.</p>	<p>Yes</p>

<p>sunlight where possible. Ideally, face long axis of the development up to 30degrees east and 20degrees west of true north.</p> <p>Face living spaces to north wherever possible</p> <p>No more than 10% of residential units are to face due south.</p>	<p>Living spaces of the proposed development faces north.</p> <p>71.7% units are with north aspect; 12.8% with west aspect; and 15.5% units with east aspect None of the proposed units directly face south.</p>	
<p>Stormwater Management</p> <p>Drainage easements will be required where the development property does not drain directly into the existing stormwater drainage system or a public road.</p> <p>Developments must comply with any requirements of the Sydney Catchment Management Authority.</p> <p>On-site detention, water recycling, or water quality management systems may be required to Council's and/or the Sydney Catchment Management Authority requirements, to counteract an increase in stormwater run-off.</p> <p>Drainage systems are to be designed and constructed in accordance with the design guidelines set out in "Design Guidelines for Subdivision and Developments" published by Baulkham Hills Shire Council and "Australian Rainfall and Runoff" published by Institution of Engineers, Australia (1987).</p>	<p>Stormwater management has been designed in accordance with Council's requirements.</p>	<p>Yes</p>

<p>Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.</p> <p>Where necessary, downstream amplification of existing drainage facilities will be required including Council infrastructure if required.</p> <p>Water Sensitive Urban Design (WSUD) principles shall be employed in the management of the site's stormwater in terms of water retention, reuse and cleansing in accordance with the "Water Sensitive Urban Design Technical Guidelines for Western Sydney" published by Upper Parramatta River Catchment Trust (May 2004). In this regard the drainage design is to include measures to manage the water quality of stormwater runoff. At minimum the design is to integrate bio retention filters along roadways, driveways and within open space areas.</p> <p>On site detention tanks are only permitted in common areas within a proposed development (for example driveways, common open space and not within private courtyards).</p>		
<p>Building Entry Provide as direct a physical and visual connection as possible between the street and the entry.</p> <p>Achieve clear lines of transition between the public street, the shared private, circulation spaces and the apartment unit.</p>	<p>Direct physical entry is visually prominent in the Donald Street frontage.</p> <p>A landscaped walkway is proposed before entering into each of the proposed units.</p>	<p>Yes</p> <p>Yes</p>

<p>Provide safe and secure access. Design solutions include:</p> <ul style="list-style-type: none"> • Avoid ambiguous and publicly accessible small spaces in entry areas. • Provide a clear line of sight between one circulation space and the next. • Provide sheltered, well lit and highly visible spaces to enter the building, meet and collect mail. <p>Generally provide separate entries from the street for:</p> <ul style="list-style-type: none"> • Pedestrians and cars • Different uses, for example – residential and commercial users in a mixed use development • Ground floor apartments, where applicable <p>Design entries and associated circulation space to be of an adequate size to allow movement of furniture between public and private spaces.</p>	<p>All units and circulation blocks that provide access to above units are sheltered and appropriately visible</p> <p>2 separate vehicle entries are provided 3 separate pedestrian entries are proposed 1 wheelchair access is provided</p> <p>Appropriate corridors and circulation spaces are provided for this purpose</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Ceiling Height Ceiling heights shall be measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceiling, if desired.</p> <p>In mixed use buildings: 3.3 metre minimum for ground floor retail or commercial and for first floor residential retail or commercial to promote future flexibility of use in residential fl at buildings in mixed use areas: 3.3 metre minimum for ground floor to promote future flexibility of use.</p> <p>Ceiling heights shall be measured from finished floor level (FFL) to finished ceiling level (FCL). These are</p>	<p>Designed as required.</p> <p>N/A</p> <p>Designed as required.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

<p>minimums only and do not preclude higher ceiling, if desired.</p> <p>In mixed use buildings: 3.3 metre minimum for ground floor retail or commercial and for first floor residential retail or commercial to promote future flexibility of use in residential flat buildings in mixed use areas: 3.3 metre minimum for ground floor to promote future flexibility of use.</p> <p>In general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for non- habitable rooms, however 2.25m is permitted.</p> <p>For two-storey units with a two storey void space, 2.4 metre minimum ceiling heights.</p> <p>Attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.</p>	<p>N/A</p> <p>Designed as required.</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>
<p>Flexibility</p> <p>Provide robust building configurations, which utilise multiple entries and circulation cores, especially in larger buildings over 15 metres long.</p> <p>Utilise structural systems, which support a degree of future change in building use or configuration. Design solutions may include:</p> <ul style="list-style-type: none"> • A structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building. 	<p>Multiple entry points are proposed and 6 circulation cores to cater for 78 residential units 3 pedestrian entries, 2 vehicular entries and 1 wheelchair access</p> <p>Designed as required.</p>	<p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> • The alignment of structural walls, columns and services cores between floor levels • The minimisation of internal structural walls • Higher floor to floor dimensions on the ground floor and possibly the first floor. 		
<p>Ground floor apartments Optimise the number of ground floor apartments with separate entries. This relates to the desired streetscape characters including Post Office Street boulevard treatment and the more urban streetscape of the village centre.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	<p>Provided as required.</p> <p>All ground floor apartments are provided with 25m² private open space</p>	<p>Yes</p> <p>Yes</p>
<p>Internal Circulation In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight (8).</p> <p>Exceptions may be allowed:</p> <ul style="list-style-type: none"> • For adaptive re-use buildings. • Where developments can demonstrate the achievement of the desired streetscape character and entry response. • Where developments can demonstrate a high level of amenity for common lobbies, corridors and units. 	N/A	N/A
<p>Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments – 6m³ • One- bedroom apartments 	<p>Provided as required in relevant units.</p>	<p>Yes</p>

<ul style="list-style-type: none"> – 6m³ • Two-bedroom apartments – 8m³ • Three plus bedroom apartments – 10m³ 		
<p>Natural Ventilation</p> <p>Sixty percent (60%) or residential units should be naturally cross ventilated.</p> <p>Twenty five percent (25%) of kitchens within a development should have access to natural ventilation.</p> <p>Developments, which seek to vary the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.</p>	<p>88.5% = 69 of 78 units are cross-ventilated</p> <p>38.5% = 30 of 78 units have kitchen with natural ventilation</p> <p>Not required.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>Awnings</p> <p>Encouraging pedestrian activity on streets by providing awnings to retail strips, where appropriate.</p> <p>Contribute to the legibility of the residential flat development and amenity of the public domain by locating local awnings over building entities.</p> <p>Enhance safety for pedestrians by providing under awning lighting.</p>	N/A	N/A
<p>Facades</p> <p>Compose facades with an appropriate scale, materials and finishes, rhythm, and proportion, which response to the building use and desired contextual character. Design should include but are not limited to:</p> <ul style="list-style-type: none"> • Defining a base, middle and top related to the overall proportion of the building; • Expressing the variation in floor to floor height 	<p>The facades are proposed to have appropriate scale, suitable external materials.</p> <p>The entire built form has been divided into 3 separate blocks. This is done in order to minimise the impact of the built form within the Donald Street streetscape. Appropriate fenestration and landscaping is proposed to avoid 'hard building edge'</p>	Yes

<p>particularly at the lower levels;</p> <ul style="list-style-type: none"> • Articulating building entries with awnings, porticos, recesses, blade walls and rejecting bays; • Selecting balcony types which respond to the street context, building orientation and amenity of the locality; and • Incorporating architectural features which give human scale to the design of building at street level; These include entrance porches, awnings, colonnades, pergolas and fences. <p>High quality materials and finishes for facades such as natural stone, granite and porcelain stoneware tiles must be used for the podium level or eighteen (18) storey buildings near the station.</p> <p>Design facades to reflect the orientation of the site using elements such as sun shading, bay windows, as environmental controls depending on the façade orientation.</p> <p>Express important corners by giving visual prominence to the parts of the façade, for example, a change in building articulation, material or colour, roof expression or increased height.</p>	<p>N/A</p> <p>Sun shading or appropriate façade treatment has been proposed, in accordance with orientation of the building</p> <p>Designed as required. Refer Attachment 15 – Perspectives.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
<p>Roof Design</p> <p>Articulate the roof the breakdown its mass on larger buildings, to minimise the apparent bulk or to relate to a context of a smaller building forms</p> <p>Design the roof to relate to size and scale of the building, the building</p>	<p>The roof relates to the scale of the building and the overall built form.</p> <p>The roof is oriented to benefit from north.</p> <p>The roof is allocated in such a way that it integrates service elements such as lift</p>	<p>Yes</p>

<p>elevations and three dimensional building form</p> <p>Design roofs to respond to the orientation of the sire, for example, by using eaves to respond to sun access</p> <p>Minimise the visual intrusiveness of service elements by integrating them into the design of the roof.</p> <p>Facilitate the use or future use of the roof for sustainable functions, for example, water photovoltaic applications.</p> <p>Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse apartments.</p>	<p>shafts and ducts which avoids visual intrusiveness.</p>	
<p>Adaptable Housing</p> <p>All apartments required under this Section of the DCP to be adaptable dwellings and those which cannot be directly accessed from ground level are to be served by lift.</p> <p>Units with a lowest floor level within 1.5m of the natural ground must be accessible to the front door of each unit.</p> <p>At least 1 unit in each residential apartment building with less than 20 units, or 5 percent of units in any development of 20 or more units must either be - accessible unit to AS1428 Part 2, suitable for occupation by a wheelchair user OR Meet Class B adaptability provisions under AS4299</p> <p>Each unit, so provided shall have an accessible car parking bay complying with</p>	<p>Four (4) adaptable units provided in Building A. Upper units are served by lifts.</p>	<p>Yes</p>

<p>AS2890 for people with a disability, and be accessible to a pick-up and drop-off point. An accessible route between the unit's dedicated car parking spaces and unit shall be provided.</p> <p>All stairs intended for circulation between levels, whether external or internal, shall comply with AS1428 Part 1, if they are located on common property.</p> <p>At least 10% of toilets (but not less than 1 male and 1 female toilet) provided on the common property must be wheelchair accessible.</p> <p>At least one entry to any common facilities on the common property must be wheelchair accessible.</p> <p>An accessible pick-up and drop-off point can be located on public road or on site, but must allow for vehicles up to a coaster size bus to pick up and drop off.</p> <p>Apartments are to be designed to permit adaptation of units so that they can change to meet future needs.</p> <p>Design features might include lightweight or non-load bearing walls that can be removed to reconfigure rooms, wall panels can be easily removed to connect adjoining apartments and cater for larger extended families, development applications should address provisions contained in Council's "Making Access For All Guidelines" 2002.</p>		
<p>Site Facilities Storage: at least 10m³ per dwelling within a lockable garage not encroaching into</p>	<p>Provided as required.</p>	<p>Yes</p>

<p>the parking space, and with a min. base area of 5m² and a min. width of 2m.</p> <p>Laundry: all apartments to have internal laundry and drying facilities.</p> <p>Storage: at least 10m³ per dwelling within a lockable garage not encroaching into the parking space, and with a min base area of 5m² and a min width of 2m.</p> <p>Laundry: all apartments to have internal laundry and drying facilities.</p> <p>Waste and recycling bins: waste collection for each dwelling with bin storage bays of adequate size</p> <ul style="list-style-type: none"> • Garbage: 120 litres per unit per week • Recycling: 240 litres per 4 units for 1 bedroom units; 240litres per 3 units for 2 bedroom units; 240litres per 2 units for 3 bedroom units <p>Waste Management Plan</p> <p>Mail Boxes</p>		
<p>Ecological Sustainable Development</p> <p>Statement of Environmental Effects: To be submitted with development applications</p> <ul style="list-style-type: none"> • Wooden heaters are not permissible for installation in this area 	<p>Provided as required.</p>	<p>Yes</p>
<p>BASIX</p> <p>All development applications to be required to meet BASIX</p>	<p>BASIX Certificate submitted.</p>	<p>Yes</p>
<p>Access, safety and security</p> <p>AS 1428.1-1988 Design for Access and Mobility and supplementary AS 1428.2 -</p>	<p>There are no ramps, steps, stairs or such changes in levels</p>	

1992 to be referred		
Access to dwellings is to be direct without changes in levels unnecessary barriers.		
Private areas to be clearly recognisable.		

5. Issues Raised in Submissions

The proposal was notified to adjoining and surrounding property owners on two occasions (159 property owners during the first notification and 166 property owners during the second notification including previous objectors), two (2) submissions were received in each notification period.

The issues and concerns raised in the submissions are summarised as follows:

ISSUE/OBJECTION	COMMENT	OUTCOME
Increase in housing density in the area including other development proposals from adjoining local government areas (Hornsby and Parramatta) will impact on the environmental capacity of the road network within the precinct. Traffic measures being undertaken in nearby intersections may assist in meeting current needs but will not meet the needs of additional traffic from the intended growth. Local roads are too narrow to cope with additional vehicles and semi trailers, buses etc. Carlingford Court has difficulty catering for the parking needs of the current population let alone the proposed growth indicated above.	<p>The Carlingford Precinct Plan Traffic Report (May 2008) prepared by Council's Transport consultant concludes that traffic generated by the proposed development can be accommodated within the local road network if recommended traffic improvements are implemented.</p> <p>The Carlingford Precinct DCP requires that all car parking, including visitor parking, be provided on site. This is to ensure that the development of the Precinct will not adversely affect existing on street parking arrangements within the Precinct.</p>	Issue addressed.
<p>Local facilities such as child care centres, shops, public transport, libraries, schools, parks will not be able to cope with this proposed growth.</p> <p>Existing drainage and road network may not also cope with this additional growth.</p> <p>No further development should occur in the</p>	<p>The plans for the Carlingford Precinct make appropriate and adequate provision for new public infrastructure and improvements to existing infrastructure to meet the needs of the future population within the Precinct. Improvements to infrastructure provided by the Contributions Plan include traffic management, stormwater management, and additional library and community facility floorspace.</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Carlingford area adjacent to the borders of the Hornsby, The Hills and Parramatta Shire Councils until the infrastructure is in place to support it.</p> <p>Extra population will reduce quality of living in the locality.</p>	<p>The draft Key Sites Voluntary Planning Agreements provide for additional public open space and embellishment of existing spaces as well as public domain improvements such as street tree planting and pedestrian and cycle paths, traffic management and the undergrounding of high voltage power within the Precinct.</p>	
<p>Concerns raised regarding the height of the development as six to seven storeys is too high in Donald Street. The developments around are no higher than 4-5 storeys. The neighbouring houses are single storey.</p>	<p>The amended LEP allows development in this area of the Carlingford Precinct to a maximum of 21m, which is equivalent to 6 storeys. The proposal complies with this maximum building height control.</p> <p>Carlingford has been identified as a Town Centre in Council's Centres Direction (June 2009) and as such will be characterised by medium and high density housing forms. The impact of tall buildings on the character of the area will be minimised by other controls in the gazetted LEP and DCP. The building height controls are complimented by FSR provisions to ensure building envelopes as outlined within the DCP are not exceeded by developments of greater scale than proposed. The inclusion of height and FSR provisions within the draft LEP are consistent with the approach required by the Department of Planning under the new Principal LEP Template.</p>	
<p>Wants community spaces in this part of the suburb, e.g. a community room or coffee shop. Other councils do require such space in new developments. Where does Council stand in this in relation to this development.</p>	<p>The Carlingford Precinct Plan makes appropriate and adequate provision for new public infrastructure and improvements to existing infrastructure to meet the needs of the future population within the Precinct. This includes a new park with an area of approx. 2,000m² in Shirley Street, as well as linear open spaces from Jenkins Road to Pennant Hills Road traversing the southern part of the Precinct. As such, there is considered to be sufficient public open space proposed for the Carlingford Precinct to support the proposed development.</p> <p>The zoning of the land allows for mixed use development in a number</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	of locations within the Precinct which will supply retail and commercial development at ground and first floor levels of new development. This development will provide for shops, restaurants and other uses to support the additional population.	
The new building will block solar access to No. 16 Post Office Street.	Shadow diagrams submitted with the application indicate that properties on the southern side of Post Office Street will not be overshadowed by the development.	
<p>Carlingford does not have big train station or many bus routes. Accelerated population in this area will add extra burden to already overloaded transportation every day. The train leaves Carlingford station roughly every hour, and it only contains 3 carriages.</p> <p>There is currently a lack of jobs in the area to support additional growth.</p>	<p>The Carlingford Precinct Plan is based on the following opportunities: -</p> <ul style="list-style-type: none"> - The Precinct's location adjacent to a heavy rail line linked to the Sydney Metropolitan Rail Network; - Strategic Bus Corridors to provide access to major employment and entertainment areas in the region; and - Potential for retail, commercial and residential activities of a size that satisfactorily meet the criteria for a 'town centre' defined in the Sydney Metropolitan Strategy within an area that predominantly consists of older housing stock that appears to be nearing its economic life. <p>Given the above opportunities, Council's 'Residential Direction' (March 2008) identifies the Precinct as one of the key potential areas within the existing urban area of the LGA to achieve the proposed dwelling target for the Shire in response to the Draft North West Sub-regional Strategy. Council will continue to advocate for an improved rail service to serve the population of the Precinct.</p>	

6. Additional engineering information

Additional information has been previously requested concerning car parking, flooding, drainage and geology/soil behaviour. The applicant has recently submitted the required additional information together with the amended plans. This information is currently under assessment.

7. Potential heritage items

The subject site is currently not identified in Schedule 1 of BHLEP 2005 as known to contain heritage items, however there is potential for heritage items to be located at No. 1

Donald Street. Following a query from a resident during the second notification regarding the existing stone walls and gates on the property this matter was reviewed. Site investigation reveals the existence of aged stonewalls and gates located along part of the southern boundary and along the eastern and part of the southeastern boundary of No. 1 Donald Street. The stone fencing runs along the whole of the eastern boundary of the site (refer Attachment 20 for photographs of these items). The applicant has been requested to submit a heritage report addressing clause 35(8) of BHLEP 2005, which states as follows:

(8) Where it is proposed to develop or demolish a building, relic or structure not listed in Schedule 1 that is older than fifty years, the consent authority may require the submission of a heritage impact statement that addresses issues referred to in subclause (7) so as to enable it to fully consider the impact of the development upon the significance of the building, relic, or structure.

A draft heritage report was submitted by the applicant and reviewed by Council's heritage officer who has requested further information in order to properly assess the potential heritage items.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Baulkham Hills Local Environmental Plan 2005, draft Baulkham Hills Local Environmental Plan, Baulkham Hills Development Control Plan, draft Baulkham Hills Development Control Plan, State Environmental Planning Policy (Major Development) 2005, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, SEPP 1 (Development Standards) and State Environmental Planning Policy (Infrastructure) 2007, and is considered satisfactory.

It is recommended that determination of the subject Development Application be deferred pending the resolution of the following outstanding matters:

- (i) Finalisation of engineering and heritage assessment
- (ii) Adoption of the Carlingford Precinct Public Domain Plan.

A report to Council recommending that the draft Carlingford Precinct Public Domain Plan be adopted is scheduled on 12 April 2011.

IMPACTS:

Financial

Should this Development Application be approved, the applicant will be required to pay the monetary contributions pursuant to Contributions Plan No.14 – Carlingford Precinct as a condition of consent.

Hills 2026

The proposal responds to the revitalisation of the Carlingford Precinct which is an integral component of Council's Residential Direction and response to the State Governments Draft North West Sub-regional Strategy. The proposal provides a good mix of housing which is an environmentally sustainable form of residential development and would protect and enhance the character of the locality and the Shire as a whole.

RECOMMENDATION

That determination of the subject Development Application be deferred pending the finalisation of engineering and heritage assessment and Council's adoption of the Public Domain Plan.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Basement Plan
5. Ground Floor Plan
6. Level 1 Plan
7. Level 2 Plan
8. Level 3 Plan
9. Level 4 Plan
10. Level 5 Plan
11. Roof Plan
12. West & North Elevations
13. East Elevation & Section
14. Shadow Diagrams
15. Perspectives
16. Potential Site Amalgamation Plan
17. Precinct Boundary Map
18. Carlingford Precinct Building Height Map
19. Carlingford Precinct Floor Space Ratio Map
20. Photographs of Stone Walls at 1 Donald Street

ATTACHMENT 1 - LOCALITY PLAN



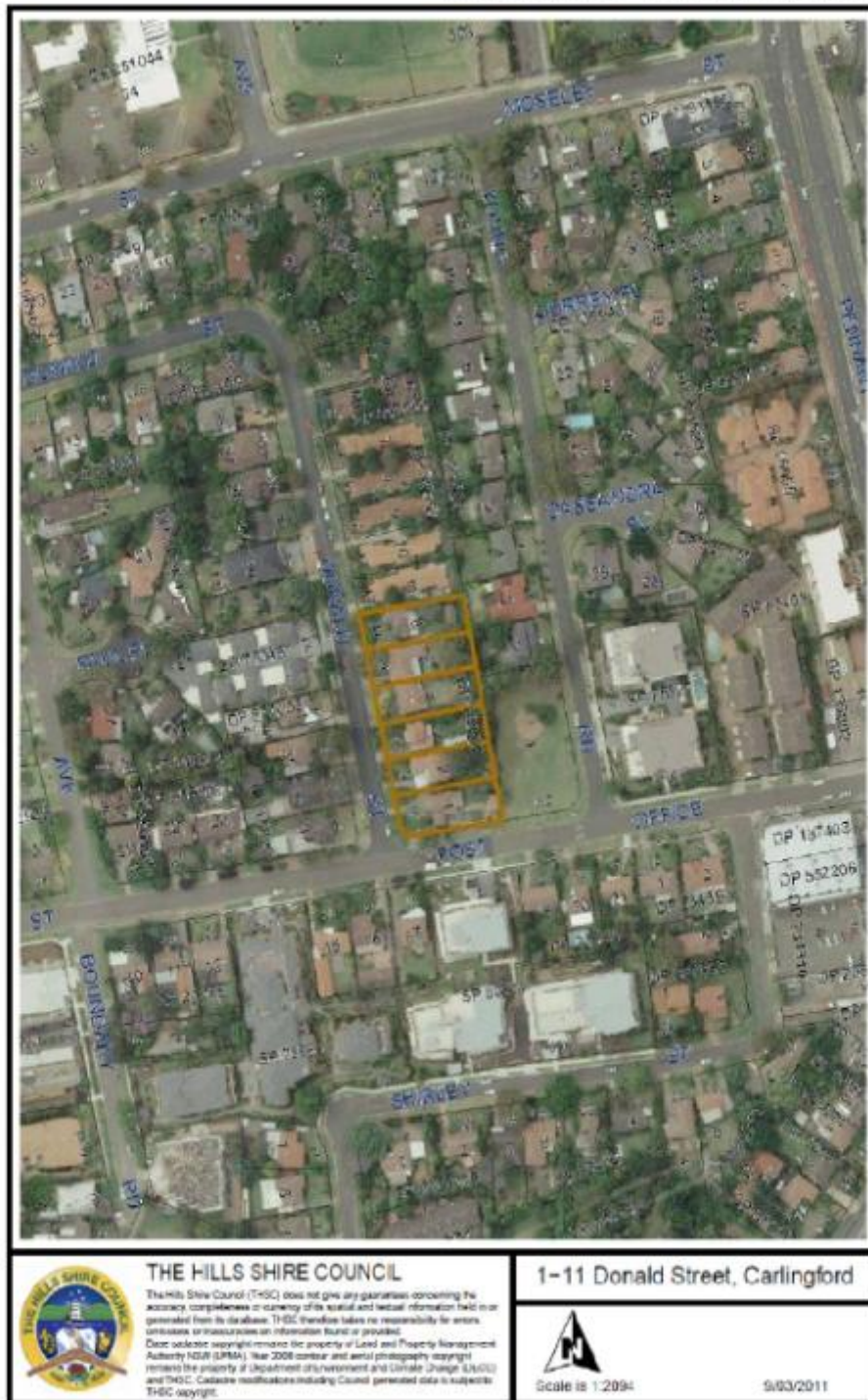
- ☐ **SUBJECT SITE**
- ✓ **PROPERTIES NOTIFIED**
- **SUBMISSIONS RECEIVED**



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ATTACHMENT 2 - AERIAL PHOTOGRAPH



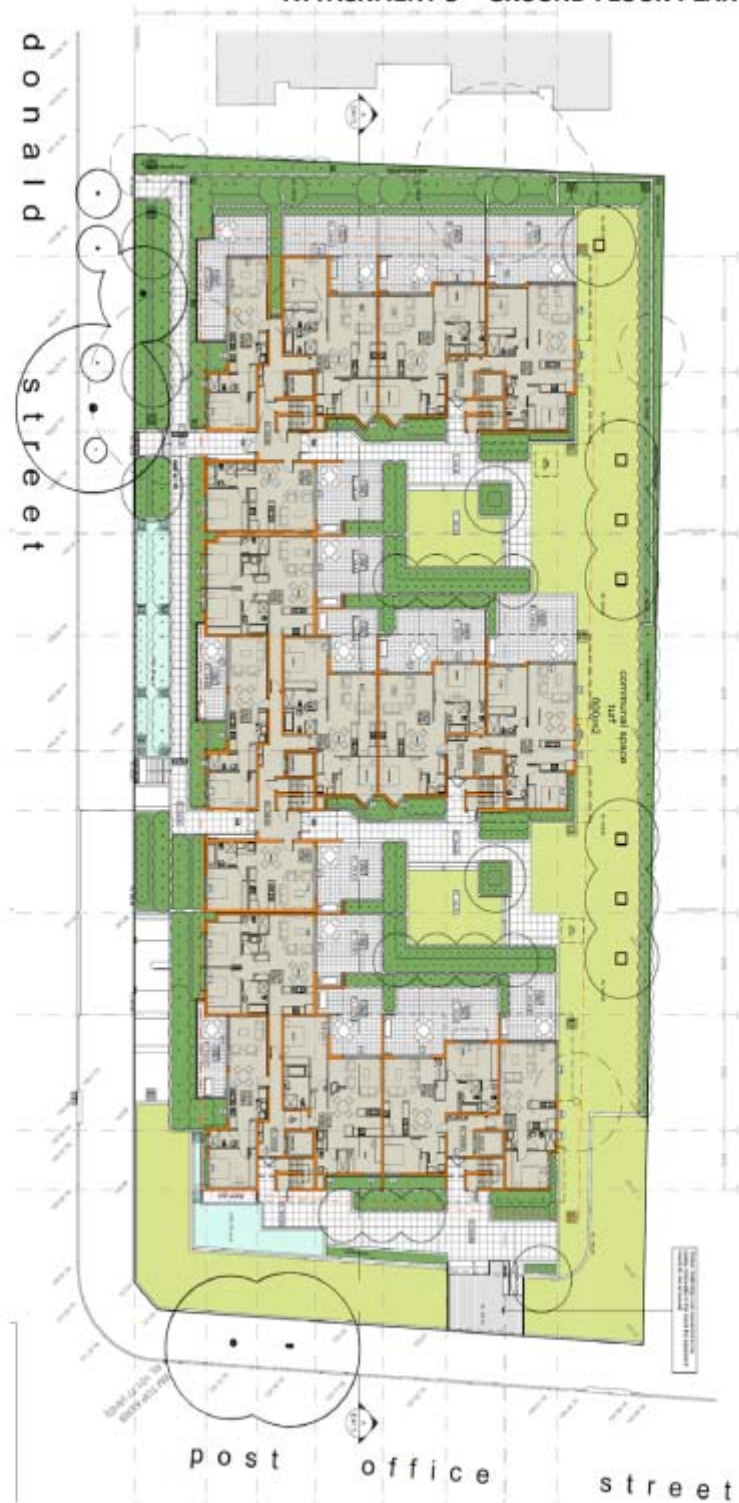
ATTACHMENT 3 – SITE PLAN



donald street

post office street

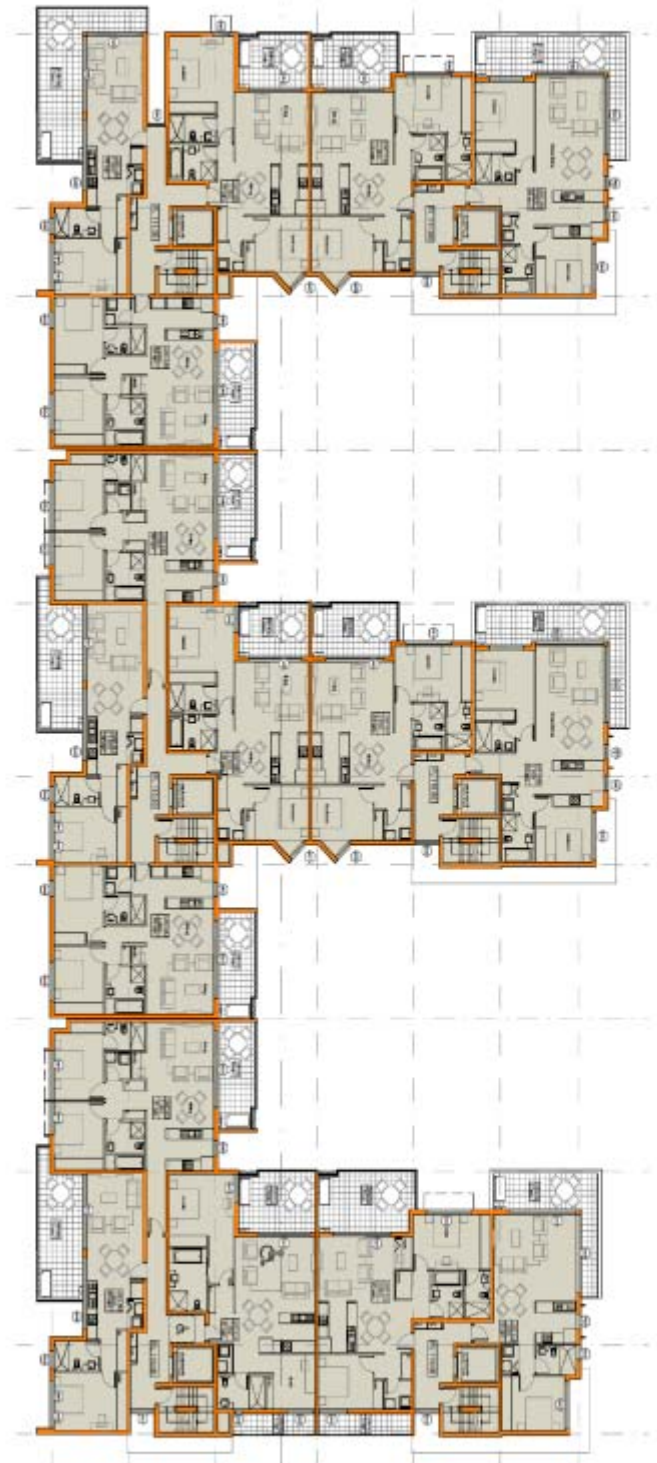
ATTACHMENT 5 – GROUND FLOOR PLAN



ATTACHMENT 6 – LEVEL 1 PLAN



ATTACHMENT 7 – LEVEL 2 PLAN



ATTACHMENT 8 – LEVEL 3 PLAN



ATTACHMENT 9 – LEVEL 4 PLAN



ATTACHMENT 10 – LEVEL 5 PLAN



[illegible]

ATTACHMENT 12 – ELEVATIONS (WEST & NORTH)



west elevation

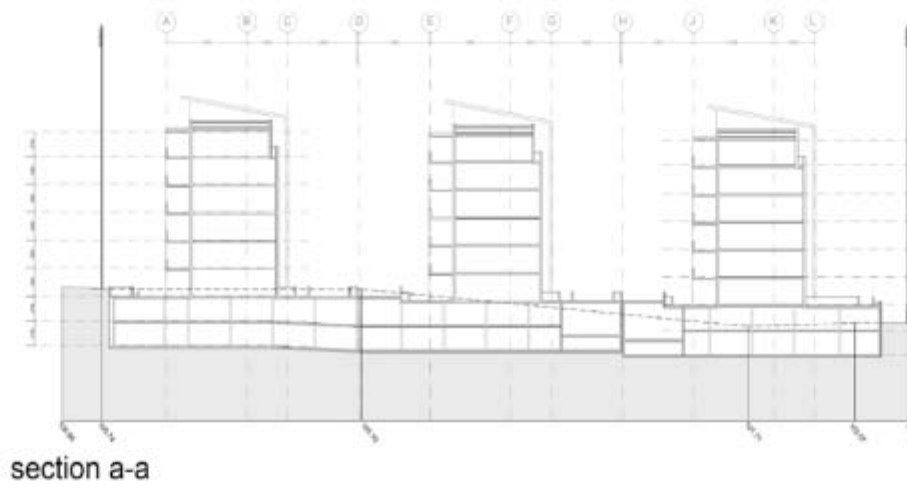


north elevation

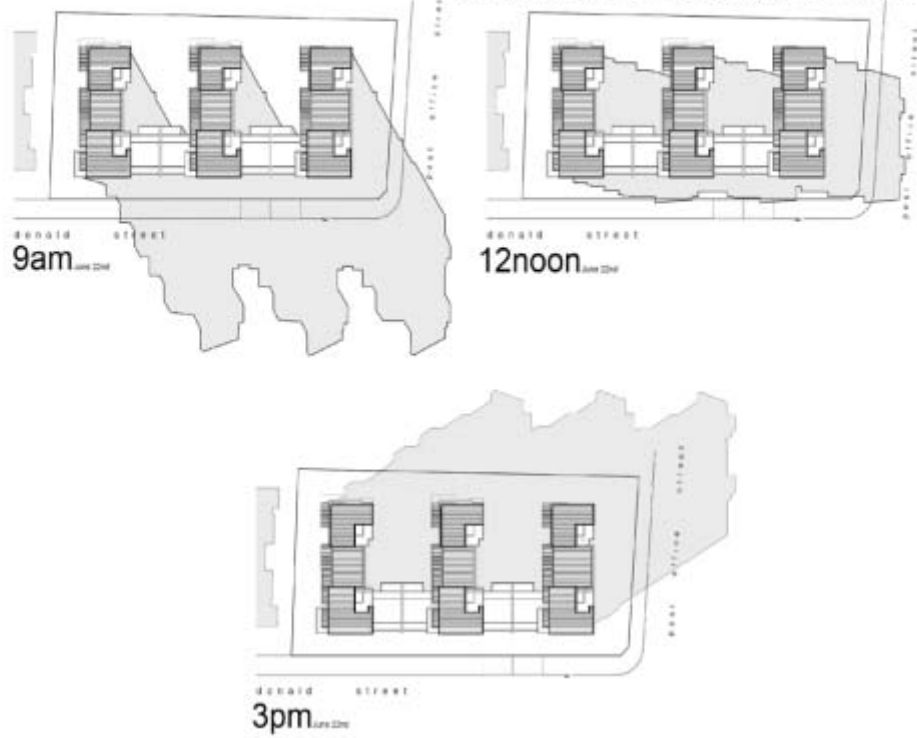


south elevation

ATTACHMENT 13 – EAST ELEVATION & SECTION



ATTACHMENT 14 – SHADOW DIAGRAMS



ATTACHMENT 15 – PERSPECTIVES



VIEW FROM DONALD STREET

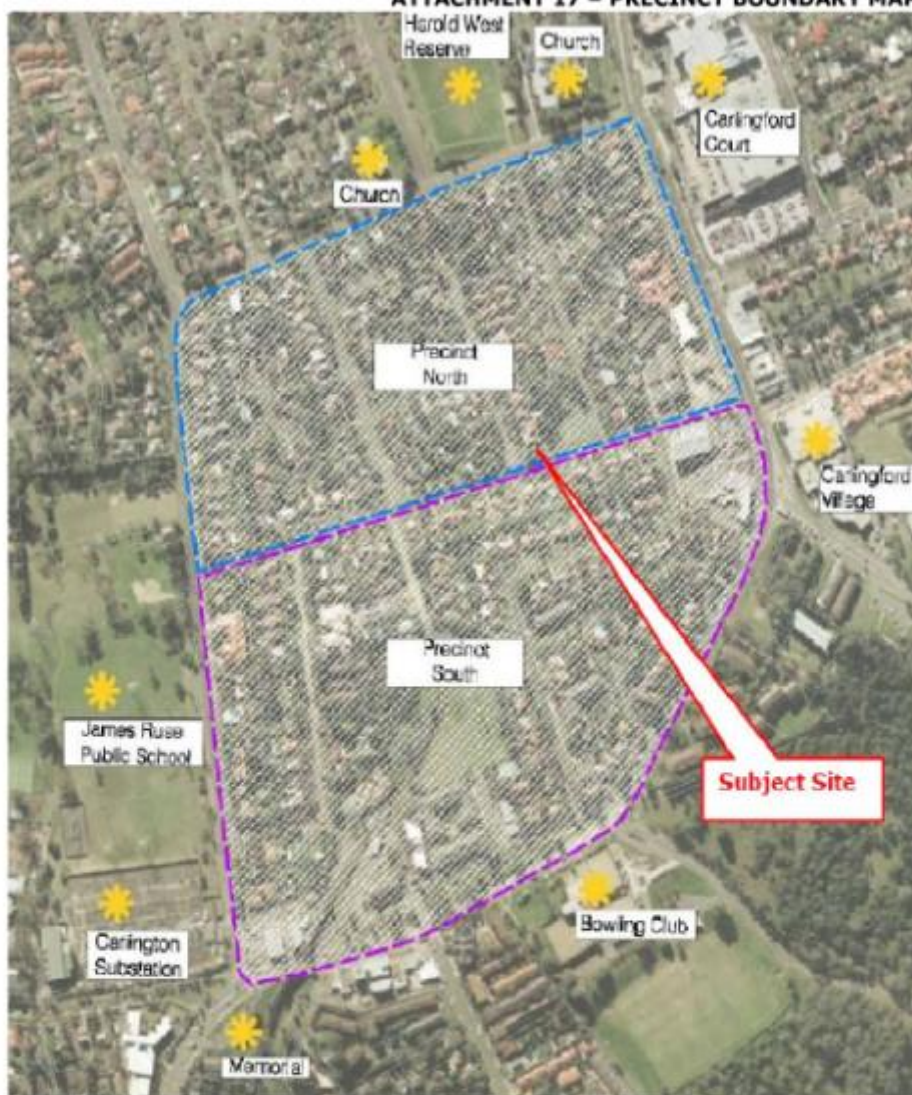


VIEW FROM POST OFFICE STREET

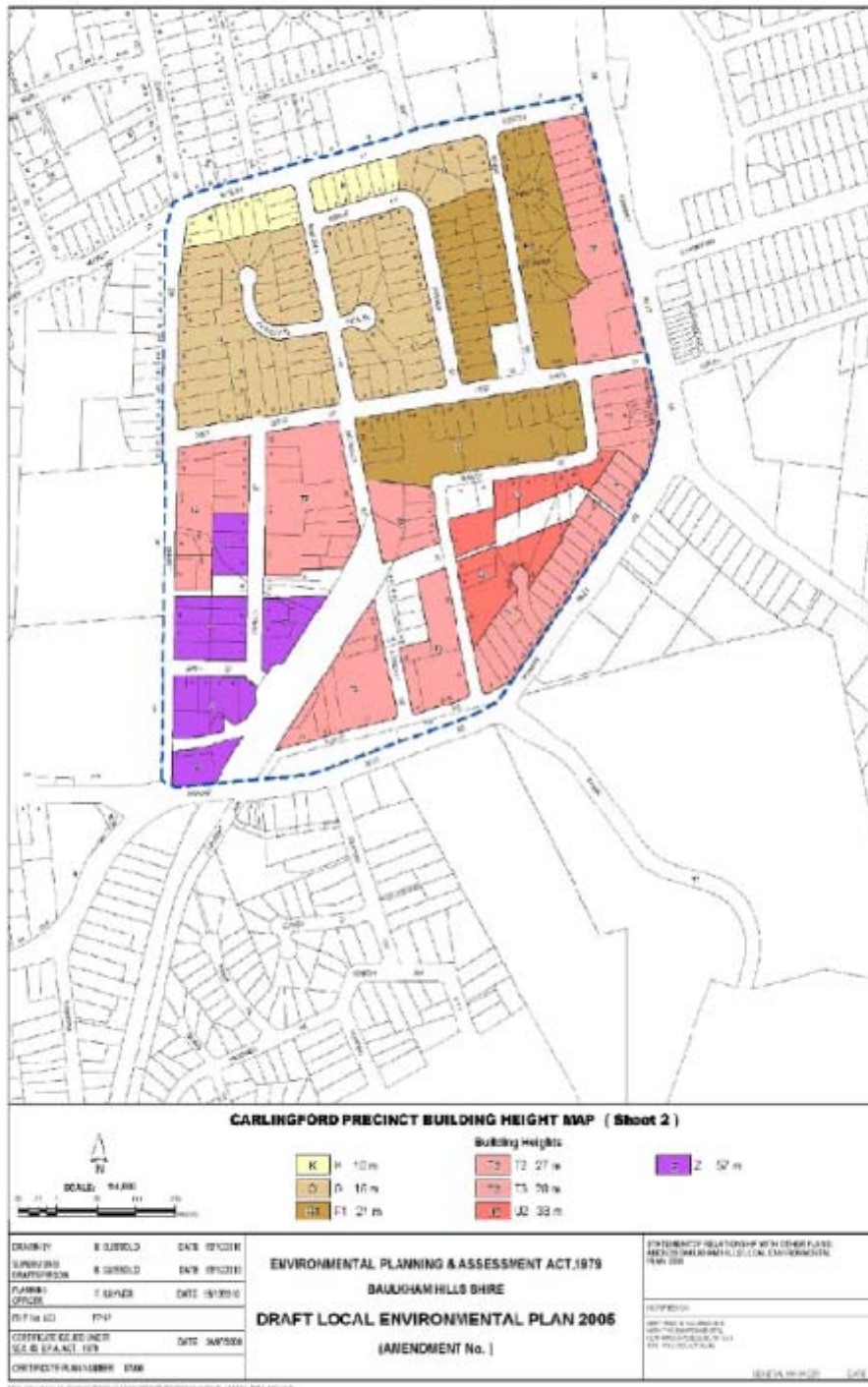
ATTACHMENT 16 – POTENTIAL SITE AMALGAMATION PLAN
(FIGURE 9 IN BHDGP PART E SECTION 22 – CARLINGFORD PRECINCT)



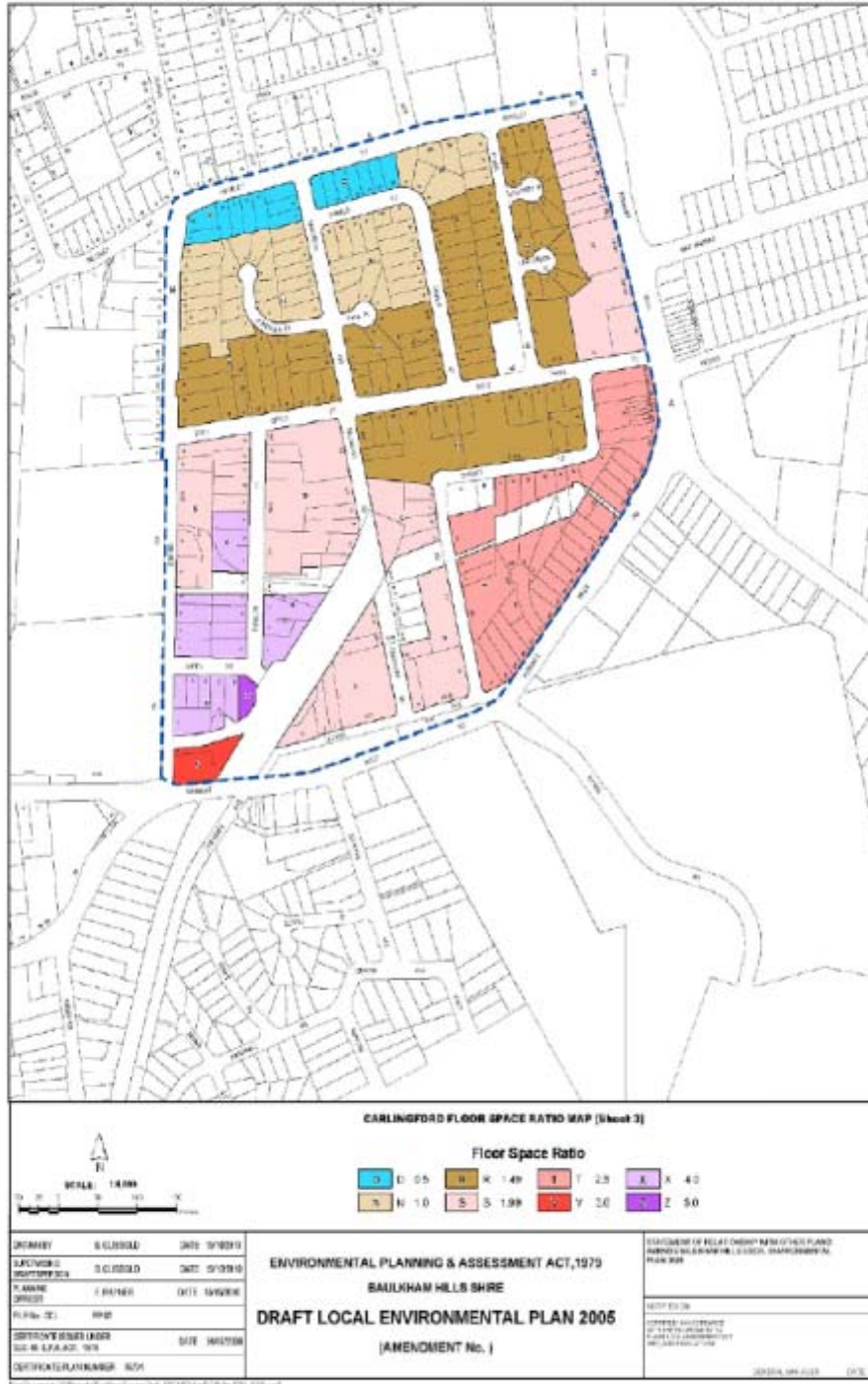
ATTACHMENT 17 – PRECINCT BOUNDARY MAP



ATTACHMENT 18 – CARLINGFORD LEP BUILDING HEIGHT MAP



ATTACHMENT 19 – CARLINGFORD LEP FLOOR SPACE RATIO MAP



ATTACHMENT 20 – PHOTOGRAPHS OF STONE WALLS AT 1 DONALD STREET

