

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP PLANNING REPORT

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| JRPP No: | 2011SYW026 |
| DA Number: | 1103/2011/JP |
| Local Government Area | THE HILLS SHIRE COUNCIL |
| Proposed Development: | DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF 5 APARTMENT BUILDINGS 9-11 STOREYS CONTAINING 450 UNITS AND BASEMENT CAR PARKING CONTAINING 662 CAR PARKING SPACES |
| Street Address: | LOTS 9 & 10 DP 8508, LOTS 1-8 DP 30115, LOT 1 DP 1108644, LOTS 23-25 DP 21386, LOT 7 DP 9614, LOT 1 DP 135608, LOT 9 DP 655986, LOTS 1 & 2 DP 1028075, LOTS 6-8 DP 26412 AND LOTS A-C DP 29919, NOS. 247-261 & 277-281 PENNANT HILLS ROAD AND NOS. 14-30 SHIRLEY STREET, CARLINGFORD |
| Applicant/Owner | RAINBOWFORCE PTY LTD |
| Number of Submissions: | TWENTY-TWO (22) |
| Recommendation: | DEFERRED COMMENCEMENT APPROVAL |
| Report by: | GREG SAMARDZIC SENIOR TOWN PLANNER |

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing dwellings and associated structures and construction of five (5) apartment buildings comprising 450 units and basement parking containing 662 car parking spaces.

The emerging vision for the Carlingford Precinct is to encourage transit oriented development that creates a sense of place for the incoming population through increased housing choice, better public realm and open spaces and local services that supply the convenience needs of the community. When the precinct is fully developed it will dramatically alter the character of the area.

On 12 July 2011, Council considered a report on the Key Sites Voluntary Planning Agreements (VPAs). It was resolved that the VPAs be adopted. The finalisation of the VPAs for the four key sites, which included Key Site 17 (the subject development site) within the Carlingford Precinct represent the next major step to implement Council's urban renewal strategy for the Precinct.

The VPA provides certainty for Council and the developer as to the timing of payment, works and land to be provided within the Precinct. It will involve dedication of land for public open space purposes and paying monetary contributions to Council. The VPA includes carry out works in kind for Council which will involve a roundabout at Young Road/Post Office Street, open space embellishment as per the Carlingford Precinct Public Domain Plan and a cycleway/pedestrian path in the existing transmission easement.

The proposal is accompanied by a SEPP 1 objection to the maximum allowance building height in the Baulkham Hills Local Environmental Plan for the Carlingford Precinct. The breaches in height by 0.5m for Buildings D & E are due to in part the slope of the land. The breach in height by 6m for Building D in approximately 12m in length is due to the 11 storey component of the building extending into the 9 storey height limit to ensure a consistent design.

The SEPP 1 objection is supported as the non-compliance does not result in adverse solar access or adverse privacy impacts on adjoining developments and is accordance with the Council's vision for the area. The development is consistent with the objectives of the building height development standard. To require full compliance with the breach by 0.5m is unreasonable as it would result in a reduction in parts of the buildings that comply with the maximum number of storeys permitted or a stepped development not containing one floor level. To require compliance with the breach by 6m will result in the reduction in number of northern facing units and an increase in single aspect units.

The proposed development generally complies with the key site built form controls and generally conforms to the development pattern envisaged for key site Block 17 as provided in the BHDCP Part E Section 22 – Carlingford Precinct. A number of variations are proposed to BHDCP including building setbacks, building separation and internal solar access to units. The proposal is consistent with the future character envisaged for Carlingford, is within the density envisaged for the site and will be compatible with the other apartment developments that will be developed in the area.

It is recommended that the Development Application be approved subject to conditions including a deferred commencement condition to require the applicant to obtain a drainage easement over Nos. 27-29 Lloyds Avenue.

BACKGROUND

MANDATORY REQUIREMENTS

| | | | |
|-----------------------|--|-----|---|
| Owner: | Golden Mile 1888 P/L, Rainbowforce P/L and Pennant Hills Estate 88 P/L | 1. | <u>BHLEP 2005</u> – Variation to building height |
| | | 2. | <u>Draft LEP 2005</u> – Variation to building height |
| Zoning: | Part Residential 2(a1) and Open Space 6(a) (Existing & Proposed Public Recreation) | 3. | <u>SEPP (BASIX) 2004</u> - Complies |
| | | 4. | <u>SEPP 1 Development Standards</u> – See report |
| | | 5. | <u>SEPP No. 65 – Design Quality of Residential Flat Development</u> – Complies |
| Area: | 23,482m ² | 6. | <u>SEPP (Infrastructure) 2007</u> – Satisfactory |
| Existing Development: | Dwelling houses and associated structures | 7. | <u>BHDCP Part E, Section 22 – Carlingford Precinct</u> – Variations required – see report |
| | | 8. | <u>BHDCP Part D, Section 1 – Parking</u> – Complies |
| | | 9. | <u>BHDCP Part D, Section 3 – Landscaping</u> – Complies |
| | | 10. | <u>Multi-Unit Housing – Urban Design Guidelines</u> – Complies |
| | | 11. | <u>Residential Flat Design Code</u> – Satisfactory |
| | | 12. | <u>Section 79C (EP&A Act)</u> – Complies |
| | | 13. | <u>Section 94 Contribution</u> – Voluntary Planning Agreement (VPA) |

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

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|--------------------------|---------------------------------|----|---|
| 1. Exhibition: | Yes, 14 days. | 1. | Capital Investment Value is in excess of \$10 million (DA lodged prior to threshold amendments effective 1 October 2011). |
| 2. Notice Adj Owners: | Yes, 27 days. | | |
| 3. Number Advised: | Three hundred and sixteen (316) | | |
| 4. Submissions Received: | Twenty-two (22) | | |

HISTORY

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|-------------------|---|
| 23/08/2005 | Development Consent No. 2461/2004/HB granted by Council for construction of eight 3-5 storey apartment buildings for 226 units and 428 parking spaces. |
| 19/05/2009 | Council resolved to adopt the draft LEP and DCP for the Carlingford Precinct. |
| 10/07/2009 | Pre-lodgement meeting held for six (6) apartment buildings comprising 419 units. |
| 22/06/2010 | Council resolved to amend the draft LEP and DCP for the Carlingford Precinct. |
| 09/11/2010 | Council adopted 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. |
| 14/12/2010 | Council considered a report on a number of draft Voluntary Planning Agreements (VPAs) providing for the payment of monetary contribution works in kind and land dedication for key sites within the Carlingford Precinct. |
| 14/12/2010 | Council considered a report on the draft Carlingford Precinct Public Domain Plan and resolved that the plan be publicly exhibited for a period of 28 days. |
| 14/02/2011 | Subject Development Application lodged. |
| 22/02/2011 | Council considered a further report on draft Voluntary Planning Agreements (VPAs) for providing the payment of monetary contribution works in kind and land dedication for key sites within the Carlingford Precinct. |
| 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 pertaining to the Carlingford Precinct. |

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| 03/03/2011 | Baulkham Hills Local Environmental Plan 2005 (Amendment No.20) in respect to the Carlingford Precinct gazetted. |
| 08/03/2011 | Letter sent to the applicant requesting additional information in relation to compliance with BHDGP Part E, Section 22 – Carlingford Precinct and waste management matters. |
| 24/03/2011 | JRPP briefing held. |
| 12/04/2011 | Letter sent to the applicant requesting additional information in relation to engineering, tree management, owner's consent and political donation matters. |
| 27/04/2011 | Conciliation Conference held. |
| 10/05/2011 | Meeting held with the applicant's planning consultant to discuss issues raised in Council's correspondence. It was determined that part of the subject site that is zoned Open Space 6(a) is to be included for purposes of calculating floor space ratio. |
| 17/05/2011 | Letter sent to the applicant to address the outcomes of the Conciliation Conference, Energy Australia requirements and tree management issues. |
| 12/07/2011 | Council resolved to adopt and sign the submitted Voluntary Planning Agreements for the nominated key sites within the Carlingford Precinct. |
| 02/08/2011 | Additional information and amended plans submitted to address matters raised in Council's previous correspondence and issues raised from the Conciliation Conference. |
| 08/08/2011 | Vibration and Electrolysis reports submitted. |
| 12/08/2011 | Additional information submitted to address matters raised in Council's previous correspondence and issues raised from the Conciliation Conference. |
| 01/09/2011 | Letter sent to the applicant's consultant requesting additional information in relation to waste management. Additional waste management information submitted. |
| 23/09/2011 | Additional drainage and tree management information submitted. |
| 12/10/2011 | Letter sent to the applicant's consultant requesting additional tree management information. |
| 01/11/2011 | Additional tree management information submitted. |
| 03/11/2011 | Amended stormwater design submitted. |

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| 08/11/2011 | Additional tree management information submitted. |
| 11/11/2011 | Letter sent to the applicant's consultant requesting additional information in relation drainage. |
| 21/11/2011 | Letter sent to the applicant's consultant requesting additional tree management information. |
| 22/11/2011 | Additional tree management information submitted. |
| 12/12/2011 | Letter sent to the applicant's consultant requesting supplementary tree management information. |
| 15/12/2011 | Additional tree management information submitted. |
| 30/01/2012 | Amended stormwater design submitted. |
| 20/02/2012 | Letter sent to the applicant's consultants advising that the submitted stormwater design has not been updated and that Council's previous requests for additional information have not been satisfied. |
| 20/02/2012 | Amended stormwater design submitted. |

BACKGROUND

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 Development Control Plan and Contributions Plan came into force on 15 March 2011. Importantly, the LEP Amendment introduces Clause 64(2) which requires that:

In determining whether to grant development consent to development on the land shown distinctively edged on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 20)—Sheet 4", the consent authority must consider whether provision has been made for the undergrounding of 132kv double circuit power lines in relation to that development.

Council resolved at its meeting of 22 February 2011:

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.*

Council resolved at its meeting of 12 July 2011:

1. *The Mayor and General Manager sign the Voluntary Planning Agreements on behalf of the Hills Shire Council upon the Developer submitting to Council an executed agreement for Key Site Nos.3, 4, 6 and 17.*
2. *Conditions be included in relevant development consent for the key sites to ensure full compliance with the executed VPAs for Key Site No. 3, 4, 6 and 17.*

A Voluntary Planning Agreement with Council has been entered into for this development.

A condition is recommended requiring the undergrounding of the power lines prior to occupation (see Condition No. 103). Prior to this occurring, the applicant is to produce a design contract (see Condition No. 2).

SUBJECT SITE AND SURROUNDS

Site Description & Zoning

The subject site is irregular in shape and consists of twenty-three (23) residential allotments with a combined total site area of 23,482m². The subject site generally slopes from the northeast (highest contour RL 127) down to the southwest (lowest contour RL 104). The subject development site is known as 'Key Site 17' under BHDGP Part E, Section 22 – Carlingford Precinct. Janell Crescent has already been legally "closed" as a public road, with ownership transferred from Council to the developer. As part of the proposed works, physical access to the existing road will be removed via the demolition of the existing road pavement, kerb and gutter etc; in conjunction with the other demolition works included with this proposal. See Condition No. 56(i).

The site has a total frontage to Pennant Hills Road of 185m (which excludes Nos. 623-625 Pennant Hills Road). Frontage to the north-south aligned section of Shirley Street is 33.3m. Frontage to the east-west aligned section (northern boundary) of Shirley Street (upper western boundary) is 203m. The north-eastern boundary is irregular in shape and adjoins a commercial car park at a length of 83m. The western boundary is also irregular as it is formed by medium density developments on Shirley Street and 2 dwellings with a total length of 298m.

The subject site is burdened by a transmission line easement through the middle of the site. The high tension cables will be relocated underground and the applicant must make satisfactory arrangements with Energy Australia for completion of this work as part of the Voluntary Planning Agreement.

The subject site is currently zoned Residential 2(a1) and Open Space (6a) (Existing & Proposed Public Recreation) under the provisions of Baulkham Hills Local Environmental Plan 2005 and is proposed to be rezoned to High Density Residential R4, Public Recreation RE1 and Infrastructure SP2 under the draft LEP 2010. The proposal is permissible under both the current LEP and the draft LEP. The applicant has lodged a SEPP 1 objection to the building height standard prescribed within both the current and draft LEP which is set to a maximum of 27m (along Pennant Hills Road) and 33m (along Shirley Street).

At the time when Council resolved to adopt the draft LEP the subject development site was zoned residential. It was originally envisaged in a design concept to have an apartment building on part of the land on the corner of the east west and north south section of Shirley Street. A subsequent amendment was made to the LEP which rezoned this part of the land to open space. The design concept was updated to increase the number of storeys on the other buildings to utilise the maximum permitted FSR (which had also been amended from a maximum FSR of 1.99:1 to 2.3:1).

Surrounding Development

The general character of the locality is predominantly made up of detached, medium/high density residential development including commercial and place of worship developments.

A public car park adjoins the subject site at the north-eastern boundary. This car park serves a liquor shop, restaurants and shops. On the northern side of Shirley Street opposite there are residential flat buildings. No. 12 Shirley Street contains a 2 storey townhouse development with basement car parking and tennis court. This townhouse development directly adjoins the site. The western side of Shirley Street consists of 4 storey residential flat buildings and 4 single storey dwellings including a park owned by Council. Adjoining the site to the south west are 2 single storey dwellings. There is a 3

storey residential flat building with a basement car park located at Nos. 2-6 Shirley Street. The Carlingford Uniting Church is located at the corner of Pennant Hills Road and Shirley Street. Adjoining this site along Pennant Hills Road is a single storey dwelling. Opposite the subject site on Pennant Hills Road, there are residential flat buildings and the Carlingford Memorial Park within the Parramatta LGA. Nos. 623-625 Pennant Hills Road contains detached dwellings.

PROPOSAL

The Development Application is for the demolition of existing dwellings and associated structures and construction of five (5) apartment buildings comprising 450 units and basement parking.

The proposed apartment buildings range in height between 9 and 11 storeys and consist of the following:

- 39 x 1 bedroom units;
- 341 x 2 bedroom units;
- 70 x 3 bedroom units; and
- Three (3) basement car parks with 3 and 4 levels containing a total of 662 car parking spaces.

Blocks A & B are 9 storeys and Blocks C & E are 11 storeys. Block D is part 9 and 11 storeys.

Access to the development will be from Shirley Street via two (2) new private access roads.

Part of the subject site zoned as public open space will be dedicated to Council under the adopted Voluntary Planning Agreement (VPA). There are 2 separate areas for public open space purposes. The first being part of the land on the corner of the east west and north south section of Shirley Street and the second being the land within the existing transmission easement on the site. These sections have a combined area of 5,800m². There are additional communal open space areas within part of the development site zoned as residential. The communal open space area includes features such as walkways, BBQ areas, a playground, pool and pond.

The schedule of finishes submitted with the subject Development Application include painted finishes, Symonite Composite panels in Gun Metal Metallic and Ceramapanel CFC panels in a variety of colours. The variety of colours and finishes has been provided for individuality to the buildings and to provide distinctive colour tones across the site.

It is proposed to remove 117 of the existing 203 trees on the site. The landscape plan indicates that 344 trees will be established being native trees. Varieties include Coastal Banksia, Swamp Mahogany, Blueberry Ash, Sydney Blue Gum and Melaleuca. It is also proposed to plant 2,997 native shrubs such as Lillipillies, Japanese Boxes, Banksias, Palm and Gynea Lillies, Grevilleas, Hakias, Photinias, Christmas Bush and Coastal Rosemary.

On 12 July 2011, Council resolved to adopt Voluntary Planning Agreements (VPAs) for four key sites (which included Key Site 17 - the subject development site) within the Carlingford Precinct. The VPA will involve dedication of land for public open space purposes and paying monetary contributions to Council. The VPA will require the applicant to carry out works in kind for Council which will primarily involve a roundabout at Young Road/Post Office Street, open space embellishment as per the Carlingford Precinct Public Domain Plan and a cycleway/pedestrian path in an existing transmission easement.

CONCILIATION CONFERENCE

Due to the number of submissions received, a Conciliation Conference was held on 27 April 2011 with five (5) residents attending. The issues discussed mainly relate to the undergrounding of power lines, traffic/parking, privacy, amenity, fire and emergency vehicle access, geotechnical requirements, solar access, waste management, overland flow, tree removal, property values and wind tunnelling effects. The majority of these issues were raised in the residents' submissions which are addressed in section 4 of this report. The residents were advised that the matter will be reported to the NSW Government Joint Regional Planning Panel (JRPP) for determination.

The following outcomes were achieved in the Conference:

i). Council's Traffic Section to assess traffic generation, the potential for parking restrictions on Shirley Street and the possibility of access from Pennant Hills Road.

Comment: Council's Traffic Section has assessed the proposal and raised no objections subject to conditions.

It is recommended to impose parking restrictions on Shirley Street to improve traffic flow. Refer to Condition No. 105.

The proposed access points to the development are in accordance with the Carlingford Precinct planning documents. No access is permitted directly off Pennant Hills Road.

Six hundred and sixty-two (662) off-street car parking spaces are proposed which complies with BHDCP Part E, Section 22 – Carlingford Precinct requirements. It is noted that the proposal has provided a surplus of ten (10) car parking spaces.

ii). The applicant is to consider and address the issues raised in relation to access by fire trucks for fire hydrant access at Nos 2-6 Shirley Street. The applicant is to liaise with NSW Fire and Rescue.

Comment: The applicant has liaised with the NSW Fire and Rescue as to whether satisfactory arrangements have been made in relation to access by fire trucks for fire hydrant access to Nos. 2-6 Shirley Street.

The applicant's consultants have advised that the NSW Fire and Rescue do not assess or provide comments in relation to hydrant locations at the Development Application stage. The applicant has submitted a plan which shows the location of numerous hydrants located across the subject site. The plan indicates a gate and a hydrant adjacent to Nos. 2-6 Shirley Street to allow access for fire fighting purposes. It is noted that fire trucks can access the proposed roadway off Shirley Street or from Pennant Hills Road.

It is recommended that the final design be approved by the NSW Fire and Rescue prior to the issue of the Construction Certificate. Refer to Condition No. 53.

iii). The applicant is to submit shadow elevation diagrams to determine the impact on the solar panels located at Nos. 2-6 Shirley Street.

Comment: The applicant has provided this information. The submitted elevation diagrams indicate that the solar panels will receive sunlight from 11am onwards during mid-winter.

iv). Noise, landscaping, waste management and stormwater runoff are to be assessed by Council under the subject Development Application.

Comment: Council's Environment Health and Protection Section have assessed the potential issues of noise generation associated with the proposal including the submitted acoustic report and raised no objections subject to conditions.

Council's Tree Management, Waste and Subdivision Sections have also assessed the proposal and raised no objections subject to conditions.

v). The issue of privacy from Blocks A and C to the adjoining swimming pool at Nos. 2-6 Shirley Street is to be addressed through submission of sight line diagrams.

Comment: The applicant has submitted the requested sight line diagrams which demonstrate that potential privacy impacts to Nos. 2-6 Shirley Street has been satisfactorily addressed in particular from upper levels.

vi). The lower 3 to 4 balcony levels to be conditioned to contain obscure/opaque screening.

Comment: It is recommended that a condition be imposed in any consent to require that the lowest 4 balcony levels contain obscure/opaque screening to limit the potential for direct overlooking of the property at Nos. 2-6 Shirley Street. Refer to Condition No. 4.

vii).The VPA and issue of undergrounding of power lines should be addressed prior to the determination of the subject Development Application.

Comment: The VPA has been dealt with separately and it is recommended that conditions be imposed regarding compliance with the planning agreement and undergrounding of power lines obligations. Refer to Condition Nos. 2, 3, 47, 48, 49, 50, 102, 103 and 104.

ISSUES FOR CONSIDERATION

1. Compliance with Baulkham Hills Local Environmental Plan (BHLEP) 2005 and Draft The Hills Local Environmental Plan 2010 (Draft THLEP 2010)

(i) Permissibility and Zone Objectives

The subject site is zoned Residential 2(a1) and Open Space 6(a) (Existing & Proposed Public Recreation) under BHLEP 2005. The proposal being an apartment development is permissible within the Residential 2(a1) zone. All units and basement parking are within this zone. Embellishment works for communal open space purposes are proposed within the Open Space 6(a) zone.



Figure 1. Zoning Map

The objectives and intent of the Residential 2(a1) zone provide direction for the revitalisation of the Carlingford Precinct. These objectives are:

- (a) *to promote a range of housing choices and associated facilities, and*
- (b) *to identify those localities that are capable of supporting an increase in housing density and population, and*
- (c) *to increase housing density in locations adjacent to the main activity centres of the local government area, and*
- (d) *to promote development that encourages public transport use and minimises private traffic generation, and*
- (e) *to ensure that building form (including alterations and additions) is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and*
- (f) *to ensure that any development carried out:*
 - (i) *is compatible with adjoining structures in terms of elevations to the street and building height, and*

- (ii) *has regard to the privacy of existing and future residents, and*
- (iii) *has regard to the transmission of noise between dwellings, and*
- (iv) *minimises energy consumption and utilises passive solar design principles, and*
- (v) *retains significant vegetation, and*
- (vi) *incorporates landscaping within building setbacks and open space areas, and*
- (vii) *incorporates adaptable housing to meet the needs of people with disabilities, and*
- (g) *to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (h) *to allow a range of development, ancillary to residential uses, that:*
 - (i) *is capable of visual integration with the surrounding environment, and*
 - (ii) *serves the needs of the surrounding population without conflicting with the residential intent of the zone, and*
 - (iii) *does not place demands on services beyond the level reasonably required for residential use.*

Comment:

The emerging vision for the Carlingford Precinct is to encourage transit oriented development that creates a sense of place for the incoming population through increased housing choice, better public realm and open spaces and local services that supply the convenience needs of the community. When the precinct is fully developed it will dramatically alter the character of the area.

The proposal satisfies the objectives of the zone as it does not adversely affect adjoining or surrounding allotments while providing a functional higher density development that is envisaged for the precinct.

(ii) BHLEP 2005 Amendment No. 20

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 LEP amendments include gazetted building height and FSR development standards. The associated Development Control Plan and Contributions Plan came into force on 15 March 2011. The subject Development Application was lodged on 14 February 2011. There are no relevant savings or transitional provisions available for the proposal. The applicant has acknowledged this and has made a SEPP 1 objection in relation to height.

The aims and objectives of the LEP Amendment are as follows:

This plan aims to:

- (a) *create a sustainable residential neighbourhood consisting of a mix of housing types including villas, town houses, shop top housing and apartment buildings;*

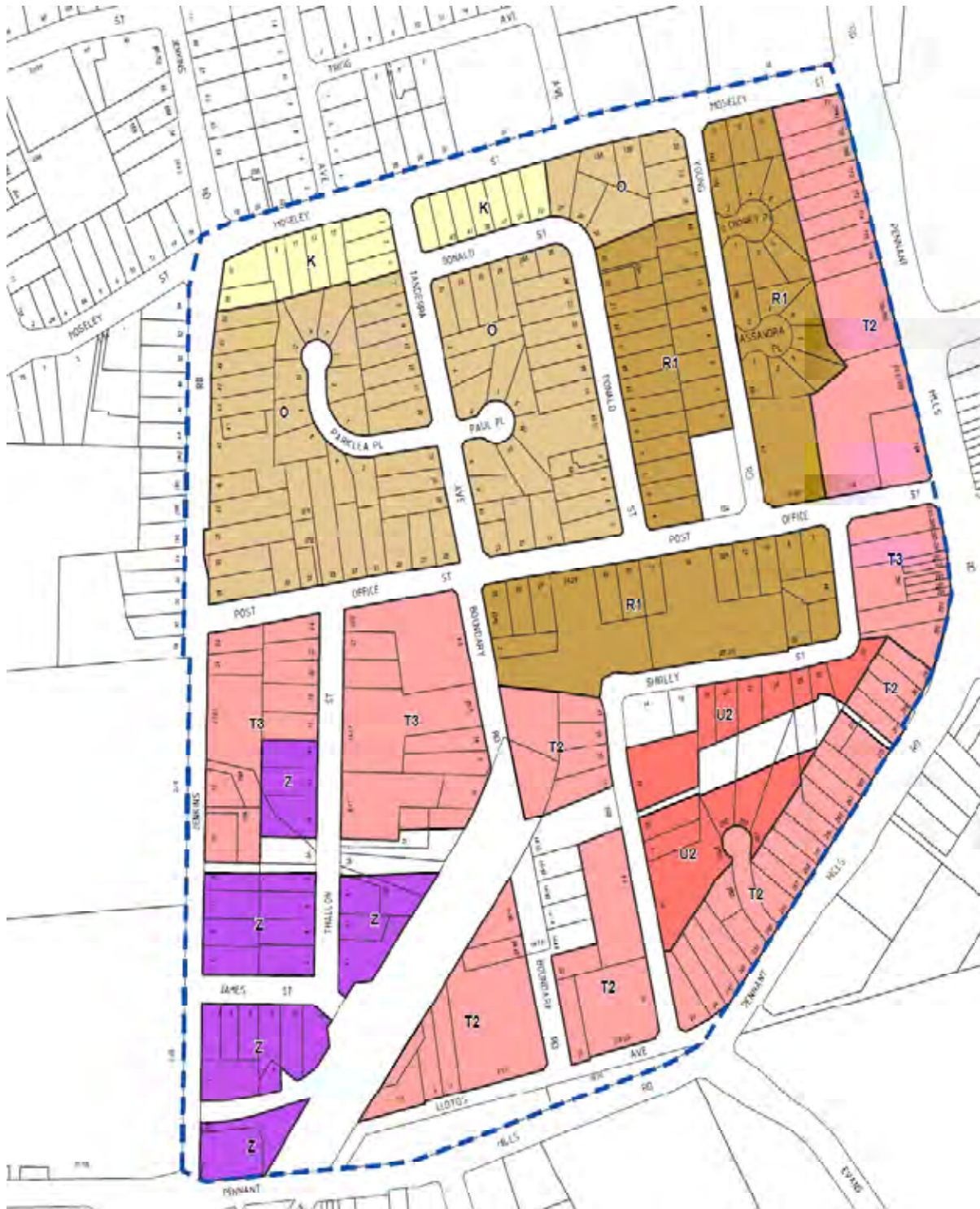
- (b) *provide increased housing choice in close proximity of existing and planned community infrastructure to cater for future housing needs;*
- (c) *improve residential amenity of the area by allowing appropriate mix of built forms consistent with the surrounding development; and*
- (d) *facilitate better integration of existing and proposed transport infrastructure and land use enabling a more efficient and viable public transport system in and around the area.*

The following FSR objectives are as follows:

- (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 following height objectives are as follows:

- i. *to provide control over the bulk and scale of future development,*
- ii. *to achieve desired built forms within the precinct,*
- iii. *to concentrate building heights around Carlingford Railway Station,*
- iv. *to facilitate a focal node that clearly highlights the role of the railway station and public transport hub,*
- v. *to allow reasonable daylight access to all developments and the public domain, and*
- vi. *to ensure future development responds to the desired scale and character within the precinct.*



| Building Heights | | |
|------------------|------|----------------|
| K | 10 m | T2 27 m |
| O | 16 m | T3 28 m |
| R1 | 21 m | U2 33 m |
| | | Z 57 m |

Figure 2. Building Height Map



Floor Space Ratio

| | | | | | | | |
|----------|-----|----------|------|----------|-----|----------|-----|
| D | 0.5 | R | 1.49 | T | 2.3 | X | 4.0 |
| N | 1.0 | S | 1.99 | V | 3.0 | Z | 5.0 |

Figure 3. Floor Space Ratio Map

Comment:

The floor space ratio map indicates a maximum FSR to be 2.3:1. The height map indicates a maximum height of 33m for part of the northern portions of the site and 27m for part of the site along Pennant Hills Road.

The proposal complies with the FSR standard with an FSR of 2.26:1. In relation to height, the proposal complies with the statutory height requirements with the exception of Blocks D and E. Part of Block E exceeds the 33m height limit by 0.5m and part of Block D exceeds the 27m height limit by a maximum of 6m.

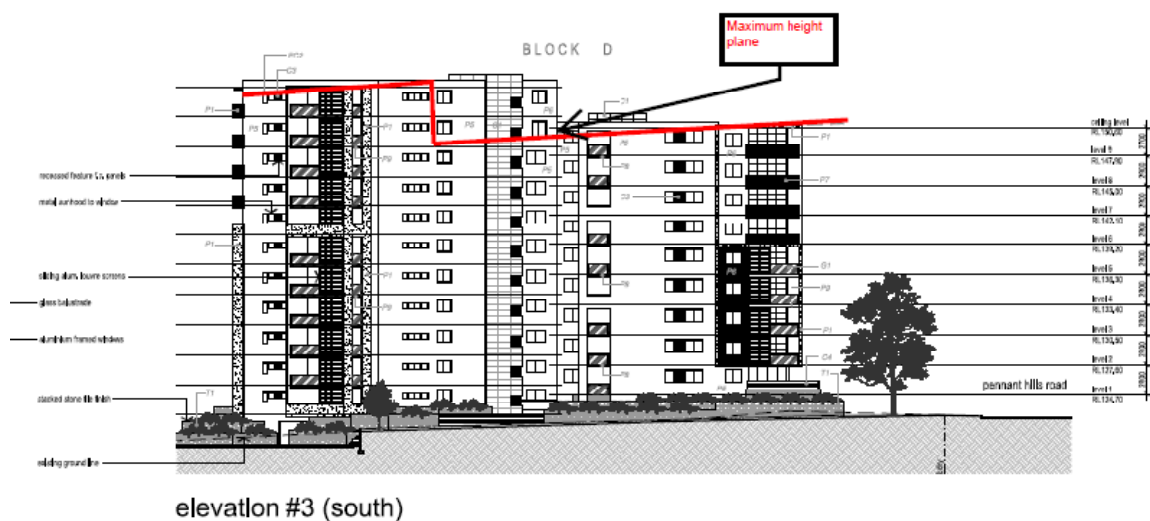


Figure 4. Height Variation to Block D (south elevation)



Figure 5. Height Variation to Block D (north east elevation)

(iii) Draft The Hills Local Environmental Plan 2010

The proposal is defined as a "Residential Flat Building" under the Draft The Hills LEP 2010 and remains a permissible development within the proposed "R4 High Density Residential" zone. The height and FSR map remains unchanged.

2. SEPP No. 1 Objection

SEPP 1 Development Standards aims to *“provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) of the Act”*. In this respect in order to satisfy the requirements of the SEPP the applicant is required to justify why a development standard is unreasonable or unnecessary in the circumstances of the case.

Building D

Building D is a “U” shaped building located at the north eastern corner of the site. It addresses both Shirley Street and Pennant Hills Road and covers both the 33m height limit adjacent to Shirley Street and the 27m height limit to Pennant Hills Road. The part of Block D that addresses Pennant Hills Road achieves compliance with the 27m height limit.

This has resulted in approximately 12m length of 33m (11 storey) component of Building D extending into the 27m (9 storey) height limit. There is approximately a 16m long section of Building D along the southern elevation that exceeds the 27m height limit by a maximum of 0.5m. This non compliance is due to the slope of the land.

Building E

The development proposal exceeds the 33m building height limit by a maximum of 0.5m for a total length of approximately 10m with a maximum depth of approximately 10m. The non compliance is also due to the slope of the land. The non-compliance with the 33m height limit is generated by providing some fill on the land underneath Building E to reduce the slope of the land. The areas where the buildings do not comply with the height limit do not address the street.

The applicant has submitted a SEPP 1 objection to the building height provision. The SEPP 1 objection provides the following justification stating that strict compliance with the standard is unnecessary and unreasonable:

- *The aim of the LEP – Carlingford Precinct and BHLEP – Carlingford Precinct is to allow up to 11 storey buildings on that part of the site that addresses Shirley Street and 9 storeys along the Pennant Hills Road frontage. The subject site slopes from the north down to the south and to ensure that the finished ground level has a gradual slope some filling is required.*
- *It is necessary to provide fill along the southern end of Building E and Building D to ensure that each unit is provided with one level floor plate. In this regard, it is necessary to provide approximately 0.5 metre of fill under both these sections of Building E and Building D. It is this 0.5 metres of fill that results in the southern section of Building E having a height when measured from natural ground level to the upper-most ceiling of 33.5 metres, exceeding the 33 metre development standard. Similarly the same situation exists along the southern elevation of Building D where the 27metre height limit is exceeded by 0.5 metres.*
- *If this development was required to comply with the 33 metre height limit when measured from natural ground level to the upper-most ceiling, it would be necessary to reduce the height of this part of the Building E by 0.5 metres which would result in the loss of one storey. The loss of one storey would ensure that only 10 storeys could be provided for this section of the building. The section of the building that does not comply with the 33 metre height limit is at the southern end of Building E which addresses the area of public open space.*

However, given that it is planned to regrade this section of the site, the height of this building when measured from finished ground level will be approximately 32.5 metres. The building will still step down the slope of the land to accommodate the topography of the site and the non-compliance with the height limit will not be visually discernable. That part of Building E that addresses Shirley Street complies with the height limit. As such, there is no section of the building that addresses either Shirley Street or Pennant Hills Road that exceeds the height limit prescribed in Clause 63 of the Draft LEP.

- *A similar situation would arise if that part of Building D along its southern elevation was required to be reduced in height by 1 storey to comply with the 27 metre height limit.*
- *It is considered unreasonable to require the 11 storey section of Building D that extends into the 27 metre height limit to be reduced in height to 9 stories as the aim of the draft BHLEP – Carlingford Precinct to provide a development that presents 9 storeys to Pennant Hills Road and 11 storeys to Shirley Street. The non compliance is generated to ensure the U shaped building can provide compliant solar access, ventilation and building separation distances on a site that tapers at its northern end.*

Comment:

In accordance with Planning Circular B1 issued 17 March 1989 by the Department of Planning (known as the Department of Urban Affairs and Planning when the circular was released) an assessment of the applicant's SEPP 1 objection has been carried out. In assessing the applicant's SEPP 1 objection the following matters are addressed: -

a. Whether or not the planning control is a development standard

Clause 63(4)(b) of BHLEP 2005 is a development standard requiring the height of all buildings not to exceed the maximum building height identified on the Building Height Map. The Building Height Map indicates that any development on the northern sections of the subject site which has frontage to Shirley Street is permitted to have a maximum building height of 33m. Development that addresses Pennant Hills Road has a height limit of 27m. Under the BHDCP – Carlingford Precinct this translates into 11 and 9 storeys respectively. There are two buildings that do not fully comply with the height development standard these being Block D and E.

The control is a numerical development standard and therefore is capable of being varied under the provisions of State Environment Planning Policy No. 1 Development Standards.

b. The underlying objective of the development standard

Clause 63(4)(a) of BHLEP 2005 provides the objectives of building height controls.

- to provide control over the bulk and scale of future development,*
- to achieve desired built forms within the precinct,*

Comment - Objectives (i) and (ii)

The BHDCP – Carlingford Precinct indicates that the built form on the subject site is to contain up to 11 storey buildings along the northern parts of the site that address Shirley Street and 9 storeys along Pennant Hills Road. The proposal satisfies the built form controls that address both Pennant Hills Road and Shirley Street.

The development steps down the slope of the site. The non-compliances with the southern elevations of Block D and E are due to depressions in the land which requires regrading. The non-compliance with the height limit along the southern elevation of both Block D and E will not present to a public street. It is considered that the proposal is appropriate in terms of its height.

The part of the 11 storey component of Building D that extends into the 9 storey height limit area sits behind the 9 storey component of the building that addresses Pennant Hills Road. The non compliance will not be discernible from Pennant Hills Road. This non compliance assists in maximising solar access, natural ventilation and reducing the amount of single aspect units.

iii. to concentrate building heights around Carlingford Railway Station,

Comment - Objective (iii)

The proposal is consistent with the built form controls contained within the BHDCP – Carlingford Precinct. The southern elevations of Building D and E slightly exceed the maximum height limit contained in the LEP. The section of Building D that exceeds the height limit by 6m is within the centre of the site and will not be discernable from Pennant Hills Road. It is an important part of that building that addresses Shirley Street and sits comfortably within the design of the development. It is a response to the tapered northern boundary of the site by wrapping the 11 storey component to the north which assists in maximising solar access, ventilation and double aspect units.

It is considered that the proposal is consistent with the desired future character in terms of concentrating building heights around the Carlingford Railway Station.

iv. to facilitate a focal node that clearly highlights the role of the railway station and public transport hub,

Comment - Objective (iv)

The proposal clearly highlights the role of the railway station and public transport. Direct pedestrian access from the site is available to the railway station. The increased density in this location is consistent with this objective.

v. to allow reasonable daylight access to all developments and the public domain, and

Comment - Objective (v)

The proposal has been designed in such a way as to provide satisfactory solar access to the development, public open space and adjoining properties. The development provides 94% of the units with 3 hours of solar access.

The building separation between Blocks D and E allows solar access to penetrate the public open space corridor in the morning, whilst the building separation between Blocks E and C provides afternoon solar access into the open space corridor. The public open space on the corner of Shirley Street is provided with solar access for all daylight hours.

There will be some overshadowing of the existing dwellings at Nos. 263-275 Pennant Hills Road. This is due to the location of Blocks D and E. These remaining properties on Pennant Hills Road are zoned Residential 2(a1) and it is likely that these sites will be redeveloped as one block in the future.

vi. to ensure future development responds to the desired scale and character within the precinct.

Comment - Objective (vi)

The proposal responds to the desired scale and future character of the Precinct. The future character of the Carlingford Precinct is going to change significantly from predominantly one and two storey dwelling houses to high density residential development ranging in heights up to 54m on some sites. The proposal having a maximum height of 33.5m is consistent with the desired future character provided in the LEP – Carlingford Precinct and DCP – Carlingford Precinct.

Despite the breach of the 33m height limit by 0.5m, a 12m section of Building D exceeding the 27m height control by 6m and the southern elevation of Building D exceeding the 27m height limit by 0.5m, the development proposal is considered satisfactory in terms of its bulk and scale.

c. Consistency of the development with the aims of the policy and the objectives of the Environmental Planning & Assessment Act, 1979 (EPA Act)

The proposed residential flat building is considered to be consistent with the objectives of the Act. The part of the proposal which exceeds the 33m and 27m height limit by 0.5m does not impact on the proper management of resources or promoting the social and economic welfare of the community and a better environment. Reducing Block D by 2 storeys will not alter the way the development presents to Shirley Street or Pennant Hills Road. The reduction will reduce housing opportunities in a location well served by urban services.

The number of storeys of the proposed development is consistent with the desired future character envisaged in the BHDCP – Carlingford Precinct.

It is the slope of the land beneath Blocks D and E that results in the non-compliance by 0.5m.

The 2 storey breach of height limit by Block D results in an improved built form. If the north eastern component of Building D is reduced, the number of north-facing units would be reduced and the number of naturally ventilated and double aspect units would be reduced.

It is not in the best interest of maximising residential housing opportunities in locations with good access to public transport, sustainability of the Carlingford Town Centre and the future urban village along James Street only to require strict compliance with building height controls. Allowing the height variation will ensure that appropriately stepped buildings are provided consistent with the topographical conditions of the land.

d. Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

To require full compliance with the breach by 0.5m is unreasonable as it would result in a reduction in parts of the buildings that comply with the maximum number of storeys permitted or in a stepped development not containing one floor level for some units.

To require compliance with the breach by 6m will result in the reduction in number of northern facing units and an increase in single aspect units. In order to provide solar access and ventilation to assist in complying with SEPP 65 and due to the narrow shape of the land at Shirley Street it is reasonable to extend the 11 storey component of Block D into the 9 storey area to ensure a consistent design.

Strict compliance with the development standard is considered unreasonable and unnecessary in this case as the development standard has been formulated to

accommodate development compatible with the environmental characteristics of the locality. The proposed development does not conflict with the objectives or undermine the aims of the LEP, nor does it set an undesirable precedent.

e. Whether the SEPP 1 objection is well founded

The LEP clause is contained under the heading of 'Development within Carlingford Precinct' and subclause 'Building Height'. The proposal has been assessed in relation to the headings and the following is considered relevant:

1. It is considered that the development proposal is consistent with the objectives of the building height development standard.
3. The breach of the 33m height limit by a maximum of 0.5m on the southern elevation for Block E and the breach of the 27m height limit by 0.5m on the southern elevation of Block D is due to the slope of the land across the site. It is proposed to regrade the land to provide a more consistent slope across the site.
4. The 33m height limit is exceeded along the southern side of Block E which does not present to any street frontage. Similarly the southern elevation of Block D does not present to Pennant Hills Road.
5. The 27m height limit is exceeded by Block D for a length of 12m by 6m and is due to the extent of the 11 storey component of Block D presenting to Shirley Street wrapping around the northern boundary to ensure a consistent design. If compliance with this standard occurred, the number of northern aspect units would be reduced. It would also reduce natural ventilation and increase single aspect units.
5. The breaches will not generate adverse additional overshadowing.
6. To comply with the 33m height limit for the breach by 0.5m would require either a reduction of that part of the building to 10 storeys (below the permitted 11 storey) or to provide an additional step in the building to accommodate the depression in the land underneath Block E. It is considered that there is limited benefit gained in pursuing these options to address a minor variation.
7. The proposal is not excessive in terms of bulk and scale and provides a positive contribution to the desired future streetscape of the Carlingford Precinct.
8. If Block D was required to be reduced in height by 2 storeys, there would be an undesirable reduction in density on the site, a reduction in the number of north facing units and would impact on solar access, natural ventilation and unit aspect.

Accordingly the SEPP 1 objection is supported in principle and no objection is raised to the proposal in this respect. It is considered that the design and height of the proposal is supportable.

3. Compliance with Baulkham Hills Development Control Plan (BHDCP) Part E Section 22 – Carlingford Precinct

The proposal has been assessed against the relevant development standards and objectives of Draft BHDCP Part E Section 22 – Carlingford Precinct as follows:

Clause 2.2 Key Site

The subject is located within Block 17 which is identified as a key site. Clause 2.2 indicates that the key sites comprise large land holdings that are mainly under single

ownership and are in locations critical to the establishment of a village centre. The key sites are suitable for buildings containing a relatively large number of units and as a result development of a substantial size and complexity can be delivered promptly. The DCP indicates that the key sites will be a catalyst for the redevelopment of the Southern Precinct near Carlingford Station.

Clause 3.3 Desired Future Character Statements

Section 3.3.1 – Southern Precinct provides the desired future character for the Southern Precinct which contains the subject site. The desired future character statement identifies the following key points:

The character will be largely determined by the development of landmark buildings on the key sites:

- Creating street orientated village built forms.
- Creating a civic plaza link to the railway station.
- Buildings on key sites on the southern side of the precinct have been located to provide a transition in building scale and to provide natural ventilation, solar access, outlook from apartments and year round sunlight to communal open spaces.
- Streetscapes are to be resident and visitor friendly in an urban landscape setting.
- The landscape works in the public realm help to define the character of the area.

The proposed development is considered to be consistent with the desired future character for the Southern Precinct.

Clause 3.5 Structure Plan (Open Space Strategy)

The principle of providing quality residential open space areas is relevant to this Development Application. The proposal is consistent with this principle as it is considered that open space provided on the ground level will enhance the quality of the setting of the development. As such, communal open space provides opportunities for both passive and active recreation.

The landscaping features along the front and side boundaries ensures that at street level there is a significant amount of site landscaping visible to the public domain which will soften the built edge of the development.

Clause 3.6 Structure Plan (Public Domain)

The Structure Plan – Public Domain indicates public open spaces should be provided. The proposed development is generally consistent with this plan.

Clause 3.7 Structure Plan (Indicative Building Height and FSR)

The principle that building heights should increase for sites closer to Carlingford Station is relevant. The proposed development complies with the 2.3:1 maximum floor space ratio requirement applicable to Block 17. The proposal exceeds the 27m height limit with Building D by 6m and the 33m height with Building E by 0.5m. These variations have been addressed in this report as a SEPP 1 objection. In consideration of both FSR and height, it is considered that the proposal does not represent an overdevelopment.

Clause 3.8 Illustrative Masterplan

The proposal is consistent (with the exception stated under Clause 3.3) with the Illustrative Masterplan for the following reasons:

- It is consistent with the intention that high-rise development is to be concentrated close to the Carlingford Railway Station.
- The apartment components are separated by open space corridors.
- The apartments respond to the topography of the site.

Clause 4 Precinct and Built Form Controls

See table below.

Clause 5 Key Site Built Form Controls

The subject site is located within Block 17: Janell Crescent. Clause 5.4 Development Controls provides the following design criteria.

| Development Parameter | Development Controls | Proposal | Compliance |
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| Building Height | 33m (Shirley Street) 27m (Pennant Hills Road) | Max. 33.5m Max. 33m | No - refer SEPP 1 Objection. |
| FSR | 2.3:1 | 2.26:1 | Yes |
| Building Site Coverage | 40% max. | 34% | Yes |
| Vehicular Access and Circulation | Refer to Fig. 17 | Access from Shirley St | Yes |
| Car parking requirements | 0.8 spaces per 1 bedroom unit @39 x 1 bedroom = 31.2 spaces 1 space per 2 bedroom unit @341 x 2 bedroom = 341 spaces 1.3 spaces per 3 bedroom unit @71 x 3 bedroom = 91 spaces 2 visitor spaces per 5 units @450 units = 180 spaces Total number of parking spaces required = 643 spaces | Total number of spaces provided = 662 spaces | Yes |
| Distribution of uses within the building | Residential on all floors | Only residential | Yes |
| SEPP 65 Compliance Statement | Required | A Design Verification Statement by the architect has been submitted with the | Yes |

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| <p>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>Development on sloping sites to be stepped so that the ground floor does not exceed 1m above natural ground level immediately below any point on the ground floor.</p> | <p>Due to slope of land, there are protrusions of ground floor more than 1m above natural ground level.</p> | <p>maximum 27m (9 storey) height area. Refer SEPP 1 objection.</p> <p>No – Refer to comments provided on building height. Compliance with building heights detailed below this table.</p> |
| <p>Site Coverage Building site coverage shall not exceed 35% of site area.</p> <p>“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.</p> | <p>See table above</p> | <p>Yes</p> |
| <p>Site Requirements The minimum site area of development sites shall be consistent with the site areas specified in the potential site amalgamation plan.</p> | <p>Subject site reflects the site area identified in the amalgamation plan</p> | <p>Yes</p> |
| <p>Deep Soil Areas of natural ground within the site that have relatively natural soil profiles retained.</p> <p>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.</p> | <p>See table above</p> | <p>Yes</p> |
| <p>Apartment Size Single-aspect apartments should be limited in depth</p> | <p>Max. 8.5m</p> | <p>No – Refer to comments provided on apartment size</p> |

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| to 8m from a window | | detailed below this table. |
| The back of a kitchen should be no more than 8m from a window | 8m max. | Yes |
| The width of cross-over or cross-through apartments over 15m deep should be 4m or greater to avoid deep narrow apartment layouts | Min. 4m width for units deeper than 15m | Yes |
| 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 | Proposal designed to maximise residential amenity | Yes |
| The following are the minimum unit sizes for the Southern Precinct: 1 bedroom - 65m ² 2 bedroom - 90m ² 3 bedroom - 110m ² (for a max. of 10%) otherwise: 1 bedroom - 75m ² 2 bedroom - 110m ² 3 bedroom = 135m ² | 20% of 1 bedroom (39) units between 65-75m ² 9% of 2 bedroom (341) units <90m ² 75% of 2 bedroom (341) units between 90-110m ² 84% of 3 bedroom (70) units between 110-135m ² | No – Refer to comments provided on apartment size detailed below this table. |
| Setbacks Pennant Hills Road - 10m Donald Street - 6m Side setbacks of 6m | Main façade wall - 10m (except for courtyard areas with associated retaining walls and for setback to road widening purposes) 6m (except for courtyard areas with associated retaining walls) Courtyards with associated retaining walls encroach into setback area | No – Refer to comments provided on setbacks detailed below this table. |
| Building Separation 4 storey: 12m b/t habitable rooms/balconies 9m b/t habitable/balconies and non-habitable rooms 6m b/t non-habitable | Min. separation 18m between buildings with exception of 17.6m between Blocks D and E (above 9 storeys) and 18m between Blocks A and B (9 th | No – Refer to comments provided on building separation and treatment detailed below this table. |

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| 5-8 storeys: 18m between habitable rooms/balconies 12m between habitable rooms/balconies and non-habitable rooms 9m between non-habitable rooms 9 storeys and above: 24m between habitable rooms/balconies 18m between habitable rooms/balconies and non-habitable rooms 12m between non-habitable rooms | storey) | |
| Building Depth In general, the maximum building depth is 18m The maximum building length of any apartment building is to be 50m (exceptions must demonstrate satisfactory daylight/natural ventilation) | Blocks A-C: 20m depth Blocks D & E: 18m depth Block A-D: <50m length Block E: 85m length | No – Refer to comments provided on building depth detailed below this table. |
| 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 | 35% of the site Living areas of all units are provided with accessible private open spaces/balconies Minimum areas and dimensions provided | Yes Yes Yes |
| Balconies Minimum depth - 2m Minimum area - 10m ² | All units incorporate a main balcony that meets the minimum area and width requirements. | Yes |
| Solar Access Buildings are to ensure that adjoining premises and major part of their landscape receive at least 4 hours of sunlight between 9-3 on 21 June | Provided | Yes |

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| <p>Living rooms and private open space - 70% of apartments to have min. 4 hours between 9am - 3pm on winter solstice</p> <p>Single-aspect apartments with a southerly aspect (SW-SE) to be max. of 10% of total units.</p> <p>Narrow footprint buildings and split level floor plans permit good solar access</p> <p>Main windows should have suitable shading or solar control to avoid discomfort (shutters / blinds / screens / retractable awnings)</p> | <p>56% of units</p> <p>7% of single aspect units have southern aspects</p> <p>Permits good solar access</p> <p>Complies with BASIX</p> | <p>No – Refer to comments on solar access detailed below this table.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Car Parking Provision</p> <p>Resident Parking</p> <p>0.8 space per 1 bedroom</p> <p>1 space per 2 bedroom</p> <p>1.3 space per 3 bedroom</p> <p>Visitor Parking</p> <p>2 spaces per 5 apartments</p> <p>All car parking required by Council shall be provided on-site in accordance with the requirements of Part D Section 1</p> <p>Car parking including visitor parking shall be located underground to minimise the height of buildings above natural ground level</p> <p>Visitor Parking is to be located in easily accessible and identifiable areas</p> <p>Ensure vehicular ingress and egress to the site is in a forward direction at all times</p> <p>Adequate provision shall be made for service vehicle access and service areas.</p> <p>Driveways are to have a</p> | <p>See table above</p> <p>See table above</p> <p>All car parking spaces provided on site.</p> <p>Located underground however some visitor spaces at grade</p> <p>Accessible from Shirley Street</p> <p>Ingress and egress in a forward direction</p> <p>Provided as required</p> <p>Provided as required</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| <p>minimum width of 6m at property boundary for a distance of 6m within the development to ensure easy entry/exit of vehicles</p> <p>The design and configuration of access ways and driveways shall be in accordance with Part D Section 1 - Car Parking of this DCP.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages</p> <p>For buildings containing more than 50 units, access for garbage collection trucks, service and delivery 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>Provided as required</p> <p>Adequately separated</p> <p>Provided as required</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>Yes</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</p> | <p>No front boundary fencing, courtyard fencing masonry and incorporated into landscaped areas</p> | <p>Yes</p> |

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| <p>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>Orientation</p> <p>Orient and design buildings to maximise the number of dwellings with direct 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>Buildings are positioned to take advantage of direct solar access</p> <p>Living spaces of the proposed development faces north where possible</p> <p>5% of single aspect units have southern aspects</p> | <p>Yes</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</p> | <p>Stormwater management has been designed in accordance with Council's requirements.</p> | <p>Yes</p> |

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| <p>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>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</p> | | |
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| only permitted in common areas within a proposed development (for example driveways, common open space and not within private courtyards). | | |
| <p>Building Entry</p> <p>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>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>Direct physical entry is visually prominent</p> <p>Appropriate walkways are proposed before entering into each building</p> <p>Appropriate circulation and access provided and appropriately visible</p> <p>Appropriate entries provided</p> <p>Appropriate corridors and circulation spaces are provided</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>Ceiling Height</p> <p>Ceiling heights shall be measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do</p> | Designed as required | Yes |

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| not preclude higher ceiling, if desired. | | |
| 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. | N/A | N/A |
| 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. | Designed as required | Yes |
| 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. | N/A | N/A |
| 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. | Designed as required | Yes |
| For two-storey units with a two storey void space, 2.4 metre minimum ceiling heights. | N/A | N/A |
| Attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope. | N/A | N/A |
| Flexibility Provide robust building configurations, which utilise | Appropriate configurations and multiple entry points | Yes |

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| <p>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. • 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>provided</p> <p>Designed as required</p> | <p>Yes</p> |
| <p>Ground floor apartments</p> <p>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 provided with private open space</p> | <p>Yes</p> <p>Yes</p> |
| <p>Internal Circulation</p> <p>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 | <p>Proposal designed to maximise residential amenity</p> | <p>Yes</p> |

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| <p>demonstrate the achievement of the desired streetscape character and entry response.</p> <ul style="list-style-type: none"> Where developments can demonstrate a high level of amenity for common lobbies, corridors and units. | | |
| <p>Storage</p> <p>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 – 6m³ Two-bedroom apartments – 8m³ Three plus bedroom apartments – 10m³ | <p>Provided as required in relevant units</p> | <p>Yes</p> |
| <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>63% of units cross-ventilated</p> <p>44% of kitchens have access to 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</p> | <p>Covered entries and lighting provided where possible</p> | <p>Yes</p> |

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| pedestrians by providing under awning lighting. | | |
| <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 particularly at the lower levels; • 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</p> | <p>The facades are proposed to have an appropriate scale and suitable external materials.</p> <p>The entire built form has been divided into 5 separate blocks. This is done in order to minimise the impact of the built form. Appropriate articulation and landscaping is proposed to avoid 'hard building edge'</p> <p>N/A</p> <p>Sun shading or appropriate façade treatment proposed</p> | <p>Yes</p> <p>N/A</p> <p>Yes</p> |

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| 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. | Designed as required | Yes |
| <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 elevations and three dimensional building form</p> <p>Design roofs to respond to the orientation of the site, 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>The roof relates to the scale of the building and the overall built form.</p> <p>The roof is designed in such a way that it integrates all service elements such as lift shafts and ducts which avoids visual intrusiveness.</p> | Yes |
| <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</p> | <p>Min. 10% provided.</p> <p>Accessibility report submitted that complies with relevant AS requirements</p> | Yes |

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| <p>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 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</p> | | |
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| <p>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</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>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>Provided as required</p> | <p>Yes</p> |

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| Ecological Sustainable Development Statement of Environmental Effects: To be submitted with development applications <ul style="list-style-type: none"> Wooden heaters are not permissible for installation in this area | Provided as required | Yes |
| BASIX All development applications to be required to meet BASIX | BASIX Certificate submitted | Yes |
| Access, safety and security AS 1428.1-1988 Design for Access and Mobility and supplementary AS 1428.2 - 1992 to be referred Access to dwellings is to be direct without changes in levels unnecessary barriers. Private areas to be clearly recognisable. | Designed accordingly | Yes |

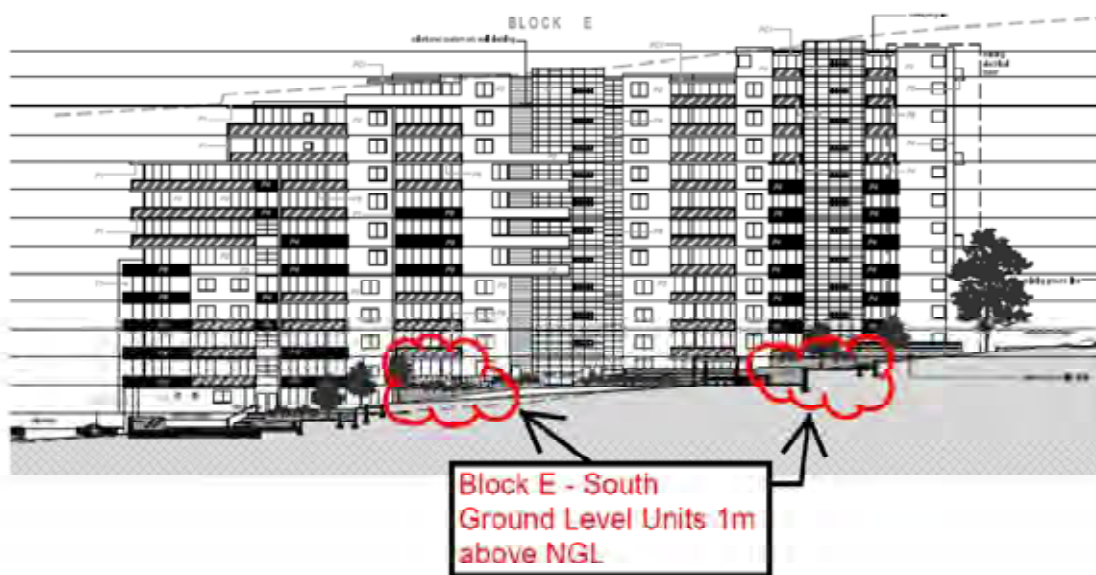
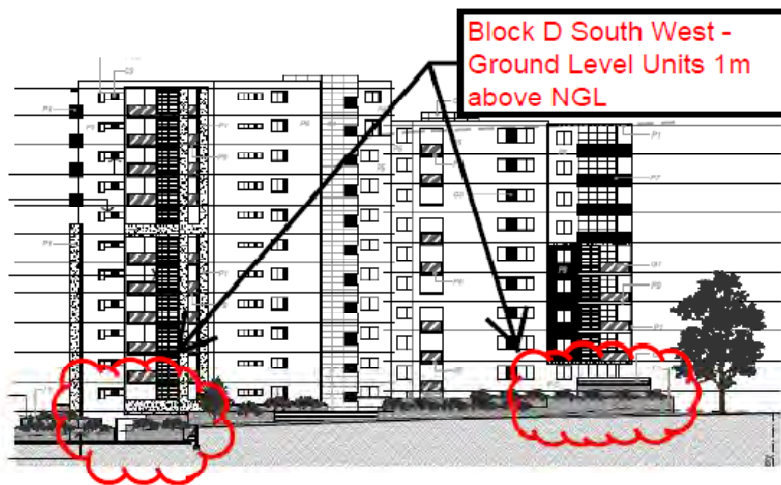
a) Building Heights

The proposal exceeds the 27m height limit with Building D by 6m and the 33m height with Building E by 0.5m. These variations have been addressed in this report as a SEPP 1 objection.

Clause 4.1.2(c) of BHDGP Part E, Section 22 requires developments on sloping sites to be stepped so that the ground floor does not exceed 1m above natural ground level.

The proposal exceeds these requirements at minor sections on the western elevations of Blocks A, B and D and the southern elevation of Block E.





Clause 4.1.2 of BHDCP Part E, Section 22 provides the following relevant objectives on building heights:

- (i) *To ensure that buildings reflect the existing landform of the neighbourhood, including ridgelines and drainage depressions;*
- (ii) *To protect privacy and amenity of surrounding residential developments and allotments in accordance with Council ESD objective 7;*
- (iii) *To ensure that development responds to the desired scale and character of the street appropriate in different parts of the Precinct; and*
- (iv) *To allow reasonable daylight access to all developments and the public domain.*

The proposal responds to the existing landform of the site and appropriately addresses privacy, amenity and solar access to surrounding properties. There is a substantial site fall from east to west of approximately 23m. To protect the amenity of future occupants it is desirable to have one floor level.

The additional height created will not adversely reduce the amenity to the adjoining sites. The use of the flat roof design will ultimately reduce the overall impact of the building on adjacent and adjoining properties. The flat roof also reduces the overshadowing impact of the proposal on surrounding sites.

The proposed height of the development responds to the desired scale and character of the locality. Overall the variation to building heights is considered to be acceptable.

The proposal satisfies the above objectives and is supported in this instance.

b) Apartment Size

Clause 4.6.2(a) of BHDCP Part E, Section 22 requires that single aspect units should be limited in depth to 8m.

Most unit types with single aspect have a maximum 8m to a window with the exception of:

- unit type C4: 9.5m;
- unit type C6: 9m; and
- unit type D13: 8.5m.

Clause 4.6.2(f) of BHDCP Part E, Section 22 requires the following minimum internal floor areas:

- 1 bedroom - 65m² *As below
- 2 bedroom - 90 m² As below
- 3 bedroom - 110m² (max. of 10% of units) otherwise:
- 1 bedroom - 75m²
- 2 bedroom - 110m²
- 3 bedroom = 135m²

The applicant proposes the following unit floor area and configuration:

- 20% of 1 bedroom (39) units between 65-75m²
- 9% of 2 bedroom (341) units <90m²
- 75% of 2 bedroom (341) units between 90-110m²

- 84% of 3 bedroom (70) units between 110-135m²

The applicant's architect has provided the following justification for the variation:

All of the proposed residential units in the project, exceed the prescribed minimum floor areas set out in the RFDC guidelines. The proposed net floor areas have been deliberately developed to ensure that the project would meet the demands of the market-place and achieve the aims and objectives of affordability in a centrally located position such as Carlingford.

The proposed floor areas are therefore justified for the following reasons:-

- *the aim of the development is to achieve an affordable mixture of residential accommodation, which will meet the demands of the market-place, while remaining within the strict range of financial constraints for the Carlingford precinct; State Environmental Planning Policy Number 65 (SEPP65) Design Verification Statement for the Proposed Residential Apartments located at Nos. 2 - 10 Janell Crescent, Carlingford*
- *all the proposed apartments exceed the prescribed net floor areas of the RFDC, which represents the standard for residential flat buildings in NSW;*
- *the proposed mixture of apartment sizes and residential configurations provide a diversity of apartment types, options and configurations for the future market to select from;*
- *there is a substantial number of large residential units, which will satisfy the demand for larger apartment sizes;*
- *there is a need to maintain equitable access to the proposed development for low income, middle-income and other cultural and socio-economic groups in the community;*
- *there is no definition of "minimum area" or whether these minimum areas are net floor areas or gross floor areas, to be calculated with or without balcony or courtyard areas attached to the unit;*
- *the recommended net floor areas are more appropriate in the Castle Hill and Baulkham Hills precincts where the market place is of a higher valuation;*
- *the development is aimed at providing the largest choice of residential accommodation with the most efficient use of floor space within the prescribed building envelopes afforded by the Carlingford Precinct Plan.*

Amendment No. 2 of SEPP 65, introduces Clause 30A, which states that a consent authority must not refuse consent to a development application for a residential flat development, on the basis of ceiling heights and apartment area, as long as the ceiling heights and apartment area meet the minimums stipulated in Part 3 of the RFDC.

This is the case in this situation where the developer seeks to satisfy housing needs in lieu of providing large expansive accommodation, which exceeds the limitations of the prospective purchasers.

Clause 4.6.1 of BHDCP Part E, Section 22 provides the following relevant objectives on apartment size:

- (i) *To provide a diversity of apartments types, which cater for different household requirements now and in the future; and*
- (ii) *To maintain equitable access to new housing by cultural and socio-economic groups.*

Only 7% of the units have single aspect orientations where 10% is permitted. Non-habitable areas are towards the core or centre of the units to afford good solar penetration in the habitable rooms.

The Residential Flat Design Code provides the following minimum standards:

- 1 bedroom: 50sqm
- 2 bedroom: 70sqm
- 3 bedroom: 95sqm

All units exceed these minimum standards. The proposal provides a mix and range of apartment sizes and depths that would assist in meeting the needs of future residents. The proposal will provide a high level of residential amenity where the units receive satisfactory amounts of sunlight and the units have appropriate ventilation.

Whilst it is desirable to have larger apartments, those preferences must be balanced against housing affordability and likely demand by the purchasing market.

The proposal satisfies the above objectives and is supported in this instance.

c) Setbacks

Clause 4.7.2 of BHDCP Part E, Section 22 requires a front building setback of 10m to Pennant Hills Road and 6m to Shirley Street. It is required to have 6m side boundary setbacks in accordance with requirements for key sites within the precinct.

A main façade wall of 10m is proposed to Pennant Hills Road. There is a proposed road widening to occur on Nos. 247 and 249 Pennant Hills Road. This will encroach into the required 10m building setback at this minor section of the development by 0.5m. A main façade wall of 6m to Shirley Street is proposed. A main façade wall of 6m is proposed to all side boundaries. The variations primarily involve above ground courtyard fencing and associated retaining walls forward of the main façade walls and the section of the proposal to the proposed road widening depicted under THLEP 2010.

Clause 4.7.1 of BHDCP Part E, Section 22 provides the following relevant objectives on setbacks:

6m setback:

- (i) *To allow for the higher buildings proposed in the Thallon / James Street area to relate closely to the street; and*
- (ii) *To allow buildings fronting Boundary Road and Shirley Street to form the basis of a more regular streetscape/built form relationship.*

10m Setback:

- (i) *To reinforce the north south and east west axes in the Precinct; and*
- (ii) *To create a green edge along Pennant Hills Road to allow for street tree planting, future footpath widening and bus shelters.*

Side Setbacks

- (i) *To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings;*

- (ii) *To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form; and*
- (iii) *To allow modulation of end walls for structures higher than 4 storeys;*

The front and side setbacks have been designed to ensure there is an appropriate landscape setting for the development and protection of the amenity of adjoining and surrounding premises. The setbacks of the proposed development as a whole are considered appropriate. The encroachments are only courtyard structures and associated retaining walls at ground level. The main façade of the building complies with the above requirements.

The proposed front and side setbacks respond to the desired scale and character of the locality and will complement the future setting of both the Pennant Hills Road and Shirley Street streetscapes. The variation to the front setbacks is considered acceptable as the proposal, in particular the elevated building components, are consistent with the front setback requirements envisaged under the Carlingford DCP.

There will be no adverse visual impact. Landscaping with deep soil plantings can be provided around the perimeter of the development.

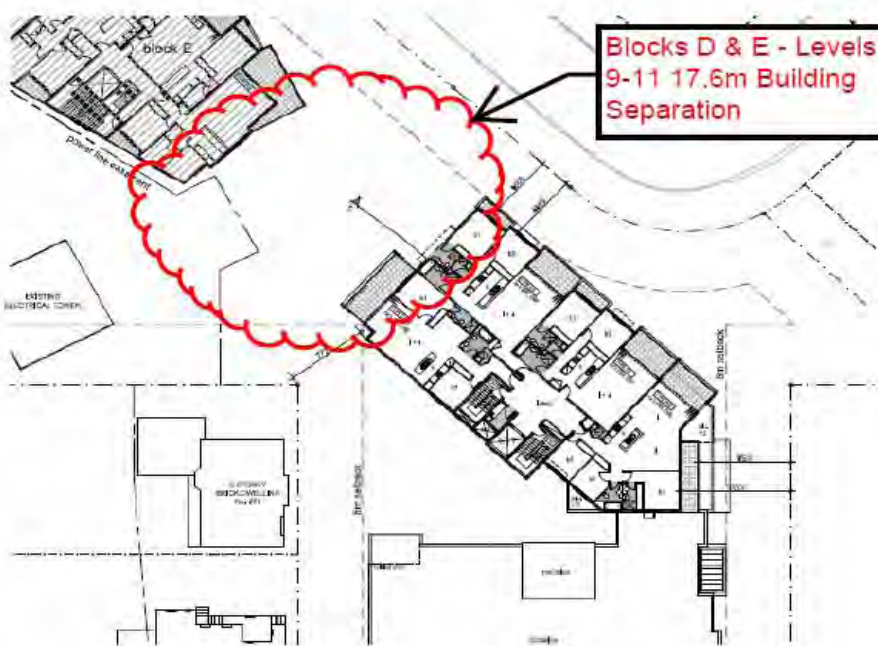
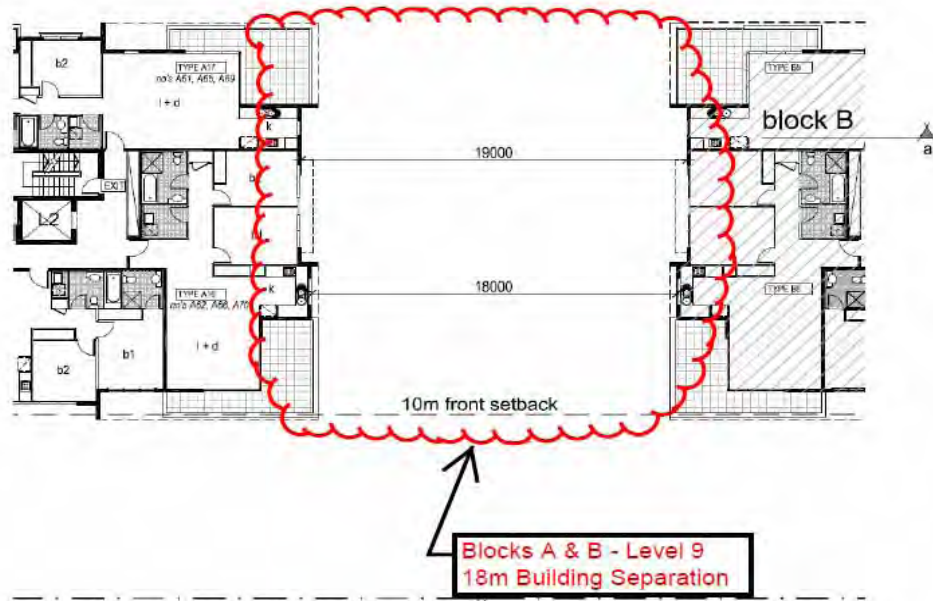
The proposal satisfies the above objectives and is supported in this instance.

d) Building Separation and Treatment

Clause 4.8.2(a) of BHDCP Part E, Section 22 requires the following:

- 4 storey:
 - 12m between habitable rooms/balconies
 - 9m between habitable/balconies and non-habitable rooms
 - 6m between non-habitable
- 5-8 storeys:
 - 18m between habitable rooms/balconies
 - 12m between habitable rooms/balconies and non-habitable rooms
 - 9m between non-habitable rooms
- 9 storeys and above:
 - 24m between habitable rooms/balconies
 - 18m between habitable rooms/balconies and non-habitable rooms
 - 12m between non-habitable rooms

Minimum separation of 17.6m between Blocks D & E being 11 storey buildings and 18m between Blocks A and B is proposed.



The applicant's architect has provided the following justifications for the variation:

The five (5) buildings are located at various levels on a sloping site to generate a significant variation between floor levels. The differences in height between buildings are therefore significant in that the degree of direct overlooking or overshadowing is affected. The terraced design of the development provides a greater variation in heights and differences between floor levels. The buildings provide articulated façades, set back from the front, side and rear boundaries, with variable distances, to generate modulated elevations, with fragmented external facades and alternating colours and materials.

Appropriate indentations are provided to create functional balconies, where privacy is generated by the depth of the balcony and ability to remain screened from full view. The

indentations also contribute to a smaller massing of the building and generate architectural interest in the overall façade treatment.

Clause 4.8 of BHDCP Part E, Section 22 provides the following relevant objectives on building separation and treatment:

- (i) To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.*
- (ii) To provide visual and acoustic privacy for existing and new residents;*
- (ii) To control overshadowing of adjacent properties and private or shared open space.*
- (iii) To allow for the provision of open space of an appropriate size and proportion for recreational activities for building occupants.*
- (iv) To provide deep soil zones for stormwater management and tree planting.*

The Residential Flat Design Code recognises that building separation controls may be varied in response to site and context constraints. The proposed separation is restricted due to the irregular shape of the development site and the proposed public open space cutting across the development site.

The internal design of individual units between Blocks D and E and Blocks A and B satisfactorily address any concerns relating to privacy. The proposed buildings provide articulated facades set back from the front, side and rear boundaries with variable distances to generate modulated buildings with fragmented facades and alternating colours and materials. The orientation of the buildings is such that the primary sight lines from the relevant units are towards the road frontages or public open space areas.

Appropriate built form articulation is provided to create functional balconies. The buildings are appropriately massed in accordance with the desired scale of the precinct. The separation at these sections will ensure that these units receive a sufficient amount of sunlight.

The building separation variation is minor and all are consistent with the 8 storey requirement. The non compliance occurs only for 1 storey for Blocks A and B and 3 levels for Blocks E and D which only contain 1 dwelling per floor.

The proposal satisfies the above objectives and is supported in this instance.

e) Building Depth

Clause 4.9.2(a) of BHDCP Part E, Section 22 requires a maximum building depth of 18m. Greater depths may be permitted if it is demonstrated that satisfactory day lighting and natural ventilation is achieved.

Clause 4.9.2(e) of BHDCP Part E, Section 22 requires that in general an apartment building length of approximately 50m is appropriate. Development greater than 50m must demonstrate satisfactory day lighting and natural ventilation.

It is proposed to have maximum building depths of:

- Blocks A-D: 22m
- Block E: 18m

It is proposed to have maximum building lengths of:

- Block A-D: <50m
- Block E: 85m



The applicant has stated that:

The design generally adopts these guidelines and proposes residential floor plans with dual-aspect and overall dimensions of eighteen (18) metres and twenty (20) metres overall, (excluding balconies). Each dwelling unit is provided with a dual or triple-aspect, orientated to the street frontage or north to south.

Comment:

Clause 4.9.1 of BHDGP Part E, Section 22 provides the following relevant objectives on building depth:

- To ensure that the scale of the development is consistent with the existing or desired future context.*
- To provide adequate amenity from building occupants in terms of solar access and natural ventilation.*
- To provide for dual aspect apartments.*

The proposed building depths and lengths are considered to be satisfactory as the development is of a scale that is consistent with the desired existing and future context in that most apartments are dual aspect with habitable rooms situated at the periphery of the buildings. It is noted that non-habitable rooms are towards the core or centre of the units to afford good solar penetration in the habitable rooms and achieve the solar performance intent of the Residential Flat Design Code.

The subject Development Application has been supported by the submission of relevant BASIX and ABSA assessment reports which indicate that the proposed development will have appropriate energy efficiency outcomes.

The proposal is considered to satisfy the above objectives and can be supported in this instance.

f) Solar Access

Clause 4.13.2(b) of BHDCP Part E, Section 22 requires that living rooms and private open spaces for at least 70% of apartments to have minimum of 4 hours between 9am - 3pm on winter solstice.

It is proposed to have 56% of units to have 4 hours of sunlight.

The applicant has provided the following justifications:

In the design of the project, careful consideration was given to ensure that all dwellings in the development would receive the maximum benefit from solar energy and sunlight.

Comment:

Clause 4.9.1 of BHDCP Part E, Section 22 provides the following relevant objectives on solar access:

- (i) To ensure that solar access is provided to all habitable rooms and encouraged in all other areas of residential flat development;*
- (ii) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours; and*
- (iii) To provide residents with the ability to adjust the quantity of daylight to suit their needs.*

The proposal complies with SEPP 65 in relation to the Residential Flat Design Code (RFDC) in that 94% of units receive 3 hours of solar access. The proposal far exceeds the RFDC requirement that 70% of units receive a minimum of 3 hours between 9am-3pm on June 21.

The submitted BASIX certificate and associated ABSA assessment indicates that all energy saving goals have been satisfied.

The northern orientation of the site has been maximised and only 5% of the units have single southerly aspect.

The proposal is considered to satisfy the above objectives and can be supported in this instance.

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

The required Design Verification Statement was prepared by Robert Del Pizzo of Architex, a qualified and registered architect.

This statement has addressed the 10 matters for consideration under SEPP 65. The relevant rules of thumb of the Residential Flat Design Code are addressed below:

| Primary Controls Part 1 – Local Context | Guideline | Compliance |
|--|--|--|
| Building Height | <p>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit</p> <p>Test heights against the number of storeys and the minimum ceiling heights required for the desired building use</p> | <p>Compliance with FSR provided. The submitted design generally provides for the permitted number of storeys – it appears that there is a good fit.</p> <p>There are breaches with the 33m and 27m height development standards. A SEPP 1 objection to this standard has been submitted.</p> |
| Building Depth | <p>In general, an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved</p> | <p>Proposed depth of some sections of the residential apartment buildings will exceed 18m. The proposal has been designed with sufficient articulation and stepping across all building facades. The proposal allows for sufficient day lighting and solar access and through the adoption of a large landscaped area through the transmission line easement, will provide for natural ventilation throughout the site and accordingly satisfy the aim of the building depth control.</p> |
| Building Separation | <p>Design and test building separation controls in plan and section.</p> <p>9 storeys and above: 24m between habitable rooms/balconies 18m between habitable rooms/balconies and non habitable rooms 12m between non habitable rooms.</p> <p>5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms</p> | <p>See compliance table above under BHDGP Part E, Section 22 for discussion on building separation.</p> <p>The setback from proposed units to the adjoining residential dwellings at No. 29 Lloyds Ave and at Nos. 263-273 Pennant Hills Road will not comply, however the proposal complies with the minimum setback controls of the DCP. These dwellings will ultimately be redeveloped for residential flat buildings where greater setbacks can be provided. No. 29 Lloyds Ave will likely form part of an expanded church car park. Whilst building separations do not strictly comply with the RFDC recommendations they are</p> |

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| | Up to 4 storey: 12m between habitable rooms/balconies 9m between habitable/balconies and non-habitable rooms 6m between non-habitable | very close and are generally consistent with the 8 storey building separation requirements. The building setbacks provide adequate privacy to the residents and the breach in the separation distance is not unreasonable. This non compliance occurs for 1 storey only in Blocks A and B and 3 levels for Blocks E (1 dwelling per floor) and D (1 dwelling per floor). |
| Street Setbacks | Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls Test street setbacks with building envelopes and street sections Test controls for their impact on the scale, proportion and shape of building facades | See compliance table above under BHDGP Part E, Section 22 for discussion on setbacks. Buildings are well articulated and in proportion with respect to the locality of the development. |
| Site & rear setbacks | Relate side setbacks to existing streetscape patterns. | See compliance table above under BHDGP Part E, Section 22 for discussion on setbacks. Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory. |
| Floor Space ratio | Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements | See discussion under building height. |
| Part 2 – Site Design Site Configuration | | |
| Deep Soil Zones | A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. | 32% is provided. The development has adequate stormwater detention tanks and rainwater tanks below ground to |

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| | Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building | deal with run off. |
| Open Space | <p>The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brownfield sites may have potential for more than 30 percent</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park is 25m²; the minimum preferred dimension in one direction is 4m.</p> | <p>35% is provided. A combination of public open space and communal open space within the developable portion of the site are designed for with facilities.</p> <p>Ground level private open space is a min. 25m² (4m in length) and is generally in excess up to 40m² and 110m².</p> |
| Planting on structures | <p>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes:</p> <p>Large trees such as figs (canopy diameter of up to 16m at maturity) – minimum soil volume 150 cubic metres – minimum soil depth 1.3m – minimum soil area 10mx 10m area or equivalent</p> <p>Medium trees (8m canopy diameter at maturity) – minimum soil volume 35 cubic metres – minimum soil depth 1m – approximate soil area 6m x 6m or equivalent</p> | Adequate site landscaping is provided. |

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| | <p>Small trees (4m canopy diameter at maturity) – minimum soil volume 9 cubic metres – minimum soil depth 800mm – approximate soil area 3.5m x 3.5m or equivalent</p> <p>Shrubs – minimum soil depths 500- 600mm</p> <p>Ground cover – minimum soil depths 300- 450mm</p> <p>Turf – minimum soil depths 100-300mm</p> <p>Any subsurface drainage requirements are in addition to the minimum soil depths</p> | |
| Site Amenity | | |
| Safety | Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings | Assessment carried out and Police have assessed the proposal and made recommendations. |
| Visual privacy | Refer to building separation minimum standard | See above. |
| Site Access | | |
| Pedestrian access | <p>Identify the access requirements from the street or car parking area to the apartment entrance</p> <p>Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum</p> <p>Provide barrier free access to at least 20 percent of dwellings in the development</p> | <p>Ground level entrances provided and lift access to each floor is available from all basement levels.</p> <p>Accessibility report submitted.</p> <p>444 units may be accessed via a stair free path of travel (98%).</p> |
| Vehicle access | <p>Generally limit the width of driveways to a max. of 6m</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages</p> | <p>Provided.</p> <p>Janell Crescent to be made redundant and built upon and 2 internal car park/service roads to be constructed from Shirley Street.</p> |

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| Part 3 – Building Design | | |
| Building Configuration | | |
| Apartment layout | <p>Single-aspect apartments should be limited in depth to 8m from a window</p> <p>The back of a kitchen should be no more than 8m from a window</p> <p>Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation)</p> | <p>Most unit types with single aspect have a max. 8m to a window with the exception of unit type C4: 9.5m, unit type C6: 9m and unit D13: 8.5m. This is considered to be a minor non compliance - see above report regarding apartment size.</p> <p>Provided.</p> <p>Demonstrated.</p> |
| Apartment mix | <p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² | <ul style="list-style-type: none"> • 1 bedroom (39) units between: 70-97m² • 2 bedroom (341) units between 85-134m² • 3 bedroom (70) units between 111-140m² |
| Balconies | Provide primary balconies for all apartments with a minimum depth of 2m. | Provided. |
| Ceiling Heights | Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable | Provided |

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| | areas. These are minimums only and do not preclude higher ceilings, if desired. | |
| Ground Floor Apartments | <p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p> | Provided. |
| Internal Circulation | In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments). | Proposal designed to maximise residential amenity. |
| Storage | <p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>studio apartments 6m³;</p> <p>one-bedroom apartments 6m³;</p> <p>two-bedroom apartments 8m³;</p> <p>three plus bedroom apartments 10m³</p> | Provided as required in relevant units. |

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| Building Amenity | | |
| Daylight Access | <p>Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p> | <p>94% of units achieve a minimum 3 hours.</p> <p>Northern orientation has been maximised.</p> <p>30 units or 7% of units are proposed as single apartments with a southerly aspect. This has resulted from the design requirements of BHDCP, and due to the location of the transmission easement through the site, restricting orientation of the apartment buildings to a general northeast-southwest arrangement.</p> |
| Natural Ventilation | <p>Building depths, which support natural ventilation typically range from 10m to 18m.</p> <p>Sixty percent (60%) of residential units should be naturally cross-ventilated.</p> | <p>Generally unit depths are less than 18m however max building depth is 21m.</p> <p>The proposed depths are satisfactory as the development is of a scale that is consistent with the desired existing and future context in that most apartments are dual aspect with habitable rooms situated at the periphery of the buildings. It is noted that the proposal has achieved the solar performance intent of the code.</p> <p>63% of units are cross ventilated.</p> |
| Building Performance | | |
| Waste Management | Supply waste management plan as part of the development application submission as per the NSW Waste Board. | Plan provided. |

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| Water Conservation | Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris. | Satisfactory. |
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The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

Context

The development attempts to respond and reflect the context into which it is placed. The feature of the site is the existing transmission easement to be converted into public open space together with the existing built forms. The precinct is presently dominated by one and two storey residential dwellings, two-storey townhouses and new apartment developments including a recent seven-storey development at Post Office Street. The context will likely change as the adopted Carlingford Precinct planning facilitates higher densities within the locality.

Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal complies with floor space requirements. The proposal attempts to respond to the existing topography of the site within its context. The height generally ensures that the development responds to the desired future scale and character of the local area. The proposed development adopts the principles found within the Precinct Plan provisions by generally maintaining the development height within the prescribed maximum number of storeys for each building.

The depth of a building attempts to provide for residential floor plans with dual-aspect components and overall dimensions of 18m and 20m overall depth.

The spatial relationship of buildings has been considered. The proposed buildings will generally maintain a minimum separation of approximately 18m to create appropriate separation distances between buildings. The building separations and setbacks will provide a sufficient degree of separation and landscaping to ensure privacy and solar access is maintained.

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

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

The setbacks adopted ensure that the impact of the development on the environment and adjoining properties is minimised. The setbacks have been determined in accordance with Council's Key Sites Guide in the Carlingford DCP.

Built Form

The design of the building elements are of a contemporary style with a number of building elements being used to provide strong architectural character. The use of blade or fin walls provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation. The ultimate form of development is achieved in the articulation of the elevations by creating a strong base or podium, with the residential floors detached above, with greater modulation of the facades. The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades.

Density

The proposed density has been determined by a number of design factors contained in the LEP and Carlingford Precinct planning controls. The main controls provide the limits of height, floor space ratio, setbacks and landscaping areas to provide a scale of development, which is proportional to the characteristics of the site. The proposal assists in achieving higher density goals set down for the Carlingford Precinct.

Resources, Energy and Water Efficiency

The building construction phase will adopt renewable products and materials. Recycling of materials and reduction of waste products will contribute to relevant ESD goals. The design achieves natural ventilation and insulation will minimise the dependency on energy resources in heating and cooling a space. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

The project will integrate a system of rainwater collection and storage from the roof drainage system and be utilised in the irrigation system proposed for the planter-boxes and deep-soil areas, within the development. The BASIX Certificate submitted confirms the water efficiency achieved.

Landscape

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

Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access/circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The indentation of the top floor ensures the scale of development and potential for over-shadowing is minimised. The design contains units for the elderly and disabled members of the community. This has been achieved by the integration of a lift within the development and the provision of 45 adaptable housing units for the elderly and immobile.

Safety and Security

The development has been designed to involve the incorporation of safety and security issues into the design phase. There are public and communal spaces within direct view of occupants without sacrificing privacy. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private open spaces such as courtyards and balconies are clearly defined and screened. Surveillance is maximised by orienting buildings towards the street.

The design involves the management of pedestrians and vehicles through mechanical and electronic measures such as security hardware, locks and alarms. Control measures are used to increase the effort required to commit a crime. Access paths in and around the development are provided. Safety is achieved by the separation of pedestrian access paths from any vehicular driveways. Landscaped areas have clear definition and protective barriers. Access paths are provided which avoid the use of stairs where possible and provide a direct and level access from the street to the ground floor level of the development.

All access paths will be suitably illuminated at night with recessed lighting along paths and bollard lighting amongst areas of landscaping. The lighting will provide a safe, secure and low level of illumination, which will provide clarity at night without intimidating other residents with excessive scattered light. Lighting is to be provided to all common areas including the basement car parking level as well as the stairs and access areas to external courtyards, balconies, bin storage rooms and drying area. Lighting will be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.

Crime prevention is achieved by allowing for site planning and design that permits each dwelling to have general surveillance of the street and unobstructed view to the pedestrian and vehicular approaches to the property. The inclusion of basement car parking levels will provide secure parking under the development with security access and independent access from each car space into the dwelling above by individual stairs secured with authorised access locks and intercom for visitors.

A shared entrance pathway and entrance lobby area to the lift foyers will provide a secure pedestrian access pathway and entry into each building. The entrance lobby and doorways are exposed to public view via the central entrance areas and forecourts to each of the buildings, which serve as a pedestrian access path from the street to each building, avoiding any potential entrapment areas. Artificial lighting will be positioned along the entrance pathways and will be attached to motion sensors for activation with the entrance foyer lights. This will enhance the security of the property whilst increasing the safety issues and amenity of the development at night.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to include the use of appropriate lighting, use of CCTV to monitor common areas, the basement car park to be painted white, fencing to restrict access to community facilities, use of sensor lights and space allowance for installation of an alarm system in the garage/storage areas.

Social Dimensions

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

Aesthetics

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

The design of the building elements utilises a tiered style with a base of textured wall and glazing to identify the ground floor level. Upper floor levels accommodating the residential components of the development utilises a fragmented and articulated form with deep balconies and strong façade elements to provide a contemporary style with

strong horizontal emphasis. The roof provides a contrasting top level or “capping” to identify the extent of the height and to maintain a low profile.

5. Issues raised in Submissions

The proposal was placed on public exhibition and twenty-two (22) individual submissions have been received. The table below addresses the issues raised.

| ISSUE/OBJECTION | COMMENT | OUTCOME |
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| <p><i>Traffic & Parking</i></p> <p>Traffic will increase in Shirley Street with 2 driveways for entry for all cars. Shirley Street is only 5m in width and is insufficient for servicing 450 units. In the morning, cars are often queued at the southern end of Shirley Street near the church trying to gain access to Pennant Hills Road. In the evenings and on weekends, cars will be parked on both sides of the east west section of Shirley Street restricting traffic to a single lane. Shirley Street needs to be widened and provision for a slip lane access from Pennant Hills Road to the development. Provision is to be made for traffic flow to discharge onto Pennant Hills Road similar to the units in Pennant Hills Road opposite the development. The intersection of Lloyds Avenue/Pennant Hills Roads is extremely dangerous. There are other large apartment developments envisaged for the Carlingford Precinct and within the adjoining Parramatta Council local government area. These developments combined will lead to further gridlock on the surrounding road network and place a further burden on the congested Pennant Hills Road, Marsden Road and Carlingford Road especially during peak hours affecting lifestyle issues and emergency vehicle movements. The development lies between 2 major hospitals. The submitted traffic report is misleading in terms of the details in relation to the Lloyds Avenue/Janell Crescent intersection, the number of lanes of Pennant Hills Road and undue credit on the existence of Carlingford station. 662 car</p> | <p>Council's Traffic Projects Officer has assessed the subject Development Application and raised no objections subject to conditions. It is recommended to impose parking restrictions on Shirley Street to improve traffic flow. No other road works are required under the subject Development Application. Any further road works will be controlled by contribution plans. Access to Pennant Hills Road is denied. The proposed development satisfies all DCP requirements in relation to access and parking requirements. This form of development is permissible in this zone and envisaged as part of the Carlingford Precinct Plan. Emergency vehicles will be able to access the site from proposed driveway accessing from Shirley Street. In relation to the Epping-Parramatta rail link it is noted that the rail link is still planned. The Carlingford Precinct Plan has been gazetted and permits this form of development.</p> | <p>Issue addressed –see Condition No. 105.</p> |

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| <p>parking spaces are insufficient. This will result in visitors parking on Shirley Street and nearby Post Office Street and will cause major traffic delays. The development does not provide enough parking spaces for residents and visitors. The 2/3 bedroom units require 2 spaces each. All of the above issues will be exacerbated with the now cancelled Epping-Parramatta rail link. Carlingford does not have adequate public transport facilities for the projected increase in population. There is a lack of numerous bus routes passing through the area and public transport is now overloaded. Additional children of all ages that this development will attract can only cause increased pressure to the available schools in the area. Not all children can walk to school so the issue of public transport becomes paramount. The Carlingford locality is being overtaken by on street car parking whether it is shopping centre parking or M2 commuter car parking in narrow suburban streets. Emergency vehicles will not be able to gain access easily and there is difficulty for evacuation in the event of fire. It was suggested at the Conciliation Conference that all parking be banned on Shirley Street. This is not agreed with. An independent review is requested.</p> | | |
| <p><i>Local Amenity</i> An 11 storey development is an inappropriate form of development. A maximum of 3 storeys is more suitable to be consistent with the styles and heights of existing apartment development in the area. Such a development will block out views. Many residences facing Shirley Street will lose the ability to see anything outside their windows apart from the proposed development. Approval of the development will create a dangerous precedent. A 9 storey development at Carlingford Village</p> | <p>A maximum 11 storey development on this development site is in accordance for Council's vision for the area. Privacy impacts have been addressed or are capable of being addressed. A condition has been recommended requiring privacy screens on the lowest four balcony levels. The current planning provisions permit a maximum of 9 to 11 storeys on the subject development site. A development such as this will bring in a visual change however the</p> | <p>Issue addressed – see Condition No 4.</p> |

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| <p>Centre was refused by Parramatta Council and subsequently by the Land and Environment Court around (around 2005) for reasons stated above. Council must reduce the level of development to protect the interests and lifestyles of current owners in the vicinity. A large portion of units will be rented. This will further deteriorate the area and encourage lower standards of behaviour. The area is currently quiet and peaceful it must be in Council's interests to retain the area as it is. Local facilities such as Carlingford Court, child care centres, shops and public transport, libraries, schools and parks will not be able to cope with this proposed growth. Priorities to improve the amenity of the locality is to make adequate provision of public transport, the upgrade of shopping facilities, wider link roads and upgrade of parks, libraries and schools.</p> | <p>development is considered to be satisfactory in the changing context of the locality as envisaged in the Carlingford Precinct DCP. The Carlingford Precinct has been planned for many years, arising from the Metropolitan Development Strategy for the Sydney basin.</p> | |
| <p><i>Privacy</i> An 11 storey development will compromise privacy especially with numerous 1 bedroom units. They will be rented by young single people or international travellers who have noisier lifestyles. The development will increase in the number of families from 23 to 450. This increase will be an invasion of privacy for existing residents and cause increase in noise pollution. Privacy will be affected by head light spill. Overlooking from the development to the adjoining swimming pool at Nos. 2-6 Shirley Street will occur.</p> | <p>The development proposes a mix of units to provide for a range of lifestyle requirements. In relation to acoustics, Council's Environmental Health and Protection Section have assessed the proposal and have raised no objections subject to conditions. The submitted acoustic assessment has taken into account noise from vehicles and how it affects adjoining residences. The assessment also included considerations from external traffic noise as well. Any headlight spill is considered to be satisfactory as the majority of the development will be landscaped along the perimeter of the development site. It is recommended that the lower 3-4 balcony levels of Blocks A and C contain obscure/opaque screening to avoid overlooking to the adjoining swimming pool located within the townhouse development at Nos. 2-6 Shirley Street. The development is</p> | <p>Issue addressed – see Conditions Nos. 4, 24, 29, 99, 100 and 101.</p> |

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| | generally consistent with the height and FSR controls envisaged for the Carlingford Precinct. | |
| There will be problems with locating hundreds of wheelie bins on collection day. There are problems with the garbage trucks to collect the garbage and recycling bins if cars are parked on both sides of the street. | The subject Development Application has been assessed by Council's Waste Management Section and no objections are raised subject to conditions. The waste storage areas are located within the basement area of the development. It is likely that a private waste contractor will be engaged to maintain the garbage storage area on a regular basis so that no overflow of rubbish will occur. | Issue addressed – see Condition Nos. 16, 18, 19, 20, 21, 55, 107, 108 and 131. |
| The development will increase the risk of damaging properties foundations with increased stormwater runoff. | The subject Development Application has been assessed by Council's Engineering Section and raised no objections subject to conditions. An on-site stormwater detention (OSD) system is proposed. The OSD is to comply with the Upper Parramatta River Catchment Trust (UPRCT) handbook. Overland flow will not be directed onto adjoining properties and is controlled by retention swales, overland path, pipes and drainage easement. If runoff is occurring now, the new design will alleviate current problems. | Issue addressed – see Condition Nos. 31, 36, 37, 40(v), 56(ii),(iii),(vii) & (x), 61, 62, 65, 79, 111, 112, 114, 117, 118(i-v), 119, and 120. |
| According to BHDCP, existing trees should be preserved wherever possible. Consideration must be given to retaining trees in the front, rear and side setback areas. Many trees in these areas will make way for the development. The wild life is under threat in the area and a development of this nature can only exacerbate the situation. | Council's Tree Management Section has assessed the proposal and raised no objections subject to conditions. The subject development site does not contain threatened flora and fauna. | Issue addressed – see Condition Nos. 13-15, 70, 86 and 126. |
| The value of our properties will fall. | No evidence has been provided to substantiate this claim. | Issue addressed. |
| <i>Solar Orientation</i> The developer has only provided data for sunlight during June. This is not sufficient. The developer has chosen June due to the | The subject proposal is satisfactory in relation to shadow impacts. The submission of shadow diagrams for the month | Issue addressed. |

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| northerly angle of the sun and the insignificant shading. The shading data must be for each month to give an idea of shadowing over the whole year. An 11 storey development will cast shadow onto homes/units and courtyards containing swimming pools. It is suggested that the centre block (block c) be reduced to 4 storeys and this loss could be gained by replacing the proposed park on the corner with a 2 storey development. The strata of Nos. 2-6 Shirley Street have agreed to purchase solar panels. Shade over our apartments will render this useless. The buildings will shadow the unit blocks opposite the development on Pennant Hills Road for the majority of the afternoon. | of June is in accordance with the requirements of BHDGP. June 21 is known as the equinox being the shortest day of the calendar year which would cause the greatest projections of shadow. The solar panels will receive adequate exposure to sunlight during midwinter. The developments across Pennant Hills Road will receive a minimum of 4 hours to the majority of their respective private open space. | |
| The proposal will reduce wind flow within the area. | The proposed separation of the buildings ensures that wind can circulate between building corridors adequately. | Issue addressed. |
| The convenience and safety of the pedestrian entry and exit point in Janell Crescent (from the Nos. 2-6 Shirley Street development site) will disappear. | The design of the development is able to accommodate continued pedestrian access through the development site. It is recommended that a gate be provided at the boundary between Nos. 2-6 Shirley Street and the development site. | Issue addressed – see Condition No. 53. |
| Adjoining structures will be structurally affected due to construction works. | Submission of dilapidation reports is recommended to be conditioned. | Issue addressed – see Condition Nos. 80, 85, 124 and 125. |
| In 2006, there was a previous Development Application for the site. An outcome of the conciliation was that the developer provides emergency access to a fire hydrant at Nos. 2-6 Shirley Street from Janell Crescent. There is no such provision under the subject Development Application. | The private road will provide access for the fire brigade. There is a need to ensure access for the fire brigade. The applicant will need to liaise with NSW Fire and Rescue to ensure access to a fire hydrant is provided prior to the issue of the construction certificate. | Issue to be addressed – see Condition No. 53. |
| Air pollution on Pennant Hills Road is bad enough. The proposal is going to make the air pollution worse for residents. Children living | Council's Environmental Health and Protection Section have assessed the proposal and raised no objection in relation to air | Issue addressed. |

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| in the area suffer from asthma and the development will make their conditions worse. | pollution. | |
| The additional information submitted after the Conciliation Conference has not addressed our concerns. There is a lack of consultation involved. The previous approval on the site involved an agreement between the developer and local property owners. | The additional information has attempted to address the issues raised at the Conciliation Conference. | Issue addressed. |
| At the Conciliation Conference it was indicated that the development has been instigated by the State Government who set targets for Councils to construct low cost housing. Since that meeting the new State Government has rescinded that requirement and stated that that the decision to build high rise housing developments will be by consultation between Councils and ratepayers. The residents demand that right. | The Development Application has been assessed on merit. Issues raised by residents have been considered. | Issue addressed. |

ENGINEERING

Council's Subdivision Coordinator has assessed the proposal and raised no objections subject to conditions including a deferred commencement condition to obtain a drainage easement over Nos. 27-29 Lloyds Avenue.

WASTE

Council's Waste Management Projects Officer has assessed and raised no objections subject to conditions.

TRAFFIC COMMENTS

Council's Traffic & Transport Coordinator has assessed and made the following comments:

1. Traffic Impact

i) Existing Traffic Environment

The subject Development Application proposes to demolish 23 existing freestanding residences fronting Pennant Hills Road, Shirley Street and Janell Crescent, Carlingford and construct a 450 unit residential apartment development consisting of 39 one bedroom, 341 two bedroom and 70 three bedroom units located within five separate buildings.

All vehicular access is proposed to Shirley Street via a new access road and two separate entry/exit driveways for access to buildings D and E. Janell Crescent will also be permanently closed as part of this development

The proposed development is located within the northern sector of the Draft Carlingford Precinct Plan traffic report prepared by Halcrow MWT. This development also has a traffic report prepared and submitted by Brown Consulting in support of the subject application.

ii) Proposed Development - Traffic Generation

The traffic report states that if the Roads and Traffic Authority traffic generation rate and Carlingford DCP rate for high density residential with medium accessibility to transit is 0.35 trips/hr/unit. If this rate is applied to the proposed 450 unit development this would generate 151 peak hour trips less the 23 trips from the existing residences for an overall increase of **128 peak hour trips**.

A number of the streets in the Carlingford precinct have previously been assessed and included in the Residential Development and Traffic Study undertaken by TAR Technologies in August 2005. This report identified that Moseley Street, Post Office Street and Baker Street (south) exceed the Environmental Capacity by a substantial margin. This information has been used in the identification and formulation of certain traffic/transport facility upgrades in the Section 94 Contributions Plan for the precinct.

In this regard the applicant is obliged to contribute the appropriate Section 94 contributions identified for this property in the Carlingford Precinct Plan payable for the necessary traffic/transport facility upgrades.

iii) Traffic egress/ingress to arterial/sub-arterial roads

The state arterial of Pennant Hills Road is under the control of the Roads and Maritime Services. The comments referred to in their letter dated 14 June 2011 have been examined. The department points out that the traffic report by Halcrow MWT used in the preparation of the Carlingford DCP identified the closure of Shirley Street at Pennant Hills Road and restriction of access to Post Office Street at Pennant Hills Road to left in only.

Council does not concur with this request and considers that suitable controlled (signalised) access to Pennant Hills Road would be available with the signalisation of the Pennant Hills Rd/Moseley Street intersection.

Concerns regarding on street parking in Shirley Street has been raised by residents. Shirley Street has a carriageway way width of 7m. Accordingly with vehicles parked on both sides of the road through traffic is restricted to one direction at time. To maintain unrestricted two way traffic flow approximately 450m of full time 'No Parking' restrictions is to be introduced for the full Shirley Street frontage of the development.

There are no objections raised to the proposal in terms of traffic impact subject to the following: -

1. Prior to the issue of the Occupation Certificate and subject to final endorsement by the Local Traffic Committee the applicant is to install approximately 450m of full time No Parking restrictions on the development side of Shirley Street for the full frontage of the development.
2. All vehicular maneuvering areas to comply with the minimum requirements of AS 2890.1.2004 and/or relevant Council DCP requirements.
3. Appropriate contributions be sought.

FORWARD PLANNING COMMENTS

Council's Forward Planner has assessed the proposal and made the following comments:

Compliance with Carlingford Development Control Plan and Local Environmental Plan Amendment 20

Baulkham Hills Local Environmental Plan 2005 (Amendment No.20) was published on the NSW Legislation Website on 2 March 2011. Clause 63(1) and (2) of the LEP are relevant to the development with respect to building height, floor space ratio and undergrounding of the 132kV Double Circuit Powerlines.

- a. Building height: The proposed variation is supportable on the grounds that non-compliance does not result in any adverse solar access or privacy impact and is consistent with the intent of BHDCP Part E Section 21 – Carlingford Precinct.
- b. Floor Space Ratio: The calculation of floor space using the proposed area to be dedicated to Council for open space is supportable on the grounds that the first adopted iteration of the Carlingford LEP and DCP did not reserve the land for open space.

Council originally adopted the Carlingford LEP and DCP on 19 May 2009. The adopted LEP did not identify land reserved for open space or roads as shown in the DCP and Contributions Plan. Advice from the Department of Planning dated 15 July 2009 required prior to making the plan that the LEP be consistent with the DCP thus enabling the owner to initiate provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

- c. Powerlines: Clause 63(2) of BHLEP 2005 requires that the consent authority must consider whether provision has been made for the undergrounding of 132kv double circuit power lines in relation to that development.

Council received advice dated 8 August 2011 from Don Fox Planning that a Design Contract had been executed with Ausgrid (formerly Energy Australia). Accordingly, an active consent may be issued with consent conditions reflecting Items (b) and (c) from Council's resolution of 22 February 2011 as detailed in the background above.

Voluntary Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the applicant has offered to enter into a voluntary planning agreement with Council to:

1. Dedicate land to The Hills Shire Council;
2. Pay monetary contributions to The Hills Shire Council; and
3. Carry out works in kind for The Hills Shire Council.

Concern is raised with respect to the following areas of compliance with the Agreement:

a. Dedication of land

Additional information was required to demonstrate that land to be dedicated to Council is consistent with the extent of the Open Space 6(a) Zone pursuant to BHLEP 2005.

Drawing No. DA 47 issue A (refer figure below) denotes land to be dedicated to Council is inconsistent with BHLEP 2005 and land dedication figure on page 23 of the Voluntary Planning Agreement.

Clause 5.2 of the adopted VPA requires that on the date of execution of the VPA (i.e. within 14 days of issuing development consent) the developer provide Council within a survey plan of the dedication lands for the purpose of registering a caveat on the land relevant land.



Figure: Public Open Space Dedication Plan (Drawing DA47)



Figure: Land Dedication (Key Site Voluntary Planning Agreement 17, p23)

Recommendation: A survey plan is sought that clearly defines the extent of land to be dedicated in relation to land for open space under BHLEP 2005. Drawing No.DA47 should be updated to be consistent with the dedications lands to be provided to Council. Any such land dedication will occur prior to the issue of Subdivision Application.

Comment:

It is recommended that the dedication plan be marked in red to indicate that land to be dedicated will only be areas that are zoned Open Space 6(a). The required survey plan

can be completed and submitted within the 14 day period for the Planning Agreement to be entered into after the consent is issued.

b. Works in Kind

Schedule 2 of the Voluntary Planning Agreement outlines the following Works-in-Kind to be provided prior to the issuing of any strata subdivision certificate:

- Roundabout at Young Rd/Post Office St.
- Open Space Embellishment – CPLOS1.
- Cycleway/Pedestrian Path in Transmission Easement.

With respect to the embellishment of CPLOS1, the VPA values the embellishment works at \$459,500, being the estimated value of work as per the Carlingford Precinct Public Domain Plan.

The VPA sets out the developer's obligations with respect to the design and construction of the works which will be subject to further approvals.

Recommendation: That the landscape design of CPLOS1 be deleted from Drawing No. 0311.LA.07 and be subject to a separate design and approval process as per the adopted VPA.

Carlingford Public Domain Plan

The proposed development is inconsistent with the Public Domain Plan in the following ways:

- a. Drawing No. 0311.LA.08 provides a landscape plan for No.14 Shirley Street (Lot 1 DP1028175). This land is to be dedicated to Council and therefore should be excluded from the landscape plan and the funding and design of the reserve will be undertaken by Council pursuant to Contributions Plan No.14 – Carlingford Precinct.

- b. Street trees which should be drawn from the following list:

Shirley Street:

Street Trees:

*Gordonia axillaris, Sapium
sebiferum, Waterhousia
floribunda and Elecarpus
reticulats.*

Pennant Hills Road:

Street Trees:

*Eucalyptus saligna and
Eucalyptus scoparia.*

- c. Details relating to street lighting are absent and should specify level V5 *lighting in accordance with Australian Standard 1158.*
- d. *Footpaths on Shirley Street are to be constructed as per Treatment 2 - 2.5m wide and Pennant Hills Road as per Treatment 3 = 1.5m wide.*
- e. Landscape plans are absent of any public art as per Section 4.7 of the Carlingford PDP.

Recommendation: A detailed Public Domain Plan shall be prepared by a suitably qualified professional in accordance with the Carlingford Precinct Public Domain Plan and

lodged with Council for approval prior to a Construction Certificate being issued for any new building work (including internal refurbishments).

Prior to the issue of an Occupation Certificate, documentary evidence from Council shall be provided stating that a site inspection of all landscaping works has been completed and full compliance with the Carlingford Public Domain Plan has been achieved.

Conclusion

With the exception of the building height limit, the proposed development complies with the key site built form controls and generally conforms to the development pattern for Key Site 17 Janell Crescent as illustrated in the BHDCP Part E Section 22 – Carlingford Precinct.

The proposed development is supported subject to conditions.

PARKS COMMENTS

Council's Parks Assets Officer has assessed the proposal and made the following comments:

The provision of open space is consistent with the Public Domain Plan of the Carlingford Precinct. Prior to the embellishment of the reserves detailed plans should be provided to the Parks & Community Facilities Section for further comment (see Condition Nos. 48 and 104).

PROPERTY COMMENTS

Council's Property Manager has assessed the proposal and made the following comments:

The proposal (with the exception of Lots 1 & 2 DP 1028075) does not clearly define what properties or parts of properties are being dedicated to Council. Further comment will be provided upon confirmation of the above which will be subject to a further Development Application for subdivision of the land and dedication of open space.

No objection is raised to the proposal provided it is in accordance with the open space/public recreation zoning and the terms/conditions of the Voluntary Planning Agreement entered into between Council and the applicant for the subject site.

TREE MANAGEMENT COMMENTS

Council's Tree Management Coordinator has assessed the proposal and raised no objections subject to conditions.

ROADS & MARITIME SERVICES COMMENTS

The subject Development Application was referred to the NSW Roads and Maritime Services (RMS) (formerly the RTA) pursuant to the provisions of Clause 104 of the Infrastructure SEPP. The RMS in their correspondence of 14 June 2011 recommended conditions in relation to road widening purposes and design details and geotechnical reports for excavation works.

In this correspondence, the RTA raised concern with the traffic report prepared by Brown Consulting for the subject Development Application which concluded that the traffic impacts of this development will be satisfactory. The conclusion was based on a traffic report prepared in 2008 by Masson Wilson Twiney for the Carlingford precinct. However,

Brown Consulting ignored the fact that the three crucial recommendations of the Masson Wilson Twiney's traffic report are not included in the Council's S94 contribution plan for the precinct.

Without any mechanism to implement these recommendations, the findings of Masson Wilson Twiney's traffic study were considered irrelevant to this development. Therefore, the two items recommended in the traffic report by Masson Wilson Twiney according to the the RMS needed to be implemented as part of this development to address road safety and traffic efficiency concerns caused by this development:

- Closure of Shirley Street at Pennant Hills Road; and
- Closure of Post Office Street at Pennant Hills Road for exiting vehicles only.

Comment:

The above concerns have been assessed by Council's Traffic Section and no objections to the proposal have been raised. These initial traffic recommendations as part of the early stages of planning for the Carlingford Precinct have not been pursued by the subsequent adoption of the Carlingford Precinct planning documents.

It is considered that suitable signalised access to Pennant Hills Road will be available with traffic lights at the Pennant Hills Rd/Moseley Street intersection.

NSW POLICE COMMENTS

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered in this development in relation to surveillance, access control, territorial reinforcement and other matters.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

Council's Environmental Health Officer has assessed the proposal and raised no objection subject to conditions.

RAILCORP COMMENTS

Railcorp has assessed the proposal and granted its concurrence subject to conditions (see Attachment 10).

ENERGY AUSTRALIA COMMENTS

Energy Australia has assessed the proposal and raised no objection subject to conditions

TRANSPORT NSW COMMENTS

Transport NSW has assessed the proposal and raised no objection subject to recommendations in relation to car/bicycle parking, noise/vibration and electromagnetic radiation matters (see Condition No. 44).

CONCLUSION

The proposal has been assessed against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 65, Baulkham Hills Local Environmental Plan 2005, Draft Local Environmental Plan 2010 and Baulkham Hills Development Control Plan Part E Section 22 – Carlingford Precinct, and is considered satisfactory.

The subject site is located within the Carlingford Precinct. The emerging vision for the Carlingford Precinct is to encourage transit oriented development that creates a sense of place for the incoming population through increased housing choice, better public realm and open spaces and local services that supply the convenience needs of the community.

The adopted VPA for the subject development site represent the next major step to implement Council's urban renewal strategy for the Precinct. The VPA provides certainty as to the timing of payment, works and land to be provided within the Precinct. It will involve dedication of land for public open space purposes and paying monetary contributions to Council. The VPA also includes carry out works in kind for Council.

The precinct seeks to increase residential heights and densities. The proposal satisfies the objectives of the Carlingford Precinct Plan and current zoning objectives. The proposal will provide a high quality apartment development and a high degree of amenity for its residents. The proposal to erect a maximum of between 9 to 11 storey buildings on the subject site is consistent with the desired built form for the area.

The proposed development follows the development pattern established in Key Site No. 17, known as Janell Crescent as provided in BHDCP – Carlingford Precinct. Notwithstanding the non-compliance with BHDCP Part E Section 22 – Carlingford Precinct such as building setbacks and building separation, the proposal will integrate with desired future character of the area.

The SEPP 1 objection to building height is considered supportable as the proposal overall satisfies the objectives of the relevant height development standards. It would be appropriate for the building height limit to be varied in the circumstances of this case and in this regard the submitted SEPP 1 Objection is considered well founded.

The concerns raised in the submissions and at the Conciliation Conference have been considered in this report and do not warrant refusal of the Development Application.

The proposal is considered supportable as it will not pose any detrimental impacts on the natural and built environment and in terms of social or economic impacts. However it is recommended that the determination of the subject Development Application be subject to a deferred commencement approval to require the applicant to obtain a drainage easement over Nos. 27-29 Lloyds Avenue.

IMPACTS:

Financial

The Voluntary Planning Agreements (VPAs) for the major key sites have been publicly exhibited and were reported to and adopted by Council on 12 July 2011. Works identified in the VPAs will be conditioned in any consent including works identified in the Carlingford Precinct Public Domain Plan, in lieu of the Section 94 contribution requirements.

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 Government's 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 Development Application be approved subject to the following conditions including a deferred commencement condition to require the applicant to obtain a drainage easement over Nos. 27-29 Lloyds Avenue.

DEFERRED COMMENCEMENT

1. Deferred Commencement – Registration of Drainage Easement

A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to the following:

1. The creation of one or more drainage easements over the downstream properties, 27-29 Lloyds Avenue, as follows:
 - a) If the existing public stormwater pipeline which traverses the site and Nos. 27-29 Lloyds Avenue is to be wholly relocated into the Pennant Hills Road and Shirley Street road reserve, then a 1.5m wide (minimum) inter-allotment drainage easement must be provided within Nos. 27-29 Lloyds Avenue.
 - b) If the existing public stormwater pipeline which traverses the site and Nos. 27-29 Lloyds Avenue is to be partially relocated into the Pennant Hills Road road reserve, then a 1.5m wide (minimum) inter-allotment drainage easement and a 3m wide (minimum) public drainage easement must be provided within Nos. 27-29 Lloyds Avenue.

Refer to points (ii) and (iii) under the condition entitled “Engineering Works and Design” included later in this consent for more details regarding the necessary stormwater upgrade works.

- A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red include: -

- Deletion of areas proposed to be dedicated to Council which are outside of the site zoned Open Space 6(a) as shown on the Dedication Plan (Plan No. DA 47);
- The landscape design of the open space embellishment (CPLOS1) is deleted from Plan No. 0311.LA.07 which will be subject to a separate design and approval process as per the adopted VPA; and
- The landscape design for No.14 Shirley Street (Lot 1 DP1028175) is deleted from Plan No. 0311.LA.08 as this land is to be dedicated to Council with funding and design of the reserve to be undertaken by Council pursuant to Contributions Plan No.14 – Carlingford Precinct.

REFERENCED PLANS

| DRAWING NO | DESCRIPTION | SHEET | REVISION | DATE |
|------------|-------------------------------|-------|----------|----------|
| DA00 | Cover Sheet | 1 | A | 23.12.10 |
| DA03 | Site Plan | 1 | A | 23.12.10 |
| DA04 | Ground Level 1 | 1 | C | 31.10.11 |
| DA06 | Roof Level | 1 | A | 23.12.10 |
| DA07 | External Concept Plan | 1 | B | 27.07.11 |
| DA08 | Basement Level 4 Blocks A+B+C | 1 | B | 27.07.11 |
| DA09 | Basement Level 3 Blocks A+B+C | 1 | B | 27.07.11 |
| DA10 | Basement Level 2 Blocks A+B+C | 1 | B | 27.07.11 |
| DA11 | Basement Level 1 Blocks A+B+C | 1 | B | 27.07.11 |
| DA12 | Level 1 Block A | 1 | B | 27.07.11 |
| DA13 | Levels 2 to 6 | 1 | A | 23.12.10 |
| DA14 | Levels 7 to 9 | 1 | A | 23.12.10 |
| DA15 | Level 1 Blocks B+C | 1 | B | 27.07.11 |
| DA16 | Level 2 Blocks B+C | 1 | B | 27.07.11 |
| DA17 | Levels 3 to 11 Blocks B+C | 1 | A | 23.12.10 |
| DA18 | Basement Level 6 Blocks D+E | 1 | B | 27.07.11 |
| DA19 | Basement Level 5 Blocks D+E | 1 | B | 27.07.11 |
| DA20 | Basement Level 4 Blocks D+E | 1 | B | 27.07.11 |
| DA21 | Basement Level 3 Blocks D+E | 1 | B | 27.07.11 |
| DA22 | Basement Level 2 Blocks D+E | 1 | B | 27.07.11 |
| DA23 | Basement Level 1 Blocks D+E | 1 | B | 27.07.11 |
| DA24 | Level 1 Block D | 1 | C | 22.11.11 |
| DA25 | Levels 2 to 9 Block D | 1 | A | 23.12.10 |
| DA26 | Levels 10 to 11 Block D | 1 | A | 23.12.10 |
| DA27 | Level 1 Block E | 1 | A | 23.12.10 |
| DA28 | Level 2 Block E | 1 | A | 23.12.10 |
| DA29 | Level 3 Block E | 1 | B | 27.07.11 |
| DA30 | Typical Levels 4+5 Block E | 1 | A | 23.12.10 |
| DA31 | Levels 6 to 9 Block E | 1 | A | 23.12.10 |
| DA32 | Levels 10 to 11 Block E | 1 | A | 23.12.10 |
| DA33 | Level 12 Block E | 1 | A | 23.12.10 |
| DA34 | Level 13 Block E | 1 | A | 23.12.10 |
| DA35 | Site Elevations 1-4 | 1 | A | 23.12.10 |
| DA36 | Site Elevations 5-7 | 1 | A | 23.12.10 |
| DA37 | Site Elevations 8-10 | 1 | A | 23.12.10 |

| | | | | |
|------------|---|---|---|----------|
| DA38 | Site Elevations 11-13 | 1 | B | 27.07.11 |
| DA39 | Site Elevations 14-16 | 1 | A | 23.12.10 |
| DA40 | Site Sections | 1 | A | 23.12.10 |
| DA41 | Fence + Mail + Driveway Details | 1 | A | 23.12.10 |
| DA47 | Public Open Space Dedication Plan | 1 | A | 23.12.10 |
| DA51 | Site Sections | 1 | A | 25.07.11 |
| - | Schedule of Finishes: Block A | 1 | - | - |
| - | Schedule of Finishes: Block B | 1 | - | - |
| - | Schedule of Finishes: Block C | 1 | - | - |
| - | Schedule of Finishes: Block D | 1 | - | - |
| - | Schedule of Finishes: Block E | 1 | - | - |
| 0311.LA.01 | Key Plan | 1 | B | 06.01.11 |
| 0311.LA.02 | Landscape Plan BLOCK A | 1 | B | 06.01.11 |
| 0311.LA.03 | Landscape Plan BLOCK B | 1 | B | 06.01.11 |
| 0311.LA.04 | Landscape Plan BLOCK C | 1 | B | 06.01.11 |
| 0311.LA.05 | Landscape Plan BLOCK D | 1 | B | 06.01.11 |
| 0311.LA.06 | Landscape Plan BLOCK E | 1 | B | 06.01.11 |
| 0311.LA.07 | Landscape Plan CENTRAL OPENSOURCE | 1 | B | 06.01.11 |
| 0311.LA.08 | Landscape Plan WESTERN OPENSOURCE | 1 | B | 06.01.11 |
| 0311.LA.09 | Plant Schedule, Landscape Details & Specification | 1 | B | 06.01.11 |

2. Undergrounding of 132kV Double Circuit Powerlines

Submission to Council of documentary evidence that a Design Contract with Energy Australia has been executed for the undergrounding of the existing 132kV Double Circuit Powerlines substantially in accordance with the reports entitled:

- (a) "Energy Australia 132kV Double Circuit Undergrounding at Carlingford – Concept Design" by Parsons Brinckenhoff dated February 2010;
- (b) "132 kV Double circuit undergrounding at Carlingford – Concept Design for single circuit Termination Pole and Foundation" by Parsons Brinckenhoff dated 8 June 2010; and
- (c) An untitled document comprising revised cost estimates for Route Option 1 – (using Post Office Street and Jenkins Road – Approximate length 950 metres).

3. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement offered by Rainbowforce Pty Ltd (a copy of which is attached) in connection with this Development Application (**Planning Agreement**) must be entered into within 14 days after the date of this determination.

The obligations to Council in the Planning Agreement must be performed in accordance with the terms of the Planning Agreement including payment of monetary contributions, provision of works, dedication of land and provision of a bank guarantee, bond or other means of enforcement.

4. Privacy

Glass balustrades to balconies of the lowest 4 balcony levels of Blocks A-C are to contain obscure/opaque screening to limit the potential for direct overlooking of the property at Nos. 2-6 Shirley Street.

5. External Finishes

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

6. Provision of Parking Spaces

The development is required to be provided with 662 off-street car parking spaces to include one-hundred and eight-three (183) visitor spaces. These car parking spaces shall be available for off street parking at all times.

7. 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 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.

8. Accessibility and Adaptability

The Access/Compliance Report dated 10 December 2010 must be adhered to at all stages. The development is to be designed according to the reports.

9. 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.

10. 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.

11. 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.

12. Numbering

The responsibility for house/unit/tenancy numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire. In this regard you are required to contact Council's Land Information Section on 9843 0474 to

confirm the street number. The street numbers as issued are to be displayed on all buildings resulting from this approval.

13. Tree Removal

Approval is granted for the removal of trees numbered 1-19, 21-27, 32, 34, 35, 56-59, 65-76, 78-85, 87, 88, 91-103, 106-116, 119-121, 123-131, 142, 145, 147-171, 173, and 178-197 as per Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011.

14. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

An additional fifteen (15) *Corymbia eximia* (Yellow Bloodwood) are to be planted within the public open space at the northwest of the site.

15. Tree/s to be retained

To maintain the treed environment of the Shire, trees numbered 20, 28-30, 32, 33, 36-55, 60-64, 77, 86, 89, 90, 104, 105, 117, 118, 122, 132-141, 143, 144, 146, 172, 174-177 and 198-202 as per Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011 are to be retained.

16. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by 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.

17. 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:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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.

18. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

19. Domestic Waste Management – eight (8) or more Units

Construction of the garbage and recycling bin storage area(s) 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 55 x 660L bulk garbage bin(s) and 75 x 240L recycling bins.

20. 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 Environment Operations Act, 1997.

21. Odour Control

To ensure that adequate provision is made for the treatment of odours, the mechanical exhaust system shall be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises, as defined by the Protection of the Environment Operations Act, 1997.

22. 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.

23. 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.

24. 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.

25. 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*.

26. 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.

27. 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.

28. 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 docket and paper work for the disposal shall be retained and made available to the Council if requested.

29. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by VIPAC Engineers & Scientists Ltd, referenced as 20C-10-0264-TRP-462550-0, dated 17 December 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

1. An acoustic assessment is to be conducted at Construction Certificate stage to determine whether the plant and equipment (in particular basement car park ventilation) selection are in compliance with The Hills Shire Council DCP and DECCW Industrial Noise Policy. In particular the following points will need to be addressed.
 - a. The location of mechanical services equipment is to be away from noise sensitive receivers;
 - b. Whether the installation of low noise condenser units is implemented;
 - c. Achievement of no direct 'line of sight' path between the nearest resident and all the major mechanical equipment or exhaust fans; and
 - d. Installation of barriers and acoustic enclosures should the above measures not be adequate.
2. Windows are to have acoustic glazing as per the glazing schedule for the site located in section 5.2 and Appendix D: Glazing Schedule.
3. The basement car park is to comply with Australian Standard 2107:2000 – Recommended Design Sound Levels and Reverberation Times for Building Interiors.
4. Compliance testing is to occur once the project has reached completion stage. Noise measurements are to occur during the representative periods; day-time and night-time. The noise level measurements are to occur inside the sensitive spaces such as the bedrooms and the living rooms.

30. Secure Properties and Maintain Vegetation

The houses that are currently located on the proposed development site are to be made secure so that public cannot access the houses or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and/or unhealthy environment.

31. 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;

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.

32. Road Opening Permit

Should the development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate construction approval issued by Council under the Roads Act 1993, as required elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required or not.

33. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development. The strata subdivision of the approved buildings cannot be carried out as complying development as the parking spaces were not allocated to individual tenancies at the development application stage, as required by Part 6.2 of the Codes SEPP.

34. Separate Application for Subdivision

A separate application must be submitted to excise the open space zoned land from the remainder of the development site. Only the land zoned open space is to be excised, with the final boundary location subject to Council's approval.

35. 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.

36. 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.

37. 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.

38. 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. 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.

39. 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.

40. 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/>

Both internal access roads and all three driveways, as shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno, must be built to Council's heavy duty standard (minimum).

Both internal access roads are private roads, not public roads, for their full length.

The western access road must be 8m wide (minimum) at the property boundary splayed to 10m wide at the kerb in Shirley Street. A layback must be provided, instead of the splayed kerb return shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno; so that this access road presents as a private road instead of an extension to the public road network.

The eastern access road must be 6m wide (minimum) at the property boundary splayed to 8m wide at the kerb in Shirley Street. A layback must be provided so that this access road presents as a private road instead of an extension to the public road network.

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

1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Pennant Hills Road frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

2.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Shirley Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan 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 Shirley Street and Pennant Hills Road 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.

41. 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.

42. 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.

43. 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. 350346M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

44. Compliance with RailCorp/NSW Transport Requirements

Compliance with the operational conditions of RailCorp/NSW Transport attached as Appendix "A" to this consent and dated 9 March 2011.

45. Compliance with Roads & Maritime Services Requirements

The proposed development is to be undertaken in accordance with the following: -

- The subject property is affected by a road proposal. Any new buildings or structures are erected clear of the land required for road widening.
- The developer shall submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer shall meet the full cost of the assessment by the RTA. The report would need to address the following key issues:
 - a. The impact of excavation/rock anchors on the stability of the Pennant Hills Road and detailing how the carriageway would be monitored for settlement.
 - b. The impact of the excavation on the structural stability of the Pennant Hills Road.
 - c. Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph: 8837 0246 or Graham Yip on Ph: 8837 0245) for details.
- All works associated with the subject development shall be carried out at no cost to the RTA.

46. Compliance with Requirements of NSW Police

The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 21 May 2009 and 21 July 2009 comprising the following: -

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting the entry and exit points from the buildings, the swimming pool, gymnasium, car park and access/exit driveways. At the same time throughout the site transition lighting is required to reduce vision impairment.
- Use of CCTV coverage to monitor common areas, such as the gym and lobby etc and the access/exit driveways and underground car parks.
- Vegetation to be kept trimmed at all times.
- The use of security shutters placed at the vehicular entrance to the residential parking areas and separate shutters restricting access to each of the basement levels.
- Use of intercom system to restrict both pedestrian and vehicular access to the building.
- The underground car parking areas to be painted white to assist in reflecting light.
- Fencing at least 5 foot in height be installed as a security measure to restrict access to the community facilities especially pool areas.
- Use of anti-graffiti building materials.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.
- Better quality of construction between garages, improved strength to garage doors and better quality locking mechanism.
- Allowance to be made to permit residents/developer to install an alarm system in garages/storage areas connected to the relevant unit. The developer either installs the alarm system throughout the site or provides cabling or wireless connectivity between the unit and the garages/storage areas.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

47. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will promptly issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

48. Compliance with Carlingford Public Domain Plan

A detailed Public Domain Plan must be prepared by a suitably qualified professional in accordance with the Carlingford Precinct Public Domain Plan and must be lodged with and approved by Council prior to any new building work.

49. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming that satisfactory arrangements have been made for the under-grounding of existing electrical services and associated infrastructure or provision of under-ground electrical services. Street lighting is required in accordance with Council's Public Domain Plan for the Carlingford Precinct and a hinged lighting column is required where adjoining pedestrian links. The certificate must refer to the issued Development Consent No. 1103/2011/JP.

50. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming that satisfactory arrangements have been made for the undergrounding or provision of underground telecommunications, including telecommunications cables and associated infrastructure. The certificate must refer to the issued Development Consent No. 1103/2011/JP.

51. Design Verification

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

52. Fencing – Boundary

Boundary fencing is to provide an effective height of 1.8 metres and be of lapped and capped timber. All fencing shall be provided at the expense of the applicant. Replacement of existing fencing shall only be with concurrence of the adjoining property owners.

53. Provision of Fire Hydrants

Provide fire hydrant booster locations as required by AS2419.1 and approved by NSW Fire & Rescue prior to the issue of the Construction Certificate. The Principal Certifying Authority is to ascertain that the required fire hydrants have been provided on site in particular for fire fighting access to Nos. 2-6 Shirley Street (to include provision of a gate at the boundary between Nos. 2-6 Shirley Street and the development site) before accepting any certification of the fire hydrant system.

54. No Deviation from Development Consent

The Principal Certifying Authority shall not authorise any variations to the development consent and the approved plans. If variations are required, a Section 96 modification shall be lodged and approved by council prior to the issue of the Construction Certificate or prior to the implementation of the variations during construction.

55. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

56. 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

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

All the works listed below are "building works". There are no "subdivision works" included as part of this development. These "building works" can be separated into three categories:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) Four copies of the design plans and specifications.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 must be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" must be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 must be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or an adjoining private property, that does not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

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

i. Road Closure/ Kerb and Gutter and Footpath Verge Formation

Janell Crescent must be closed and its intersection with Pennant Hills Road removed and replaced with kerb and gutter, including all associated drainage, road pavement, concrete footpath, verge formation, service adjustments and ancillary work required to make the construction effective.

The carriageway width, footpath verge width and kerb alignment must match that existing on either side.

ii. Public Stormwater Drainage

The existing stormwater pipeline between Pennant Hills Road and Shirley Street that traverses the subject site and 27-29 Lloyds Road must be replaced and realigned.

The design solution shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno must be amended. There are two acceptable design solutions to the reconstruction and realignment of this pipeline, as follows:

1. The existing 450mm diameter pipeline must be replaced with a new 750mm diameter pipeline within Pennant Hills Road and Shirley Street extending from the existing kerb inlet pit fronting 255 Pennant Hills Road to the existing kerb inlet pit fronting 2-6 Shirley Street. The new pipeline must be located underneath the kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

This option removes the public stormwater connection through 27-29 Lloyds Road removing the need for the 3m wide public easement required to be created within that property earlier in this consent.

2. The existing 450mm diameter pipeline must be replaced with a new 750mm diameter pipeline partly within Pennant Hills Road, the subject site and 27-29 Lloyds Road. The new pipeline must extend along (and within) Pennant Hills Road under the existing kerb alignment between the existing kerb inlet pit fronting 255 Pennant Hills Road to the site's southern boundary, adjacent to 27-29 Lloyds Road, where a new kerb inlet pit must be constructed. From here, the pipeline must extend north along the site's western boundary, generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno, to the existing 450mm diameter pipeline. The new 750mm pipeline must then extend through 27-29 Lloyds Road to the existing kerb inlet pit fronting 2-6 Shirley Street along the alignment of the existing 450mm diameter pipeline.

This option will necessitate the creation of a 3m wide (minimum) public easement within 27-29 Lloyds Road generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno, as required earlier in this consent.

iii. Inter-allotment Stormwater Drainage

Two separate piped inter-allotment drainage pipelines must be constructed within the site and 27-29 Lloyds Road, generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 and Drawing 89022822-006 Revision 2 dated 14 September 2011 prepared by Cardno.

The 450mm diameter pipeline within 27-29 Lloyds Road must either extend to the proposed 650mm diameter pipeline within the 3m wide public easement located within that property, or extend all the way to the existing kerb inlet pit fronting 255 Pennant Hills Road, depending on which design option is adopted under point (ii) above. This will also dictate the location and extent of the 1.5m wide (minimum) inter-allotment drainage easement required to be created over 27-29 Lloyds Road as required earlier in this consent.

All inter-allotment drainage must be designed and sized for a 1 in 10 year ARI storm event catering for the entire area of each benefited lot, with an assumed impervious surface of 80%.

iv. 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/>

Both internal access roads and all three driveways, as shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno, must be built to Council's heavy duty standard (minimum).

Both internal access roads are private roads, not public roads, for their full length.

The western access road must be 8m wide (minimum) at the property boundary splayed to 10m wide at the kerb in Shirley Street. A layback must be provided, instead of the splayed kerb return shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno; so that this access road presents as a private road instead of an

extension to the public road network. The cul-de-sac turning head provided at the end of this road must have a minimum diameter of 19m, measured from the face of kerb on both sides.

The eastern access road must be 6m wide (minimum) at the property boundary splayed to 8m wide at the kerb in Shirley Street. A layback must be provided so that this access road presents as a private road instead of an extension to the public road network.

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

v. Concrete Footpath Paving

1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Pennant Hills Road frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

2.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Shirley Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

vi. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Shirley Street and Pennant Hills Road 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.

vii. 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 generally in accordance with the plans and details prepared by Cardno submitted with the development application.

ix. Services

Any existing services, including those in Janell Crescent, that need to be removed or relocated as part of the development must be removed or relocated in consultation with the relevant service authority. These servicing works must be shown on the submitted engineering drawings.

x. Water Sensitive Urban Design Elements

Water sensitive urban design elements are to be located generally in accordance with the plans and information prepared by Cardno and submitted with the development 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 with the design.

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/tools-resources/index.html>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

57. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted in order to satisfy Clause 4.37 of the Carlingford DCP. The report must consider the geotechnical statement prepared by HKMA Engineers dated 9 August 2011 submitted with the development application. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

58. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

59. 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.

60. 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.

61. 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 Cardno is for development application 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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 \$139,380.00 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 plus an additional 50m on either side and the width of the road measured from face of kerb on both sides, as detailed below:

| Road: | Frontage: | Width: | Bond |
|---------------------------|--------------------|------------|--------------------|
| <i>Shirley Street</i> | <i>288m (338m)</i> | <i>7m</i> | <i>\$70,980.00</i> |
| <i>Pennant Hills Road</i> | <i>140m (190m)</i> | <i>12m</i> | <i>\$68,400.00</i> |

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.

68. Security Bond – External Works

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

The bond 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.

69. 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 1103/2011/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.

70. Landscape Bond

To ensure the public amenity of the Shire a landscape bond in the amount of \$50,000.00 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 Final 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.

PRIOR TO WORK COMMENCING ON THE SITE

71. Notification

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

72. Principal Certifying Authority

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

73. 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.

74. Compliance with Energy Australia's Requirements

As the presence of the in-service power lines pose a possible safety risk for construction workers and construction activity has the potential to place the security of the electrical network at risk, the following information shall be provided to Energy Australia for consideration and approval prior to any commencement of works on site:

- Restrictions on the use of cranes and other such moveable construction plant near power lines;
- The erection of structures within the existing easements and other activities which are prohibited within the easement or near in-service power lines; and
- Safe work method statements for review by Energy Australia prior to site works commencing. Such safety procedures should be included in the Construction Safety and Environmental Management Plan.

75. 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.

76. 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.

77. 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.

78. NSW Roads and Maritime Services Design Approval

Prior to any works commencing, the design and construction of the works in Pennant Hills Road must be approved by the NSW Roads and Maritime Services. Four copies of the NSW Roads and Maritime Services' stamped approved construction plans and a covering letter from the NSW Roads and Maritime Services advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

79. 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.

80. 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.

81. Erosion and Sedimentation Controls

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.

82. 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).

83. 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.

84. 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.

85. Dilapidation Survey

Prior to work commencing the structural engineer shall carry out a dilapidation survey of the adjoining dwellings and submit a copy of the survey both to Council and the property owner.

86. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970-2009 Protection of Trees on Development Sites and as detailed in Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011.

DURING CONSTRUCTION

87. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report.
- Waste Management Plan.
- Erosion and Sedimentation Control Plan.
- Traffic Control Plan.

88. 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.

89. 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.

90. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

91. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the development is occupied.

92. Pool not to be Filled Until Fencing Erected

Pool not to be filled with water until a safety fence inspection has been carried out and approval given by the Principal Certifying Authority.

93. 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.

94. Temporary Fencing of Pools

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the required swimming pool fence has been installed.

95. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2007. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

96. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

97. 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.

98. 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.

99. Mechanical / Equipment Noise Measurements

As per the report prepared by VIPAC referenced as 20C-10-0264-TRP-462550-0 and dated 17 December 2010, an acoustic assessment is to be conducted once the plant and equipment selection has been finalised. If the report highlights that there is non-compliance with the criteria specified (Council DCP and DECCW Industrial Noise Policy) appropriate noise mitigation measures are to be implemented as per the recommendations of the acoustic assessment.

100. Control of Early Morning Noise from Trucks

Trucks associated with the development and construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

101. Control of Noise from Trucks

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

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

102. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

103. Undergrounding of 132kV Double Circuit Powerlines

Submission to Council of documentary evidence from Energy Australia that the requirements of the Construction Contract to underground the existing 132kV Double Circuit Powerlines have been satisfied.

104. Compliance with Carlingford Public Domain Plan

Submission of a certificate from Council confirming that Prior to the issue of the Occupation Certificate, documentary evidence from Council shall be provided stating that a site inspection of all landscaping works by Councils Landscape Projects Officer has been undertaken.

105. Installation of 'No Parking' Restrictions

Prior to the issue of the Occupation Certificate and subject to final endorsement by the Local Traffic Committee the applicant is to install approximately 450m of full time 'No Parking' restrictions on the development side of Shirley Street for the full frontage of the development. All signage is to be at the expense of the applicant.

106. 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.

107. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

108. Inspection of Bin Bay Storage Area(s)

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

109. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the external engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

110. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the external engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

111. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided certifying that all pipes and drainage structures are located within the proposed drainage easements.

112. 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).

113. 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.

114. 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.

115. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in Pennant Hills Road have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

116. 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.

117. 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.

118. 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. Standard wording is available on Council's website and must be used.

i. Restriction – OSD Modification

A restriction 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 to ensure the ongoing maintenance of the constructed onsite stormwater detention system at the expense of the property owner.

iii. Restriction – WSUD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed water sensitive urban design elements.

iv. Positive Covenant – WSUD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed water sensitive urban design elements at the expense of the property owner.

v. Positive Covenant – Stormwater Pump Maintenance

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

vi. Restriction – Vehicular Access

A restriction must be created restricting access to Pennant Hills Road from the subject site.

vii. Restriction – Bedroom Numbers

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

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.

119. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

120. Completion of Water Sensitive Urban Design Elements

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

121. 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).

122. 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.

123. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

124. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issuing of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

125. Final Dilapidation Survey

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at adjoining properties referred and submit a copy of the survey both to Council and the property owner.

126. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping and the approved plan.

127. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) The Building Code of Australia,
- b) AS 1668 Part 1 & 2 – 1991,
- c) The Public Health Act – 1991
- d) Public Health (Microbial Control) Regulation 2000,
- e) Work Cover Authority,
- f) AS 3666 –1989 Air Handling and water system of building microbial control

Part 1 - Design installation and commissioning

Part 2 - Operation and maintenance

Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council prior to commissioning.

THE USE OF THE SITE

128. Swimming Pool

The proposed swimming pool is to be maintained in accordance with The New South Wales Department of Health Public Swimming Pool and Spa Pool Guidelines, 1996.

129. 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*.

130. Final Acoustic Report

On completion of the development 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. The report shall also certify that the design of the traffic noise affected portions of the building complies with the EPA's – Environmental criteria for road traffic noise. **A copy of this certification and the acoustic assessment shall be submitted to council prior to the Occupation Certificate**

131. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Ground Floor/Site Plan
4. Elevations
5. Perspectives
6. Shadow Diagrams
7. Sight Line Diagram to Nos. 2-6 Shirley St
8. Key Site Plan
9. RMS (formerly RTA) Comments
10. Railcorp Concurrence Letter

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- SUBMISSIONS RECEIVED
- ✓ PROPERTIES NOTIFIED

NOTE: ONE SUBMISSION RECEIVED
OFF THE SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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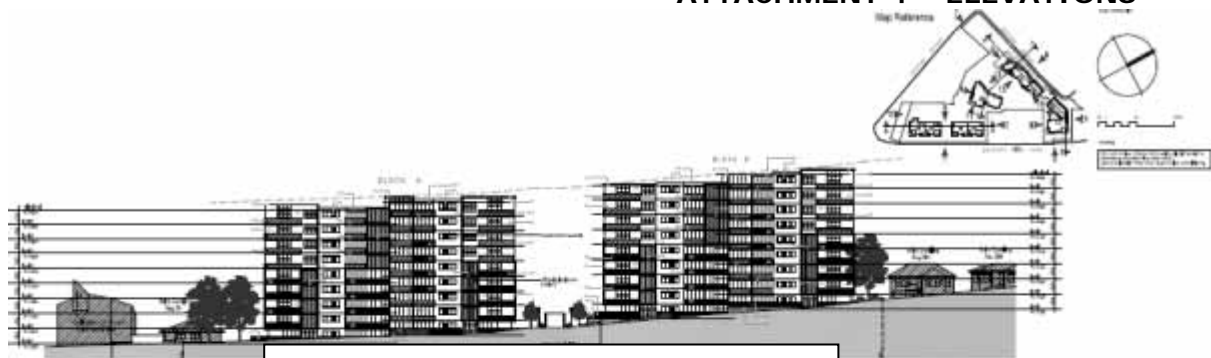
ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – GROUND FLOOR/SITE PLAN



ATTACHMENT 4 – ELEVATIONS

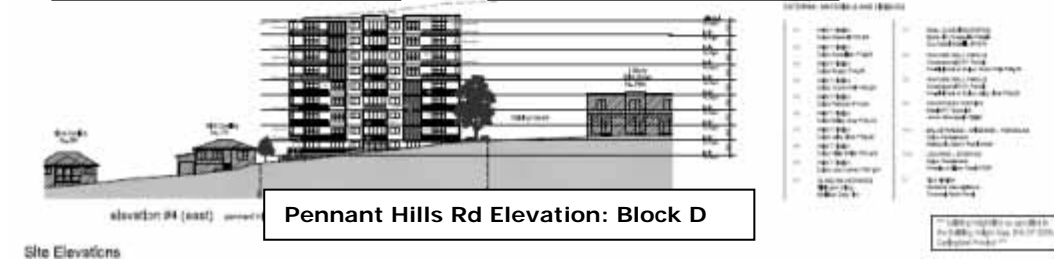


Pennant Hills Rd Elevation: Blocks A & B



North Elevation: Block B

South Elevation: Block D



Pennant Hills Rd Elevation: Block D



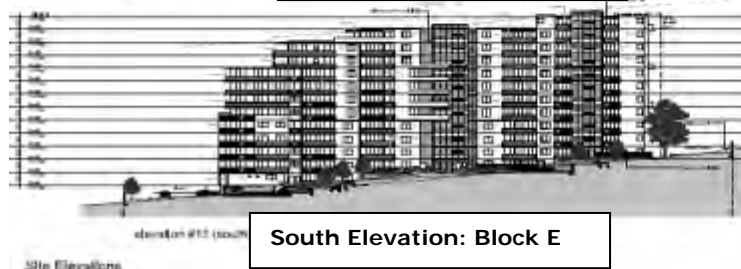
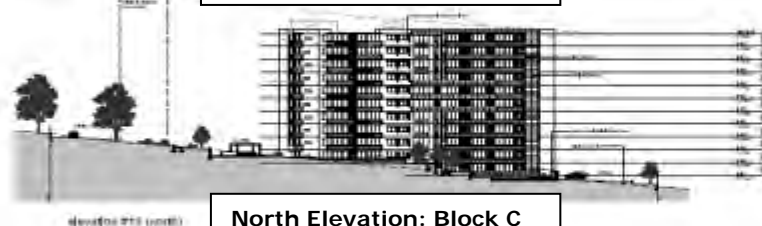
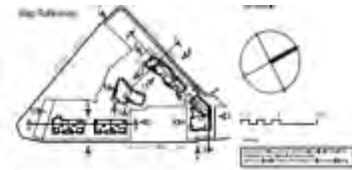
North East Elevation: Block D

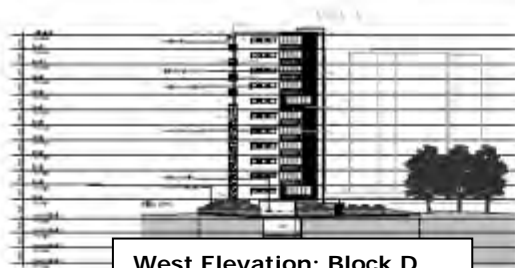


Shirley St North Elevation: Blocks D & E

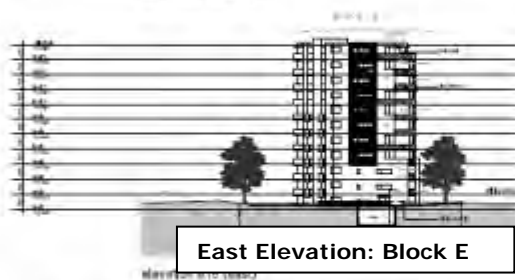


Shirley St West Elevation: Block E





West Elevation: Block D

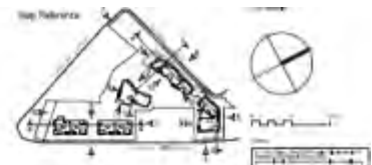


East Elevation: Block E



North East Elevation: Block D

Site Elevations



| Legend | |
|--------|--------|
| 1.00m | 1.00m |
| 2.00m | 2.00m |
| 3.00m | 3.00m |
| 4.00m | 4.00m |
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| architect | |
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| 19.00m | 19.00m |
| 20.00m | 20.00m |

ATTACHMENT 5 – PERSPECTIVES



View 02: Penrith Hills Road South

Proposed Residential Apartments

2-10 Janell Crescent / 14-30 Shirley Street / 247-261 + 277-281 Penrith Hills Road, Carlingford

architex
architects and planners



View 03: Penrith Hills Road North

Proposed Residential Apartments

2-10 Janell Crescent / 14-30 Shirley Street / 247-261 + 277-281 Penrith Hills Road, Carlingford

architex
architects and planners



View 04: Internal View - Public Open Space

Proposed Residential Apartments

2-10 Jarell Crescent / 14-30 Shirley Street / 247-261 + 277-281 Pennant Hills Road, Carlingford

architex
architects and planners



View 05: Driveway Entry - Shirley Street

Proposed Residential Apartments

2-10 Jarell Crescent / 14-30 Shirley Street / 247-261 + 277-281 Pennant Hills Road, Carlingford

architex
architects and planners



View Q1: Public Reserves - West of Shirley Street

Proposed Residential Apartments

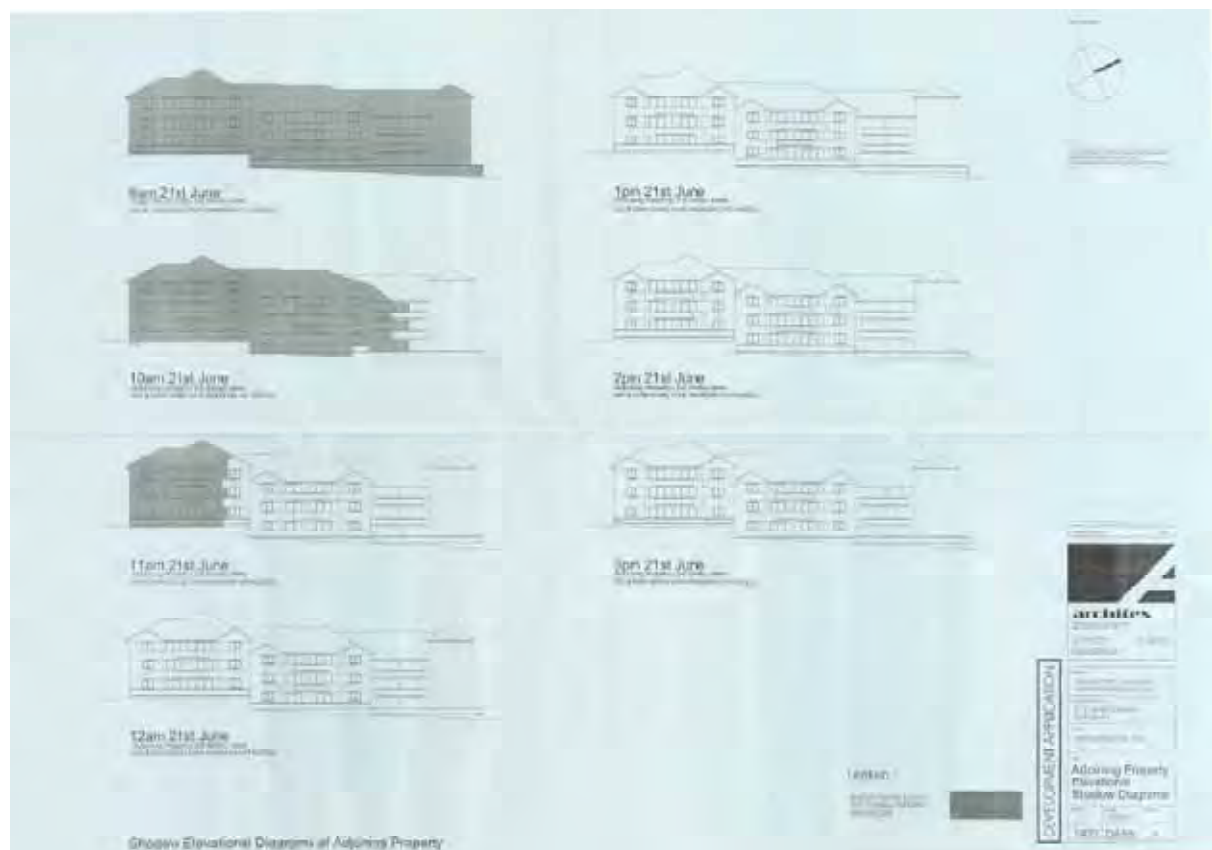
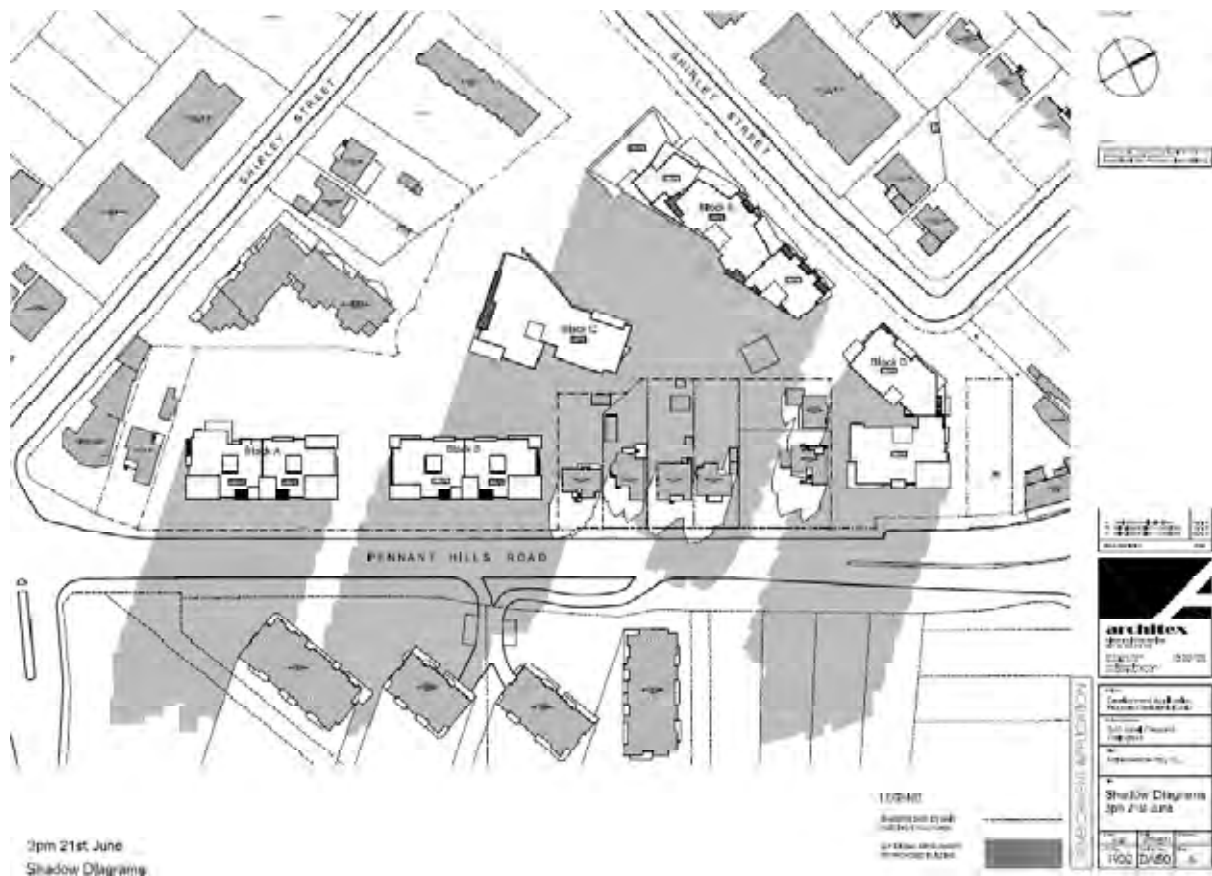
2-50 Janet Crescent / 14-30 Shirley Street / 247-261 + 277-281 Pennant Hills Road, Carlingford

architex
architects and planners

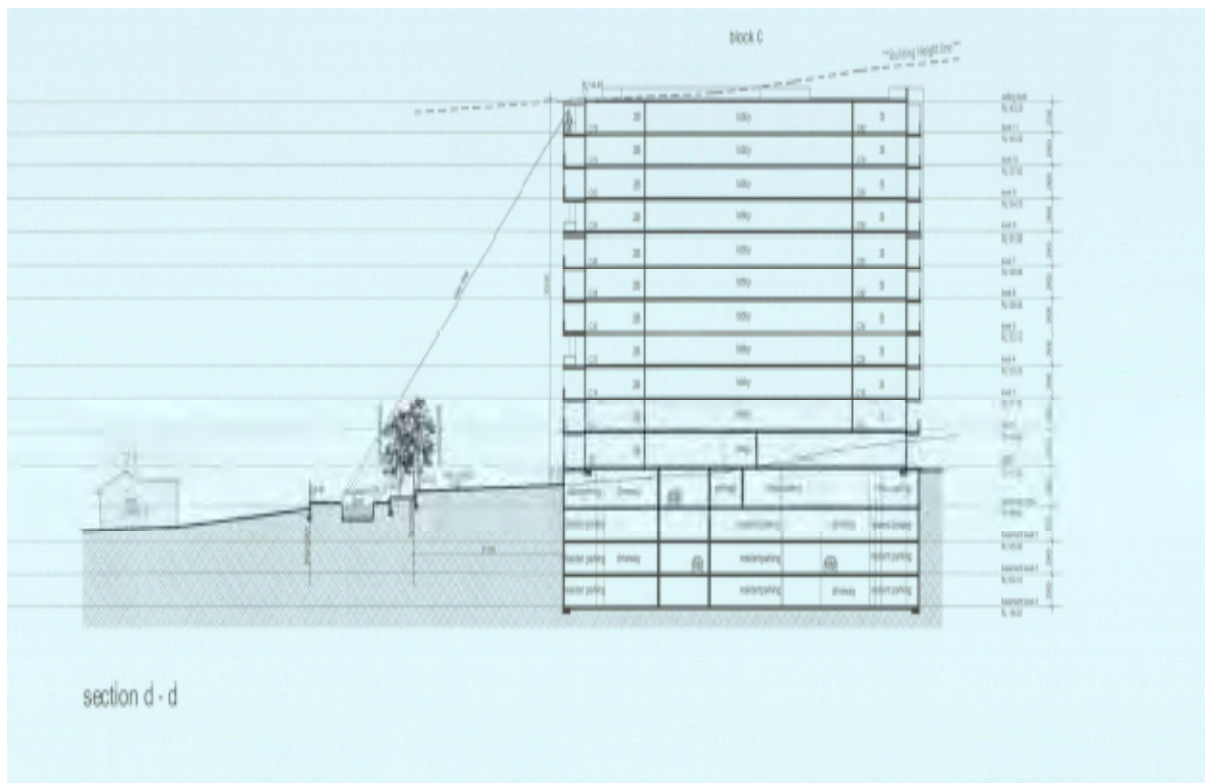


ATTACHMENT 6 – SHADOW DIAGRAMS






ATTACHMENT 7 – SIGHT LINE DIAGRAM TO NOS. 2-6 SHIRLEY ST



ATTACHMENT 8 – KEY SITE PLAN



ATTACHMENT 9 – RMS (FORMERLY RTA) COMMENTS

| | |
|---|--|
| <p>Our Reference: RDC111641 SYD11100158/02 Your Reference: 1103/2011/JP Contact: Paheer Sellathurai Telephone: 8849 2219</p> |  <p>Transport Roads & Traffic Authority</p> |
|---|--|

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

| |
|-------------------------|
| DOC. No.: |
| BOX No.: |
| 20 JUN 2011 |
| THE HILLS SHIRE COUNCIL |

Attention: Greg Samardic

CONSTRUCTION OF FIVE RESIDENTIAL APARTMENT BUILDINGS COMPRISING 450 UNITS CORNER OF PENNANT HILLS ROAD AND SHIRLEY STREET, CARLINGFORD

Dear Sir/Madam,

I refer to your letter of 17 February 2011 (Council Ref: 1103/2011/JP) and the additional required information provided on 17 May 2011, concerning the above mentioned development application which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

The RTA has reviewed the development application and identified the following outstanding issues with regard to the proposed development. Council is requested to defer the determination of the development application until the following issues have been resolved to the satisfaction of Council and the RTA:

1. The traffic report prepared by Brown Consulting for this development concluded that the traffic impacts of this development will be satisfactory. Brown Consulting came to this conclusion based on a traffic report prepared in 2008 by Masson Wilson Twiney for the Carlingford precinct.

However, Brown Consulting ignored the fact that the three crucial recommendations of the Masson Wilson Twiney's traffic report are not included in the Council's 594 contribution plan for the precinct. Without any mechanism to implement these three recommendations, the findings of Masson Wilson Twiney's traffic study are irrelevant to this development.
2. Therefore, the following two items recommended in the traffic report by Masson Wilson Twiney need to be implemented as part of this development to address the road safety and traffic efficiency concerns caused by this development:
 - Closure of Shirley Street at Pennant Hills Road; and
 - Closure of Post Office Street at Pennant Hills Road for exiting vehicles only.

Roads and Traffic Authority of New South Wales

Page 1 of 2

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA NSW 2150 DX 28555
www.rta.nsw.gov.au | 13 22 13

3. The implementation of the road closures would be subject to the submission of a Traffic Management Plan (TMP) to the RTA and Council's Local Traffic Committee for approval prior to the issue of a construction certificate.

Subject to the above requirements being satisfied prior to the determination of the development application, the RTA will grant its concurrence to the proposed closure of Janell Crescent, Shirley Street and Post Office Street subject to the following requirements being incorporated in the development consent:

1. Certified copies of civil design plans for the closure of Janell Crescent, Shirley Street and Post Office Street shall be submitted to the RTA for consideration and approval prior to the release of Construction Certificate by Council and commencement of any road works.

The RTA fees for administration, plan checking, civil works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned civil works. The Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans. The Construction Certificate shall not be released by Council until such time the WAD is executed.

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above works and as required by the various public utility authorities and/or their agents.

2. The subject property is affected by a road proposal as shown by pink colour on the attached plan. The RTA has no objections to the development proposal on property grounds, provided any new buildings or structures are erected clear of the land required for road widening.
3. The developer shall submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer shall meet the full cost of the assessment by the RTA.

The report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of the Pennant Hills Road and detailing how the cameway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of the Pennant Hills Road.
- c. Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph: 8837 0246 or Graham Yip on Ph: 8837 0245) for details.

4. All works associated with the subject development shall be carried out at no cost to the RTA.

In addition to the above the RTA provides the following advisory comments to Council for its consideration in the determination of the development application:

5. Council shall ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development application discharge.

Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Page 2 of 3

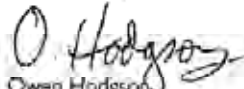
Details should be forwarded to:
The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 7766.

6. All vehicles shall enter and exit the site in a forward direction.
7. The amount of off-street car parking spaces shall be provided to the satisfaction of Council.
8. The layout of the proposed car parking and loading areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions and loading docks) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
9. The proposed development should be designed such that road traffic noise from Pennant Hills Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
10. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.
11. All demolition and construction vehicles are to be contained wholly within the site or on Shirley Street. A construction zone will not be permitted on Pennant Hills Road.
12. A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Pennant Hills Road during construction activities.

Further enquiries in relation to this matter can be directed to Pahee Sellathurai on 8849 7719

Yours faithfully,



Owen Hodgson
Senior Land Use Planner
Transport Planning, Sydney Region

14 June 2011

ATTACHMENT 10 – RAILCORP CONCURRENCE LETTER



RailCorp Property
PO Box K340 Haymarket 1238
Tel: (02) 5922 1937
Email: jim.tairimagoes@railcorp.nsw.gov.au

9 March 2011

General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

| |
|----------------------------|
| DOC. No.: |
| BOX No. / MARKED #3 |
| 11 MAR 2011 |
| THE HILLS SHIRE COUNCIL |

Attention: Greg Samardzic

SCANNED

Dear Sir,

**14-30 SHIRLEY STREET, 6-10 JANELL CRESCENT, 247-261 & 277-281
PENNANT HILLS ROAD, CARLINGFORD (1103/2011/JP)**

I refer to your letter of 17 February 2011 and received on 24 February 2011 concerning the above development application referred to RailCorp pursuant to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

The development, the subject of this development application (proposed development), involves a large site with frontages on Shirley Street, Janell Crescent and Pennant Hills Road, Carlingford. The proposed development also involves considerable excavation for development of below-ground levels.

The site is covered by the provisions of the ISEPP as it adjoins a rail corridor over which the Minister for Planning has given approval for the carrying out of development for the purpose of a railway or rail infrastructure facilities. In this case, the second stage of the Parramatta Rail Link (PRL), now referred to as Parramatta Epping Rail Link (PERL). The north-western corner of the site is partially within the PERL protection zone and has been designated as public open space in the plans accompanying the application.

Clause 86 of the ISEPP requires RailCorp to take into consideration the likely effect of the proposed development on:

- a. the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - i. the safety or structural integrity of existing or proposed rail infrastructure facilities;
 - ii. the safe and effective operation of existing or proposed rail infrastructure facilities;
- b. the measures that are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

RailCorp has taken the above matters into consideration.

RailCorp gives concurrence to the proposed development subject to the attached conditions (Attachment A) being included in any such development consent.

Please contact John Bryan on 0409 243 851, should you wish to discuss this submission.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'I. Glavinic', with a horizontal line underneath.

IVAN GLAVINIC
A/General Manager
Property

Attachment A

**14-30 SHIRLEY STREET, 6-10 JANELL CRESCENT, 247-261 & 277-281
PENNANT HILLS ROAD, CARLINGFORD (1103/2011/JP)**

RAILCORP CONCURRENCE REQUIREMENTS

1. Allow in the design and construction for the future construction of rail tunnels in the vicinity of the approved development.
2. Allow in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.
3. No modifications may be made to the approved design for that part of the site identified as "Western Open Space" on drawing 0311.LA.01, Issue B dated 6 January 2011 prepared by Greenland Design, without the consent of RailCorp. (Note: This drawing is in Appendix E of the Statement of Environmental Effects.)
4. Provide the General Manager Network Development, RailCorp with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow RailCorp to fully understand the interaction between the approved development and the Parramatta to Epping Rail Link (PERL) and receive written confirmation from RailCorp that the information satisfies RailCorp's requirements, prior to the issue of an occupancy certificate.
5. Copies of any certificates, drawings or approvals given to or issued by RailCorp must be delivered to the Shire for its records.