

# JRPP PLANNING REPORT

<b>JRPP NO:</b>	2011SYW082
<b>DA NO:</b>	DA NO. 6/2012/JP
<b>PROPOSED DEVELOPMENT:</b>	CONCEPT MASTERPLAN AND STAGED RESIDENTIAL SUBDIVISION WITH ROAD CONSTRUCTION AND PUBLIC RESERVE CREATION AND DEDICATION
<b>SUBJECT SITE:</b>	LOT 2 DP 817696 – NO. 64 MACKILLOP DRIVE, BAULKHAM HILLS
<b>APPLICANT:</b>	UPDM PTY LTD
<b>LODGEMENT DATE:</b>	4 JULY 2011
<b>REPORT BY:</b>	SENIOR TOWN PLANNER SHANNON BUTLER
<b>RECOMMENDATION:</b>	APPROVAL

## BACKGROUND

## MANDATORY REQUIREMENTS

Owner:	St Joseph's Centre	1.	<u>BHLEP 2005</u> : Satisfactory.
Zoning:	<p>BHLEP 2005: Special Uses 5(a)(Place of Worship)</p> <p>LEP 2012: R2 – Low Density</p> <p>N.B: Planning Proposal to amend LEP with DOPI for finalisation: Part R4, Part R3 and Part R2.</p>	<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p>	<p><u>LEP 2012</u>: Satisfactory.</p> <p><u>SREP (Sydney Harbour Catchment) 2005</u>: Satisfactory.</p> <p><u>SEPP No. 32 – Urban Consolidation</u>: Satisfactory.</p> <p><u>THDCP 2012 Part B, Section 2 – Residential</u> – Variations proposed, see report.</p> <p><u>THDCP 2012 Part B, Section 5 – Residential Flat Buildings</u> – Satisfactory subject to future Development Applications for the physical building works.</p> <p><u>Section 79C (EP&amp;A Act)</u> – Satisfactory.</p>
Area:	181,500m <sup>2</sup>	8.	<p><u>Section 94 Contribution</u></p> <p>Stage 1: \$62,078.52</p> <p>Stage 1A: \$8,590.36</p> <p>Stage 1B: Nil – pursuant to Voluntary Planning Agreement</p> <p>Stage 2A: \$2,915.04</p>

			Stage 2B: \$6,585.39 Stage 3: \$801.33 Total: \$80,970.64
Existing Development:	Place of Public Worship		

#### REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes – 30 days.	1.	Capital Investment Value in excess of \$20 million when all components of the staged subdivision and master plan are considered.
2. Notice Adj Owners:	1 <sup>st</sup> : Yes – 30 days. 2 <sup>nd</sup> : Yes – 14 days.		
3. Number Advised:	1 <sup>st</sup> : 184 2 <sup>nd</sup> : 196		
4. Submissions Received:	1 <sup>st</sup> : 28 submissions  2 <sup>nd</sup> : 52 submissions (inclusive of submissions submitted to the Planning Proposal)		

#### HISTORY

<b>11/08/2009</b>	Development Application 230/2010/HC lodged with Council for a proposed staged concept plan comprising future low and medium density residential development and open space areas.
<b>19/08/2009</b>	Applicant advised that the application is unsatisfactory and was returned in accordance with <i>The Environmental Planning and Assessment Regulations 2000</i> .
<b>19/10/2010</b>	Prelodgement Meeting (53/2011/PREZ) undertaken to consider a proposed master plan and staged plan of subdivision.
<b>22/03/2011</b>	Application lodged to amend the Baulkham Hills DCP and introduce site specific development controls for No. 64 MacKillop Drive, Baulkham Hills (being the subject site).
<b>04/07/2011</b>	Subject Development Application lodged with Council.
<b>22/07/2011 - 26/08/2011</b>	The Development Application was placed on public exhibition as nominated integrated development.
<b>30/07/2011</b>	Additional Planning Assessment Report submitted to Council by the applicant for inclusion in the assessment of the Development Application.
<b>16/08/2011</b>	Comments received from the NSW Roads and Traffic Authority

	(now the NSW Roads and Maritime Services). These comments raised concerns with the traffic volume data submitted by the applicant and requested revised modelling be undertaken.
<b>16/08/2011</b>	Letter sent to the applicant raising permissibility issues with the proposed development under the Draft LEP, numerous non compliances with the DCP and request for additional information concerning salinity, use of the community facilities, contamination information, infrastructure dedication, additional subdivision details, hydraulic and flood modelling information, road construction details, landscaping batter details, Geotechnical Peer Review Panel agreement, further details on proposed cut, fill and OSD retaining wall presentation, waste management details, further heritage impact assessment details and additional flora and fauna information.
<b>22/09/2011</b>	Letters sent to various geotechnical consultants to obtain quotations for a peer review as required by THDCP Part B, Section 2 – Residential.
<b>10/10/2011</b>	Letter sent to the applicant outlining traffic concerns (including comments from the RTA) and request for further traffic modelling information.
<b>03/11/2011</b>	Conciliation conference held at Council between the applicant, applicant's consultants, residents, council staff and Councillors.
<b>28/11/2011</b>	Email received from the applicant agreeing to engage the Geotechnical Peer Review Panel and the appointment of the two selected consultants.
<b>06/12/2011</b>	Additional information received from the applicant.
<b>23/01/2012</b>	Further comments received from the NSW RMS advising that the revised Traffic Impact Assessment Report has satisfactorily addressed the concerns raised.
<b>25/01/2012</b>	Geotechnical Peer Review Panel Report received from the appointed consultants which raise no objection to the proposed development subject to recommended conditions of consent.
<b>28/02/2012</b>	An Ordinary Meeting of Council resolved that:- <ul style="list-style-type: none"> <li>a) The proposed amendments to Part C Section 3 Residential of Baulkham Hills Development Control Plan be exhibited (now a superceded version of the DCP).</li> <li>b) A Planning Proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination for No.64 MacKillop Drive (Lot 2 DP 817696) to amend the future R2 zone under Draft LEP 2010 to part R4 High Density Residential, part R3 Medium Density Residential and part R2 Low Density Residential, with a building height of 16m for the R4 High Density Residential area.</li> </ul>
<b>02/03/2012</b>	Further letter sent to the applicant requesting further

	information concerning site contamination, waste management, stormwater disposal and flood management information, traffic management requirements and advice that the application could not be determined until the Draft DCP was finalised and the proposal demonstrated compliance with this revised DCP.
<b>18/04/2012</b>	Meeting undertaken between Council staff and the applicants hydraulic consultant to discuss stormwater management and flood management requirements.
<b>23/04/2012</b>	Additional flood management information and hydraulic modelling submitted.
<b>18/06/2012</b>	Additional information submitted from the applicant.
<b>26/06/2012</b>	Further contamination assessment details submitted from the applicant. This correspondence also requested the matter be reported to the JRPP for determination.
<b>27/06/2012</b>	Email sent to the applicant advising that the Development Application is dependent upon a planning proposal (as the proposed works are prohibited development under the draft LEP) and contrary to the exhibited draft DCP amendment and as such cannot be favourably reported to the JRPP until these matters are reported to Council.
<b>27/06/2012</b>	Email correspondence received from the applicant's consultant reiterating that the savings provisions within the Draft LEP permit determination of the application in its current form. This advice however did not address the DCP issues raised within previous correspondence sent to the applicant.
<b>27/06/2012</b>	Meeting between the applicant and Council staff to discuss ongoing issues with the Draft DCP, Planning Proposal and Development Application concerning flood management and drainage.
<b>28/06/2012 – 12/07/2012</b>	The amended information was renotified to neighbouring properties for a further 14 days.
<b>29/06/2012</b>	Correspondence sent to the applicant outlining a number of options requiring consideration, additional information and agreement. These options included the applicant entering into a voluntary planning agreement which requires approval by Council prior to determination of the Development Application and finalisation of the Draft DCP and Planning Proposal.
<b>09/07/2012</b>	Letter received from the Chair of the Joint Regional Planning Panel – Sydney West Region seeking advice on the status of the current Development Application.
<b>10/07/2012 – 10/08/2012</b>	Planning Proposal to amend Draft THLEP 2005 to part R4 High Density Residential, part R3 Medium Density Residential and part R2 Low Density Residential, with a building height of 16m for the R4 High Density Residential area placed on public exhibition.

<b>10/07/2012</b>	Letter sent to the Chair of the Joint Regional Planning Panel – Sydney West Region with further information on the status of the Development Application and request advice on how the Panel would seek the matter determined.
<b>13/07/2012</b>	Correspondence received from the applicant outlining concerns with the options suggested and request for further information.
<b>16/08/2012</b>	Letter sent to the applicant providing further information on the suggested options to be pursued and request for the applicant to provide written agreement to an option which will form part of a voluntary planning agreement to be reported to Council for determination.
<b>17/08/2012</b>	Email received from the JRPP Secretariat seeking further information on the processing of the Development Application and response emails sent outlining the status of the application.  This correspondence advised that the matter could not be determined until the planning proposal to rezone the site was resolved.
<b>17/09/2012</b>	Letter received from the applicant (dated 30 August 2012) providing partial agreement to one drainage option but did not include sufficient information to assess the resulting stormwater drainage and flood management impacts.
<b>04/10/2012</b>	Further letter sent to the applicant requesting additional stormwater drainage information, fencing details and provided advice on determination requirements.
<b>09/10/2012</b>	Email correspondence sent outlining requirements for a voluntary planning agreement.
<b>29/11/2012</b>	Additional information submitted to Council.
<b>04/12/2012</b>	Email sent to the applicant outlining the rationale for the fencing request stemming from the resolution of the conciliation conference.
<b>06/12/2012</b>	Response email received from the applicant advising that boundary fencing detail (as requested) would not be provided as the matter is covered by the provisions of the Dividing Fences Act.
<b>17/12/2012</b>	Draft Voluntary Planning Agreement (VPA) template referred to the applicant for preparation.
<b>04/02/2013</b>	Draft VPA document submitted to Council by the applicant.
<b>07/02/2013</b>	Email sent to the applicant requesting a cost breakdown within each stage to calculate Section 94A Contribution requirements.
<b>12/03/2013</b>	Letter sent to the applicant responding to the terms of the Draft VPA. This letter outlined a more reasonable monetary contribution towards downstream water quality improvement

	works.
<b>15/03/2013</b>	Legal advice received from the applicant responding to issues raised with respect to the draft Voluntary Planning Agreement.
<b>20/03/2012</b>	Meeting undertaken between the applicant and Council staff to discuss the progression of the draft voluntary planning agreement.
<b>22/03/2013</b>	Amended Draft Voluntary Planning Agreement referred to the applicant to review.
<b>14/05/2013</b>	<p>Draft Voluntary Planning Agreement reported to Council (in conjunction with proposed amendments to THLEP 2012 and THDCP 2012).</p> <p>The matter was deferred to seek further advice from the Council Officers and the applicant in relation to a number of issues raised during the meeting.</p>
<b>28/05/2013</b>	<p>Further Report concerning the Draft Voluntary Planning Proposal and amendments to THLEP 2012 and THDCP 2012 determined by Council.</p> <p>It was resolved that:</p> <ol style="list-style-type: none"> <li>1. The Planning Proposal for 64 Mackillop Drive (Lot 2 DP 817696) to amend the zone under The Hills LEP 2012 to part R4 - High Density Residential, part R3 - Medium Density Residential, with a building height of 16 metres for the area identified as R4 - High Density Residential be forwarded to the Department of Planning and Infrastructure for finalisation.</li> <li>2. The amendments to The Hills Development Control Plan Part B Section 2 Residential be adopted and incorporated into The Hills Development Control Plan 2012.</li> <li>3. The draft Voluntary Planning Agreement be publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.</li> </ol>
<b>11/06/2013 – 12/07/2013</b>	Draft Voluntary Planning Agreement placed on public exhibition for a period of 28 days.
<b>13/08/2013</b>	Draft Voluntary Planning Agreement reported to Council and endorsed.

## PROPOSAL

The proposed Development Application seeks a staged residential subdivision as well as a master plan to guide future residential development. The residential built form would be subject to future Development Applications.

In total the subdivision will create:-

- 71 residential allotments.
- A vinculum separated lot for future residential apartment development.
- Two development lots for future integrated housing development.

- Five roads, drainage infrastructure and four public reserve lots.

The masterplan component foreshadows potential for 71 integrated (small-lot) dwellings, 42 apartment units, 10 standard residential lots near the integrated housing and a 14 lot development in the south-western part of the site.

The staged subdivision is broken down as follows:-

- Stage 1: Subdivision into three (3) residue allotments (being proposed lots 1001, 1002 and 1003) for re-subdivision in later stages. The three lots are 4.43ha, 5.647ha and 8.08ha. This stage creates two (2) separate rights of carriageway being 6.0m in width indicated as (A1) and (A2) (Attachment No. 11).
- Stage 1(a): Subdivision of Proposed Lot 1001 into fifteen (15) residential allotments, one (1) residue allotment (Lot 116) and creation of two (2) roads. Road 1 provides a temporary turning head (Easement B) and Road 2 provides a cul-de-sac head. Right of Carriage (A1) extends off the cul-de-sac head whilst Right of Carriageway (A2) is released (indicated as RA2 on the plans). In addition Easement D and E are created for drainage purposes (Attachment No. 12).
- Stage 1(b): Subdivision of Proposed Lot 116 (being a residue allotment created within Stage 1(a)) into fifty six (56) residential allotments, extension of Road 1 (from Stage 1(a)), creation of Road 3 and Road 4 and creation and dedication of a pedestrian pathway being 5.0m wide. In addition a residue allotment is proposed as "public reserve" (Lot 257) being an above ground stormwater detention basin which is intended to be dedicated to Council. A temporary turning head at the end of Road 1 is also proposed being Easement B with the release of a temporary turning head (notated as RB) which was created in Stage 1(a) (Attachment No. 13).
- Stage 2(a): Creation of Road 5 extending from Barina Downs Road, dedication of public reserve to link the cul-de-sac heads of Roads 4 and 5 and creation of residue allotment No. 2001 to be further subdivided at Stage 2(b) (Attachment No. 14).
- Stage 2(b): Subdivision of residue Lot 2001 created within Stage 2(a) into two (2) allotments (intended for future small lot housing) and completion of Road 1 to link to the roundabout on Barina Downs Road (Attachment No. 15).
- Stage 3: Subdivision of Residue Lot 1003 created within Stage 1 into two (2) allotments being Lot 301 (2 parcels be linked by vinculum) and Lot 302. Proposed Lot 302 retains the existing convent building and proposed Lot 301 is intended for future residential flat building development (Attachment No. 16).

The master plan component is accompanied by the following documentation:-

- Site Analysis Plan
- Slope Analysis Plan
- Geotechnical Risk Zones
- Development Principles Plan
- Draft Master Plan
- Remnant Vegetation Plan
- Open Space and Vegetation Retention Plan
- Street Types and Pedestrian Links

- Street Sections
- Building Heights
- Building Setbacks
- Indicative Lot Sizes
- Housing Types
- Concept Master Plan
- Site Sections
- Club House Concept
- Building Principles Diagrams
- Building on Sloping Land

The majority of the above documentation has been relied upon for the preparation and adoption of a site specific amendment to THDCP Part B, Section 2 – Residential and as such some of the above documentation has not been further included in the assessment and determination of this application, as this information is addressed within the site specific DCP section.

All residential built form development will be subject to future Development Applications which will have regard to the masterplan and other planning instruments.

The Development Application is subject to a Voluntary Planning Agreement to provide a monetary contribution towards water quality treatment works south of the subject site in lieu of water quality treatment devices on the subject site.

The original proposal included a retaining wall associated with on-site detention (OSD) tanks in the detention basin which were approximately 4.0m in height and approximately 3.0m set back from the southern property boundary. During the assessment process the applicant was requested to amend the plans to significantly increase the setback of these walls from the southern boundary which has been undertaken.

## **CONCILIATION CONFERENCE**

A conciliation conference was held on 3 November 2011 which was attended by the applicant's consultants, 33 residents, Council staff and Councillors. The following issues were discussed:

- Permissibility (LEP and Draft LEP)
- Development Control Plan Requirements
- Integration with Local Character
- Section 94 Contributions and Infrastructure Provision
- Traffic Impacts
- Stormwater Drainage
- Maintenance Responsibility
- Landscaping and Fencing
- Accountability for Decision Making

As a result of the conciliation conference, the following outcomes were reached:-

- Restrictions to be implemented on title enforcing a minimum 10 metre setback zone if the Development Application is approved.
- Fencing details along the southern property boundary to be considered by the applicant.
- Substantial amendments to the proposal will be renotified for further community comment.



### **Comment in Response:**

- Various restrictions are recommended to be incorporated into the applicable 88B Instruments for each allotment which outline a required 10m building setback inclusive of a 5.0m vegetation corridor.
- The applicant declined to detail proposed fencing between Stage 1B and the southern adjoining properties by citing the provisions of the Dividing Fence Act 1991.
- The amended Development Application was re-notified for a further fourteen (14) days (as outlined within the history table above) to enable further community comment and consultation.

### **ISSUES FOR CONSIDERATION**

#### **1. Compliance with SREP (Sydney Harbour Catchment) 2005**

The planning principles for land within the Sydney Harbour Catchment are as follows:

- "(a) *development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,*
- (b) *the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*
- (c) *decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*
- (d) *action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),*
- (e) *development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),*
- (f) *development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,*
- (g) *the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,*
- (h) *development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*
- (i) *action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,*

- (j) *development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,*
- (k) *development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,*
- (l) *development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee."*

### **Comment**

The Development Application was referred to Council's Health and Sustainability, Waste Management, Flora and Fauna, Tree Management, Subdivision and Development Certification, Waterways, Heritage and NSW Office of Water for comment with no objection raised to the proposal subject to conditions of consent. Satisfactory measures are proposed to reduce the potential for polluted runoff from the subdivision entering the Parramatta River catchment system and the proposed on-site detention system will ensure that stormwater from the subdivision does not overwhelm the existing stormwater network. The development will result in a negligible impact on the Parramatta River Catchment and in turn the Sydney Harbour Catchment.

In addition the following heritage provisions from the SREP are relevant to the assessment of the application:-

### **"55 Protection of heritage items**

- (1) *The following development may be carried out only with development consent:*
  - (a) *demolishing or moving a heritage item,*
  - (b) *altering a heritage item by making structural or non-structural changes to its exterior, including changes to its detail, fabric, finish or appearance,*
  - (c) *altering a heritage item by making structural changes to its interior,*
  - (d) *disturbing or damaging a place of Aboriginal heritage significance or an Aboriginal object,*
  - (e) *erecting a building on, or subdividing, land on which a heritage item is located.*
- (2) *Development consent is not required by this clause if:*
  - (a) *in the opinion of the consent authority:*
    - (i) *the proposed development is of a minor nature or consists of maintenance of the heritage item, and*
    - (ii) *the proposed development would not adversely affect the significance of the heritage item, and*
  - (b) *the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed*

*development will comply with this subclause and that development consent is not otherwise required by this plan.*

- (3) *Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:*
  - (a) *the creation of a new grave or monument, or*
  - (b) *an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.*
- (4) *Before granting development consent as required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.*
- (5) *The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues):*
  - (a) *the heritage significance of the item as part of the environmental heritage of the land to which this Part applies, and*
  - (b) *the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and*
  - (c) *the measures proposed to conserve the heritage significance of the item and its setting, and*
  - (d) *whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and*
  - (e) *the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.*
- (6) *The consent authority may also decline to grant development consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan."*

## **COMMENT**

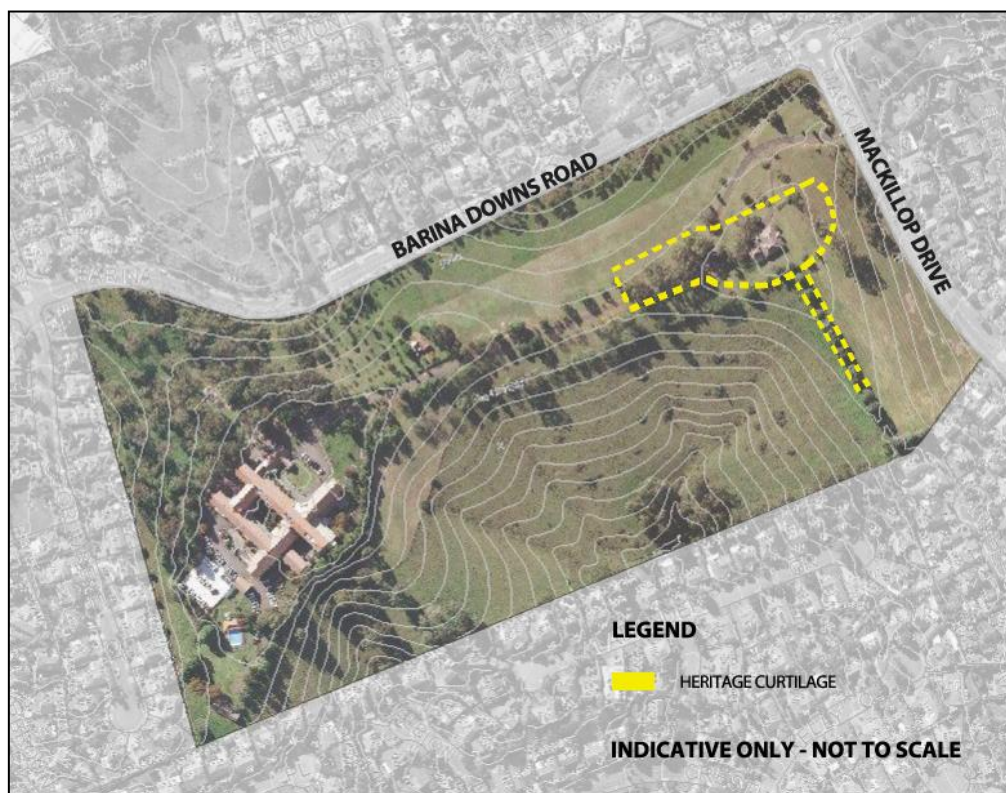
The application was referred to Council's Heritage Section and the following comments are provided:-

### **"Heritage**

The heritage building located on the subject property is an interwar Californian bungalow built circa 1928. It is described in The Hills Shire Council Inventory Sheet No.92 as "A *fine example of a bungalow in original condition*". A Heritage Impact Assessment prepared by Tropman and Tropman Architects has been submitted with the application to assess the impact of future development on a heritage building. An important aspect of maintaining and enabling the interpretation of the heritage significance of a building is the land around it that establishes its context, commonly known as curtilage. Curtilage can include (but is not limited to) significant features of a site such as outbuildings and driveways and also vegetation, for example, the original garden or an avenue of trees.

The Heritage Impact Assessment establishes that the garden setting is important in establishing the items minimum curtilage. The Heritage Impact Statement also establishes that: *'Important features of this setting include the approach to the house and its prominent location on the ridge of the property, and the mature trees and plantings around the house including the mature Brush Box trees, mature gum trees, agapanthus, pittosporum and crepe myrtle. The connection to the tree lined avenue to the rear of the house is also important to retain as this was an early access route through the property. Visual links that should be retained include views to and from the house to MacKillop Drive and the surrounding landscape.'*

The concept subdivision provides for a curtilage generally consistent with the Heritage Impact Assessment. In this regard the curtilage will include part of the ridge top open space to the west of the heritage item and a proposed road and pathway to the south of the item that accommodates the avenue of trees. The curtilage as identified in the Figure below together with appropriate development controls relating to landscaping, retention of the brush box trees and views to the heritage will ensure that the item is able to be interpreted as a farm house within a rural garden setting.



(The curtilage is approximately 50 metres to the east and west)

Within the Development Control Plan the following Objectives and Development Controls have been identified to ensure that the heritage item is protected:

## OBJECTIVES

- (i) *To ensure that the subdivision of land on which a heritage building is located does not isolate the heritage building from its setting or context or adversely affect its amenity or privacy.*
- (ii) *To ensure that new dwellings erected on land upon which the heritage building is located are sympathetic to the character of the heritage building and its setting.*

- (iii) *To ensure that the development of land in the vicinity of a heritage site is undertaken in a manner that complements the heritage significance of the site.*
- (iv) *To ensure that development of the site respects the curtilage established by the original garden associated with the heritage item.*

## **DEVELOPMENT CONTROLS**

- (a) The heritage curtilage is to be consistent with the area shown edged yellow in the Figure above.
- (b) Brush box trees located parallel to Mackillop Drive and within the immediate curtilage in the Figure above shall be retained.
- (c) The rural qualities of the bitumen avenue with swale drainage lines are to be retained. There shall be no concrete edging.
- (d) Civil works for stormwater drainage dish drains to be kept away from root zones of trees in the access avenue.
- (e) A Conservation Management Plan must be produced and submitted to Council to ensure that the existing heritage building is managed appropriately for its heritage values.
- (f) A landscape plan shall be prepared by a landscape architect experienced in dealing with heritage gardens and is to include at a minimum the following:
  - The retention of original and or significant landscaping (including plants with direct links or association with the heritage item); and
  - Details of how new plantings retain significant views to and from the heritage item.

Given the above assessment detail and the recommended conditions of consent provided, it is considered that the existing heritage item and curtilage would be appropriately protected and therefore no objection is raised to the proposal on heritage grounds.

## **2. Compliance with SEPP No. 32 – Urban Consolidation**

Clause 2 of SEPP 32 provides the following aims and objectives regarding urban consolidation and redevelopment of urban lands:-

### *(1) This Policy aims:*

- (a) *to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and*
- (b) *to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:*
  - (i) *the location of housing in areas where there are existing public infrastructure, transport and community facilities, and*
  - (ii) *increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and*

- (iii) *the reduction in the rate at which land is released for development on the fringe of existing urban areas.*
- (2) *The objectives of this Policy are:*
  - (a) *to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and*
  - (b) *to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:*
    - (i) *an increase in the availability of housing within a particular locality, or*
    - (ii) *a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and*
  - (c) *to specify:*
    - (i) *the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and*
    - (ii) *the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.*

### **COMMENT**

The proposed subdivision seeks to accommodate long term growth within the region by identifying land capable of accommodating urban development (as the site is surrounded by residential development with the previous special uses affectation no longer applicable). The proposed subdivision utilises identified land for intensified residential development through THLEP 2012 albeit with a future built form outcome which at this point in time is not permissible under the Draft LEP as exhibited. Notwithstanding this however the subdivision proposal is a suitable outcome for this site giving consideration to adjoining residential developments already existing and the planning proposal which seeks to rezone the site to Part R4, Part R3 and Part R2.

As a result the proposed application complies with the principles of urban consolidation and is considered satisfactory with respect to SEPP 32.

### **3. Compliance with Baulkham Hills Local Environmental Plan 2005**

The site is zoned Special Uses 5(a) under Baulkham Hills LEP 2005. Consideration of the objectives of the zone are provided as follows:

- (a) *to identify land to be or currently used by public authorities, private organisations and the Council on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and*
- (b) *to identify land reserved for future acquisition by the Council for a range of community facilities and services, and*

- (c) to identify land that has been reserved at the request of public authorities for their future acquisition on which development may be carried out that assists the operation and functioning of development in adjoining residential areas, and*
- (d) to identify land that has been acquired by private organisations and provide land on which development may be carried out that assists the operation and functioning of development in adjoining residential areas (such as development for the purpose of educational establishments), and*
- (e) to permit land that is not immediately required for special use purposes to be used for purposes permissible in adjoining zones where that use is compatible with the existing use or likely future use of the land.*

### **COMMENT**

Clause 1.8A of LEP 2012 provides a savings provision requiring any Development Application lodged before the commencement of LEP 2012 to be assessed as though LEP 2012 has not commenced. As a result the proposed development and its associated permissibility on the site is required to be considered under the provisions of the preceding LEP 2005 and not the in force LEP 2012.

The proposed application maintains the intent to accommodate long term growth within the region by identifying land for urban purposes and provides a staged framework for its orderly development. A residential subdivision is a permissible form of development within the Special Uses 5(a) zone under the provisions of BHLEP 2005. The proposed subdivision will also enable a variety of architectural forms which are not dissimilar to "Swallow Ridge" which is adjacent to Norwest Business Park. As a result the proposed subdivision and resulting allotment sizes maintains compliance with Objectives (a) and (d) and is permissible under LEP 2005.

It is also noted that 'apartment building developments' and 'integrated housing' are permissible forms of development on the site under the provisions of BHLEP 2005 as this LEP enables the permissibility of adjoining zones to be replicated on special use zoned sites. As the site is opposite Residential 2(a) under the provisions of BHLEP 2005 and these forms of development are permitted in this zone, then these forms of development are also permitted on the subject site.

## **4. Compliance with The Hills Local Environmental Plan 2012**

Notwithstanding Clause 1.8A of the LEP 2012, the proposal has also been considered against the permissibility requirements of LEP 2012.

The site is zoned as R2 under the provisions of The Hills Local Environmental Plan 2012. The R2 zoning replaces the previous Special Uses 5(a) zoning pursuant to BHLEP 2005 which effectively resulted in a down zoning of the site as the Special Uses zoning could adopt the adjacent 2(a) zoning to the north for permissibility considerations. This zoning permitted the construction of an apartment building development (now referred to as residential flat building). In this regard the subdivision component of the application is permissible, however the master plan component for the integrated housing and apartments would be prohibited. It is noted however that Clause 1.8A of THLEP 2012 includes a provision that enables the proposal to be determined as though the plan had not commenced. In this regard it enables determination of the application as though the Special Uses 5(a) zoning under LEP 2005 is still in effect.

Nonetheless it is noted that a separate planning proposal has received a gateway determination from the Department of Planning to rezone the northern portion of the site

As a result of this planning proposal and Clause 1.8A of THLEP 2012, the proposed development is considered both permissible and satisfactory.

The DCP provides a number of subdivision standards to be applied as outlined by the DCP. As such consideration of those applicable development standards for the proposed subdivision is provided below:-

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		Lot 211: 707m2	Yes
		Lot 212: 1079m2( excl handle)	Yes
		Lot 213: 983m2 (excl handle)	Yes
		Lot 214: 700.1m2	Yes
		Lot 215: 700.3m2	Yes
		Lot 216: 700.2m2	Yes
		Lot 217: 700.2m2	Yes
		Lot 218: 700.2m2	Yes
		Lot 219: 782.8m2	Yes
		Lot 220: 899.8m2	Yes
		Lot 221: 785.7m2	Yes
		Lot 222: 871.4m2	Yes
		Lot 223: 818.1m2	Yes
		Lot 224: 913m2 (excl handle)	Yes
		Lot 225: 702m2	Yes
		Lot 226: 702m2	Yes
		Lot 227: 702m2	Yes
		Lot 228: 829.3m2	Yes
		Lot 229: 700.4m2	Yes
		Lot 230: 831.6m2	Yes
		Lot 231: 700.3m2	Yes
		Lot 232: 702m2	Yes
		Lot 233: 702m2	Yes
		Lot 224: 733.6m2	Yes
		Lot 225: 702m2	Yes
		Lot 226: 702m2	Yes
		Lot 227: 702m2	Yes
		Lot 228: 829.3m2	Yes
		Lot 229: 700.4m2	Yes
		Lot 230: 831.6m2	Yes
		Lot 231: 700.3m2	Yes
		Lot 232: 702m2	Yes
		Lot 233: 702m2	Yes
		Lot 234: 733.6m2	Yes
		Lot 235: 712.5m2	Yes
		Lot 236: 736.4m2	Yes
		Lot 237: 700.4m2	Yes
		Lot 238: 706.5m2	Yes
		Lot 239: 792.9m2	Yes
		Lot 240: 701m2	Yes
		Lot 241: 703m2	Yes
		Lot 242: 990m2 (excl handle)	Yes
		Lot 243: 748.4m2	Yes
		Lot 244: 713.8m2	Yes
		Lot 245: 710.8m2	Yes
		Lot 246: 705.8m2	Yes
		Lot 247: 703.8m2	Yes
		Lot 248: 787.3m2	Yes
		Lot 249: 972m2 (excl handle)	Yes
		Lot 250: 742.7m2	Yes
		Lot 251: 771.9m2	Yes
		Lot 252: 726.3m2	Yes
		Lot 253: 725.8m2	Yes
		Lot 254: 725.6m2	Yes
		Lot 255: 726.3m2	Yes
		Lot 256: 750.5m2	Yes

		Lot 257: 8771m2 (Public Reserve) Lot 258: 1046m2 (Public Reserve)  <b>STAGE 2 2(A)</b> <b>Subdivision of Lot 1002</b>  Lot 1: 3284m2 (Community Land) Lot 2: 2724m2 (Public Reserve) Lot 3: 4630m2 (Public Reserve) Lot 4: 1.483ha (Residue Lot) Lot 5: 1.552ha (Residue Lot)  <b>STAGE 3</b> <b>Subdivision of Lot 1003</b>  Lot 301: (2 parts): 7766m2 (combined) Lot 302: 4.871ha (Residue Lot)	Yes Yes  Yes Yes Yes Yes Yes  Yes Yes
Minimum Lot Frontage	18.0 metres	<b>STAGE 1</b>  Lot 1: N/A - Residue Lot 2: N/A - Residue Lot 3: N/A - Residue  <b>STAGE 1(A)</b>  Lot 101: 16.66m (due to road splay) Lot 102: 19.24m Lot 103: 19.55m Lot 104: 18.96m Lot 105: 17.25m (due to road splay) Lot 106: 22.03m Lot 107: 28.97m Lot 108: N/A – battleaxe lot Lot 109: 20.5m Lot 110: 22.57m Lot 111: 18.2m Lot 112: 18.78m Lot 113: 18.9m Lot 114: 14.41m (due to road splay) Lot 115: 17.66m	N/A N/A N/A  No - satisfactory Yes (corner) Yes Yes No - satisfactory Yes (corner) Yes N/A Yes Yes Yes Yes (corner) Yes No - satisfactory Yes

		Lot 116: Public Reserve	N/A
		<b>STAGE 1(B)</b>	
		Lot 201: 18.02m	Yes
		Lot 202: 18.04m	Yes
		Lot 203: 18.0m	Yes
		Lot 204: 18.05m	Yes
		Lot 205: 18.4m	Yes
		Lot 206: 19.67m	Yes
		Lot 207: 8.37m (rear is 18m)	No,satisfactory
		Lot 208: 18.22m	Yes
		Lot 209: 19.17m	Yes
		Lot 210: 20.59m	Yes
		Lot 211: 20.12m	Yes
		Lot 212: N/A – battleaxe lot	Yes
		Lot 213: N/A – battleaxe lot	Yes
		Lot 214: 28.51m	Yes
		Lot 215: 24.79m	Yes
		Lot 216: 27.86m	Yes
		Lot 217: 22.1m	Yes
		Lot 218: 19.23m	Yes
		Lot 219: 21.69m	Yes
		Lot 220: 13.1m (irregular lot)	Yes
		Lot 221: 17.73m (rear is 23.61m)	No - satisfactory
		Lot 222: 19.13m	No - satisfactory
		Lot 223: 15.37m (rear is 29.49m)	Yes
		Lot 224: N/A – battleaxe lot	No,satisfactory
		Lot 225: 18.0m	Yes
		Lot 226: 18.0m	Yes
		Lot 227: 18.0m	Yes
		Lot 228: 21.71m	Yes
		Lot 229: 18.07m	Yes
		Lot 230: 22.33m	Yes
		Lot 231: 20.37m	Yes
		Lot 232: 18.0m	Yes
		Lot 233: 18.0m	Yes
		Lot 234: 16.55m (rear is 18m)	Yes
		Lot 235: 10.65m (rear is 19.03m)	Yes
		Lot 236: 17.76m (rear is 30.7m)	No - satisfactory
		Lot 237: 19.85m	No - satisfactory
		Lot 238: 19.4m	No - satisfactory
		Lot 239: 19.41m	Yes
		Lot 240: 19.62m	Yes
		Lot 241: 18.26m	Yes
		Lot 242: N/A – battleaxe lot	Yes
		Lot 243: 22.93m	Yes
		Lot 244: 21.4m	Yes
		Lot 245: 20.1m	Yes
		Lot 246: 19.09m	Yes
		Lot 247: 19.09m	Yes
		Lot 248: 46.29m (irregular)	Yes
		Lot 249: N/A – battleaxe lot	Yes





		Lot 213: 34.65m Lot 224: 29.49m Lot 242: 29.15m Lot 249: 27.00m	Yes Yes Yes Yes
Battleaxe Handle Width	4.0 metres	<b>STAGE 1(A)</b>  Lot 108: 4.00m  <b>STAGE 1(B)</b>  Lot 212: 3.03m (adjacent to Lot 213)  Lot 213: 3.05m (adjacent to Lot 212) Lot 224: (unknown condition it) Lot 242: (unknown condition it) Lot 249: 4.48m	Yes   Yes – when handles combined Yes – condition Yes – condition Yes
Min Building Platform	15.0m x 20.0m	All lots can accommodate a compliant building platform.	Yes for all
Platform Location	Relatively Flat Land with Stable Soil Geology	Geotechnical Peer Review responses have confirmed that there is no adverse affectation that would prevent the proposed development.  The site is not relatively flat however the topography of the site is existing and redevelopment is not considered to be restricted by the cross fall.	Yes
Allotment Access	Access from a public road	All residential allotments are provided with direct vehicular access to public / private roads.	Yes
Pedestrian Access	Safe pedestrian and bicycle linkages are to be provided to public transport and service facilities.	Pedestrian linkages are provided throughout the development by way of dedicated public reserves, pedestrian laneways (x 1) and the roadways which connect to Barina Downs Road and associated bus stops connecting to service facilities.	Yes

## Allotment Frontage and Depth Variations

THDCP Part B, Section 2 – Residential provides the following subdivision requirements:-

- Minimum allotment frontage of 18.0m; and
- Minimum allotment depth of 27.0m

The relevant objectives of the DCP are as follows:-

- To provide allotments of a size conducive to residential living, having regard to any development constraints or environmental qualities of that land; and*
- To ensure allotments have sufficient area to provide adequate access, open space a sufficient building platform and attractive presentation to the street.*

The proposed development application includes the following variations to these standards:-

- Lot 101: Frontage of 16.66m (due to road splay)
- Lot 105: Frontage of 17.25m (due to road splay)
- Lot 114: Frontage of 14.41m (due to road splay)
- Lot 207: Frontage of 8.37m (rear is 18m)
- Lot 220: Frontage of 13.1m (irregular lot)
- Lot 221: Frontage of 17.73m (rear is 23.61m)
- Lot 223: Frontage of 15.37m (rear is 29.49m)
- Lot 234: Frontage of 16.55m (rear is 18m)
- Lot 235: Frontage of 10.65m (rear is 19.03m)
- Lot 236: Frontage of 17.76m (rear is 30.7m)
- Lot 220: Depth of 24.61m (max is 38.1m)
- Lot 230: Depth of 24.8m (max is 37.75m)
- Lot 239: Depth of 20.71m (max is 29.3m)
- Lot 243: Depth of 19.93m (max is 34.49m)
- Lot 248: Depth of 18.53m (max is 36.99m)

## Comment

The proposed allotment dimension variations do not restrict the development potential of the resulting allotments from ensuring future compliance with the built form requirements of the DCP. The variations result from irregular allotment shapes and splay corners and generally provide a maximum dimension which exceeds the DCP requirements compensating for the minimum dimension which provides the DCP variation.

As the allotments ensure compliance with area requirements of the DCP and comply with both applicable objectives of the DCP, the proposed minor variations to the proposed allotments indicated above are considered satisfactory.

## 6. Compliance with Adopted Site Specific DCP Requirements

The adopted amendments to the DCP provides additional site specific development standards to be applied to the subject site. As such consideration of those applicable development standards for the proposed subdivision is provided below:-

DEVELOPMENT STANDARD	DCP 2012 CONTROL	PROPOSED DEVELOPMENT	COMPLIANCE
Site Planning	Residential Flat Building, attached dwellings, dwelling	The proposed subdivision and indicated future built form outcomes reflected within the	Yes

	houses are to be provided in the locations identified in Figure 4.	masterplan ensure compliance with Figure 4 of the DCP.	
	Access to the site is to be in accordance with Figure 4.	The proposed subdivision and future road layout detailed within the masterplan is consistent with Figure 4.	Yes
	The central ridgeline between the single dwelling housing and small lot housing areas are to be retained as common open space.	The central ridgeline is indicated within the master plan to be retained as common open space when the future small lot housing is pursued.	Yes – subject of future Development Applications.
Heritage	The curtilage is to be consistent with Figure 5 of the DCP.  Brush box trees located parallel to Mackillop Drive and are within the immediate curtilage are to be retained as per Figure 5.	The proposed subdivision creates the residue allotment containing the heritage item (indicated in Figure 5) with construction of a road but does not proposed any works to it or surrounding it at this stage.  The road was acknowledged within the preparation of the DCP and addressed in the report accompanying adoption of the DCP amendment.	Yes
	Civil works for stormwater dish drains to be kept away from root zones of trees in the access avenue.	No drainage pits or pipes are proposed within the parkland / pedestrian connection linking between Road 1 and Road 12.	Yes
	The rural qualities of the bitchumen avenue with swale drainage lines are to be retained. There shall be no concrete edging.	Retained as existing.	Yes
	A Conservation Management Plan is to be prepared and submitted for the heritage item.	A Conservation Management Plan will be required to be submitted when the small lot housing component of the development is pursued as this allotment will form part of a community property arrangement.	Yes – subject of future Development Applications.
	A landscape plan is required for planting around the heritage item.	This detail will be submitted when the small lot housing component of the development is pursued as this allotment will form part of a community property arrangement.	Yes – subject of future Development Applications.



Surface Water Runoff	WSUD infrastructure will not be accepted as part of any public road or open space dedication.	Water sensitive urban design measures have been addressed by way of a voluntary planning agreement including a monetary contribution towards works downstream instead of water quality treatment measures constructed on the site.	Yes – as outlined within the terms of the Voluntary Planning Agreement.
	<p>A Local Drainage Management Plan is required for the site which includes a hydraulic and hydrological analysis of existing infrastructure. Where runoff exceeds the capacity of the system, additional measures will be required.</p> <p>Overland flow paths must be created to convey gap flows generated by the exceedence of the system capacity or those caused by blockage.</p>	<p>A Local Drainage Plan has been submitted with the development application which includes hydraulic and hydrological modeling.</p> <p>The development has been amended to increase the size of the on-site detention tanks to cater for an additional 20% modeled rainfall. In this regard the stormwater detention measures proposed exceed the minimum measures required for the site and ensure no gap flows will be generated.</p>	Yes
	On-site detention is required to be provided	On site detention is proposed.	Yes
	The minimum width of any local drainage link must be 5.0m.	The minimum width of all pathway areas which will convey stormwater are 5.0m.	Yes
	A stormwater quality assessment report is to be submitted or an alternative water quality treatment measure is to be considered on merit where the objectives of the DCP are satisfied.	<p>Water sensitive urban design measures have been addressed by way of a voluntary planning agreement including a monetary contribution towards works downstream instead of water quality treatment measures constructed on the site.</p> <p>The works demonstrate compliance with the relevant objective of the DCP in that the development will 'assist in the management of stormwater to minimize flooding and reduce the effects of stormwater pollution on receiving waterways.</p>	Yes

Roads	Road locations should minimize cut and fill.	The proposed roads are proposed in a generally east – west alignment to minimise excavation and benching required to achieve satisfactory gradients.	Yes
	<p>All road widths are to be designed in accordance with the DCP requirements outlined within Clause 3.3.4.</p> <p>A lesser verge width may be considered where the road is adjacent to common open space.</p>	The proposal complied with the road width and footpath width requirements within the DCP.	Yes
Single Detached Dwellings - Setbacks	<p>Mackillop Drive: 7.5m with corner lots having a 4.0m secondary street setback.</p> <p>Other Lots - Front: 6m primary setback with corner lots having a 2.0m secondary street setback.</p> <p>Rear Setbacks: 10.0m to the southern boundary</p>	<p>Drawing No. 13 issue date 16 May 2012 depicts compliant setbacks in accordance with the DCP.</p> <p>It is noted that the DCP is silent on specific setbacks to open space corridors and as such the typical side setback standard is applied (being less than that indicated).</p>	Yes
Residential Flat Buildings – Setbacks	<p>Front Setback: 10.0m</p> <p>Western Boundary: 10.0m</p> <p>Rear Setback: 6.0m</p>	The masterplan indicates future compliant setbacks which will be verified as part of the assessment of future Development Applications for the residential flat buildings.	Yes
Residential Flat Buildings - Density	The maximum population density is 140 persons.	This is to be considered as part of the assessment of future Development Applications for the residential flat buildings.	N/A
Small Lot Housing – Site Coverage	Maximum: 65% site coverage	This will be verified as part of the assessment of future Development Applications for small lot housing.	Yes
Small Lot Housing - Setbacks	<p>Mackillop Drive: 7.5m with corner lots having a 4.0m secondary street setback.</p> <p>Barina Downs Road:</p>	<p>Drawing No. 13 of the Master Plan issue date 16 May 2012 depicts compliant setbacks in accordance with the DCP.</p> <p>This drawing is silent on internal setbacks and side /</p>	Yes

	6.0m  All Other Streets Internal: 4.5m with all garages 5.5m  Rear Setbacks: 6.0m  Side Setbacks: zero lot line or 900mm	zero lot line setbacks and as such the DCP is applied.	
Side and Rear Fencing	No colorbond fencing is permitted along Barina Downs Road and Mackillop Drive.  1.8m in height minimum  All fencing in the rear setback facing Barina Downs Road over 1.2m is to be set back a minimum 500mm.	No colorbond fencing is proposed.  The applicant has declined to provide fencing detail under the terms of the Dividing Fences Act.  To be addressed in future Development Applications for residential flat buildings and small lot housing.	This is matter that can be addressed with each subsequent Development Application for the dwelling houses.

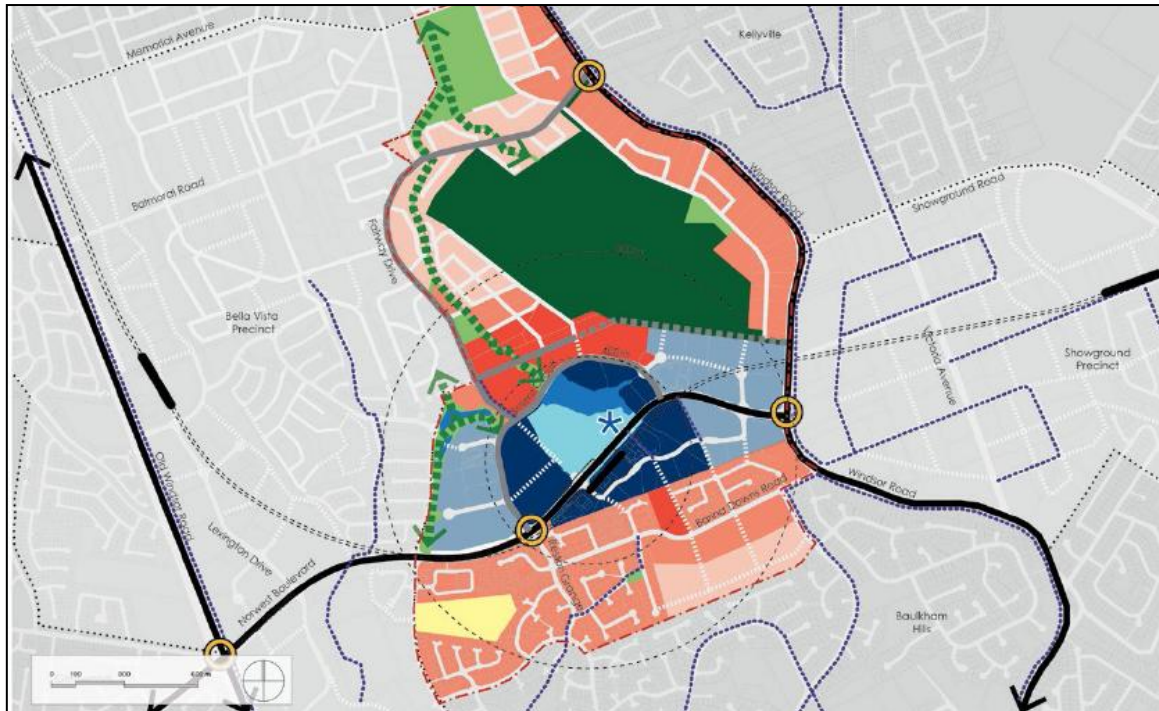
## 7. North West Rail Link - Norwest Station Draft Structure Plan

On 16 March 2013 the North West Rail Link Corridor Strategy was made public which outlines core development strategies for sites surrounding the proposed train stations along the North West Rail Corridor.

The North West Rail Link (NWRL) has been identified by the NSW Government as a priority transport infrastructure project which will consist of a heavy rail line extending from Epping, through the North West Growth Centre, to Cudgegong Road. The North West Rail Link will support metropolitan planning objectives by putting in place a key transport project which extends the connectivity of the existing rail network and will support future growth within North West Sydney. The rail line will be 23 kilometres in length and will provide 8 additional railway stations at Cherrybrook, Castle Hill, Showground Road, Norwest, Bella Vista, Kellyville, Rouse Hill and Cudgegong Road.

The Norwest Station Draft Structure Plan specifically includes the subject site within its analysis. The future Norwest Station within this structure plan will be located approximately 700 - 1000 metres from the subject site, with the north western corner of the site where the residential flat buildings are proposed falling within the 10 minute walking radius of the future station and the remainder of the site would fall within a 20 minute walking radius of the station.

Figure 20 of the Draft Structure Plan also identifies a mixed density yield across the site with medium density residential development capability identified along Barina Downs Road and adjacent to the western property boundary. The remainder of the site is identified as 'low density residential'.



North West Rail Link Corridor Strategy – Norwest Draft Structure Plan

It is important to note that the draft structure plan outlines medium density residential as including 3 to 6 storey residential flat buildings. This form of density target is not currently considered medium density under Council's current planning framework (both LEP permissibility and DCP standards). Nonetheless the proposed master plan incorporating 3 storey residential flat building capability in the north western corner of the site and small lot dwelling capability along the remainder of Barina Downs Road is consistent with this strategic direction as both forms of development yield are consistent with the medium density residential classifications outlined within the Draft Structure Plan.

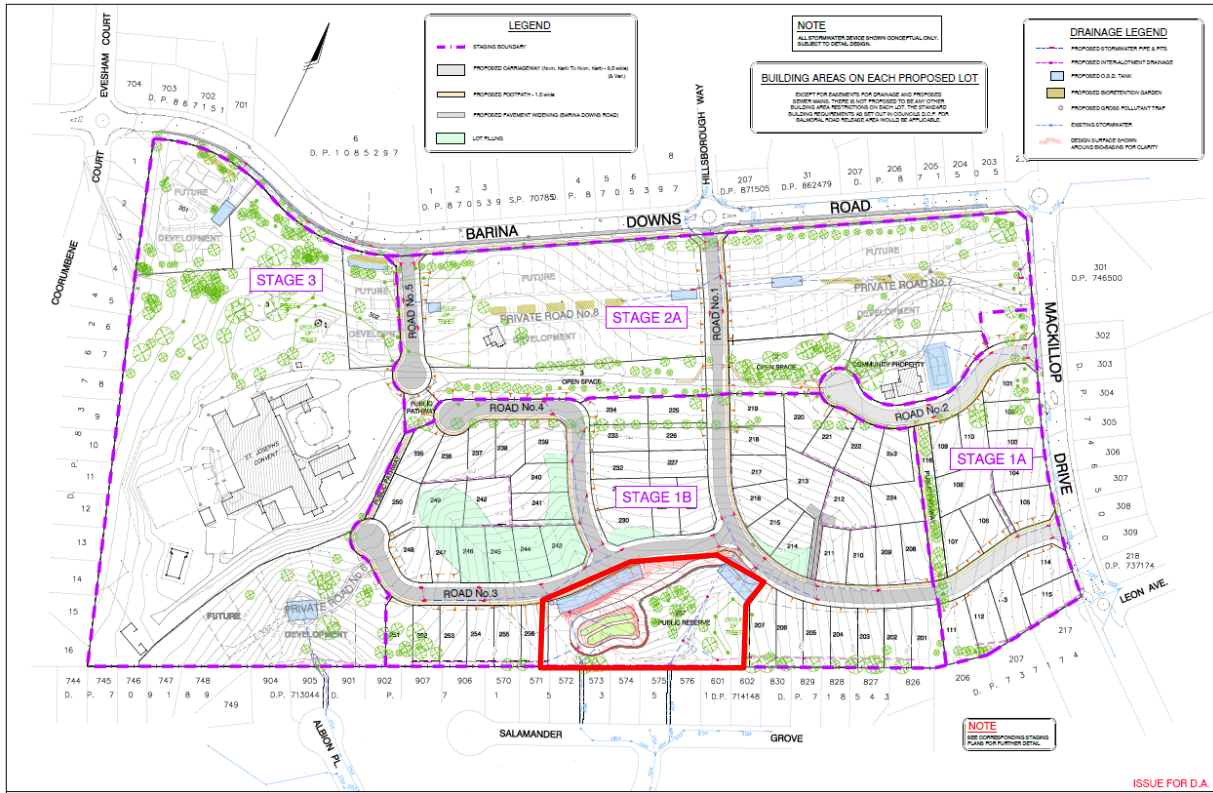
## 8. Voluntary Planning Agreement

The subject site currently drains through a number of private inter-allotment drainage easements adjoining the southern boundary of the site out to Salamander Grove and Albion Place. Additionally, the existing residential subdivision pattern surrounding the site is not equipped to accommodate the level of stormwater discharge resulting from the intended development of the site. Therefore in order to undertake the scale of residential development proposed it is the responsibility of any development proposal to sufficiently mitigate any stormwater implications on the subject site as well as potential adverse impacts on the downstream system.

Subsequent to discussions between Council and the proponent, regarding the appropriate stormwater drainage mitigation measures and the need to sufficiently contribute to water quality treatment works, a draft Voluntary Planning Agreement was submitted to Council for consideration on 4 February 2013. The developer obligations within the draft Voluntary Planning Agreement are as follows:

- Land dedication to Council in conjunction with the subdivision of proposed lot 257 (site of the proposed stormwater detention basin – see Figure 12). The land size is approximately 8,770 square metres.

- Stormwater detention works within the land to be dedicated sized on the basis that 100 year ARI rainfall intensities are increased by 20% to mitigate overland flow through downstream properties located in Salamander Grove and Albion Place.
- A monetary contribution of \$360,000 (plus appropriate indexation) towards water quality improvement works within the downstream catchment in lieu of water quality treatment devices being located within the development site.



Location of the proposed stormwater detention basin and land dedication

The Voluntary Planning Agreement was endorsed by Council on 13 August 2013. The monetary contribution of \$360,000 as outlined within the Voluntary Planning Agreement is to be put towards water quality improvement works downstream within Toongabbie Creek (Crestwood Reserve). These works are intended to mitigate water management issues downstream in place of Section 94A contributions for subdivision stage 1B of the proposed development (being 57 allotments). All other stages of the development will still retain a Section 94A contribution requirement.

## 9. Issues Raised in Submissions

The Development Application was placed on public exhibition for a period of 30 days as nominated integrated development. In response to this exhibition period, 28 submissions were received to the proposal. The issues raised as a result of this period are addressed below:-

ISSUE/OBJECTION	COMMENT	OUTCOME
We are extremely concerned with the ability of the current road network to cope with the anticipated large increase in traffic flow.	The original and revised Traffic Report and proposed development was referred to the NSW Roads and Maritime Services and Council's Traffic Management Section for review	Issues addressed. Refer to 'Traffic Management Comments' in this report for further information.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>There are already bottle necks onto Windsor Road and during school hours there are blockages all the way down Mackillop Drive. It is already difficult entering and exiting onto Barina Downs Road.</p> <p>The intersections at Merindah Road and Barina Downs Road are now experiencing queues 500m, long in periods that are not even peak times.</p> <p>Barina Downs Road is already used as an alternative to Norwest Boulevard. The addition of 375 cars in the area will add to the traffic chaos.</p> <p>The traffic report indicates that the Barina Downs and Windsor Road intersection operates at a service level of C which is not acceptable. The report suggests some 'priority control' should take place without any suggested amendments. The community should be allowed to comment on any suggested traffic improvements.</p>	<p>and comment.</p> <p>The proposal and resulting traffic impacts are considered satisfactory subject to the ingress / egress points indicated within the amended DCP and Master Plan documentation submitted with this application.</p> <p>The traffic modeling information submitted with the Development Application outlines satisfactory intersection function along Barina Downs Road with the exception of the Barina Downs and Windsor Road intersection. This intersection is forecast to operate at a service level of 'F' during PM periods and 'D' during PM periods as per the submitted traffic report accompanying the application. This primarily results from the left in / left out restriction but has only 1 minor accident recorded within the last 5 years. This service level is not significantly changed as a result of the proposed development and a required upgrade of this intersection is not considered to be attributable to the proposed development in isolation.</p> <p>It is also noted that the Norwest Boulevard / Windsor Road intersection upgrade is now complete and traffic surveys were subsequently undertaken at the intersection on 18 September 2012 (as part of Development Application 870/2012/JP). This survey shows that there has been a substantial reduction in the volume of traffic turning left at the Windsor Road/Barina Downs Road intersection due to substantial improvements to the Windsor Road / Norwest Boulevard intersection being recently completed by the RMS.</p>	
<p>85% of vehicles travelling down Barina Downs Road are going at 60km/h breaching</p>	<p>This has been referred to Council's Local Area Traffic Committee to investigate. It is</p>	<p>Issue addressed. Referred to Local Area Traffic Committee.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
the speed limit. Traffic and pedestrian safety is a high priority.	acknowledged that there are currently round-a-bouts along Barina Downs Road which provide some level of traffic calming.	
<p>The Traffic Impact Assessment is totally inadequate.</p> <p>In assessing the traffic impact of the proposal. The report only measures traffic for a 2 hour period on a single day between 6.00am &amp; 9.00pm. It takes no account of the heavy traffic volumes already using Mackillop Drive from 6am to 8pm daily.</p> <p>The report notes Mackillop Drive as a low speed local road. I don't know how they could conclude this when they don't even appear to know how many vehicles travel the road each day. For example in front of our house we have witnessed a head on crash well as a van lose control &amp; plow into a bus stop. Luckily a bus had just collected the waiting school children. Are these the sorts of incidents you would expect on a low speed local road?</p> <p>The report makes no practical suggestions as to how local traffic conditions for the residents could be improved. For example access to Windsor Road could be provided for residents in the Delaney Drive precinct. At present the only way these people can get in &amp; out is via Mackillop Drive. This project</p>	<p>The applicant was requested to submit an amended Traffic and Parking Impact Assessment Report to address identified deficiencies as raised by Council's Traffic Management Section. An amended Traffic and Parking Assessment Report was submitted in response which undertook further field survey work (on 18/10/2011) to validate the conclusions made. This additional information has been assessed by Council's Traffic Management Section and was found to be both satisfactory and consistent with Council's own traffic modeling data.</p> <p>Mackillop Drive has a speed restriction of 50km per hour and as such is considered to be a low speed local road.</p> <p>Further traffic management measures are not considered to be required as a consequence of the proposed development.</p> <p>The service level congestion experienced at the Barina Downs / Windsor Road intersection is considered to be partly addressed by the recently completed Norwest Boulevard / Windsor Road upgrade with no</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>could be funded from developers contributions which undoubtedly will be levied. The proposed development will generate an estimated 157 additional vehicle trips per hour and the development should propose traffic facilities to cater for increased traffic and the resulting effect on existing residents.</p>	<p>specific local traffic management works outlined, or required, within the Shire Wide Section 94A Contribution Plan.</p>	
<p>The brunt of the additional traffic generated from the proposed development will be accommodated by Mackillop Drive going southeast towards Chapel Lane. This would cause undue traffic hazard for commuters from side lanes (like Penola Court) turning into Mackillop drive.</p> <p>Barina Downs Road will provide a traffic level in the vicinity of 4100 vehicles per day This number will grow over the next coming years as the congestion on Norwest Boulevard pushes cars down Barina Downs Road as a short cut through the grid lock at most times of the day.</p>	<p>Mackillop Drive is a local road which forms the sites eastern boundary. It runs in a north-south direction between Barina Downs Road in the north before turning into Chapel Lane which terminates at Seven Hills Road further south.</p> <p>Traffic modelling submitted with the application has outlined that the Mackillop Drive / Barina Downs Road intersection currently operates at service level 'A' in both the AM and PM periods which is maintained in future performance forecasts. The modelling information submitted does indicate that the environmental capacity of all existing roads are exceeded by existing traffic volumes however the average increase in volume is between 9 and 15% which is not considered to represent a substantial and unsatisfactory increase warranting refusal of the application or specific traffic management measures funded as a consequence of the proposed development.</p> <p>In addition reduced delays at the Windsor Road / Norwest Boulevard intersection as a result of an additional left turn lane have also reduced 'rat run' traffic movements currently using Barina Downs Road and Reston Grange. Therefore, any increase associated with the subject development is</p>	<p>Issue addressed.</p>



ISSUE/OBJECTION	COMMENT	OUTCOME
	considered to have been adequately offset by reductions as a result of these works recently completed.	
<p>The proposed development is not the only current development that will bring major issues to the site accesses on Barina Downs Road and surrounding road network.</p> <p>The intersection of Barina Downs Road and Hillsborough Way has a smaller roundabout in a very narrow street. We will have two huge developments meet within less than 500m of each other and an increase of volume in cars to use the smallest roundabout on Barina Downs Rd at its intersection with Hillsborough Way. Hillsborough Way only allows for one car in each direction to pass as the street is very narrow and doesn't even allow for street parking. Having a main entry into the site from Hillsborough Way will create a congested roundabout which will not allow residents into their side streets which are accessed off Barina Downs as we are experiencing this already on Norwest Boulevard.</p>	<p>The proposed development (and resulting traffic generation) has been considered in conjunction with the traffic generation forecast from a recently approved apartment building development (DA 870/2012/JP) at Nos. 40 – 52 Barina Downs Road, Baulkham Hills. This site is immediately opposite the subject site and is currently under construction.</p> <p>As part of the assessment of DA 870/2012/JP, the applicant was requested to undertake further assessment of the combined implications of both developments.</p> <p>Traffic surveys were subsequently undertaken at the intersection on Tuesday, 18 September 2012. The survey results show that there has been a substantial reduction in the volume of traffic turning left at the Windsor Road/Barina Downs Road intersection due to substantial improvements to the Windsor Road / Norwest Boulevard intersection recently completed.</p> <p>A comparative analysis of the traffic surveys undertaken pre and post intersection upgrade found that:-</p> <ul style="list-style-type: none"> <li>• There has been a reduction of 165vph (27.1%) in the volume of traffic using Barina Downs Road during the AM peak period; and</li> <li>• There has been a reduction of 73vph (14.3%) using Barina Downs Road in the PM Peak period.</li> </ul>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>As a result of the above findings, it is considered that the projected additional traffic volumes expected to be generated by both development proposals is less than the reduction in traffic volumes using Barina Downs Road that has occurred as a consequence of the road improvement undertaken in Norwest Boulevard.</p>	
<p>We have contacted council and the RTA regarding the roundabout on Hillsborough Way which is already now struggling to cope with the current traffic conditions in particular the residents who leave from this small street on Hillsborough Way.</p>	<p>The reduction in traffic volume utilising Barina Downs Road is considered to sufficiently address concerns regarding local street access to, and round about function within, Barina Downs Road.</p>	<p>Issue addressed.</p>
<p>The following is required to be provided before the proposal can be supported:</p> <ul style="list-style-type: none"> <li>• Improved traffic management during peaks at Norwest Boulevard to prevent blockages of Barina Downs Drive at Windsor Road</li> <li>• Improved public transport in the area, including buses and the North West Rail Link.</li> <li>• Further traffic calming along Mackillop Drive to prevent the road becoming an even more dangerous rabbit run.</li> <li>• Barina Downs Road to be widened, with a set of traffic lights at Windsor road. Currently Barina Downs Drive is only one</li> </ul>	<p>The following comments are provided in response to the concerns raised:-</p> <p>The Norwest Boulevard and Windsor Road intersection has been upgraded and post upgrade traffic surveys have been undertaken demonstrating improved efficiency at this intersection and reduction in deviated traffic along Barina Downs Road.</p> <p>The North West Rail Link is still proposed in relative close proximity to the subject site with a station proposed adjacent to Norwest Marketown Shopping Centre, Norwest Business Park.</p> <p>Further traffic calming measures within Mackillop Drive are not considered necessary as outlined above.</p> <p>Further traffic management measures or road widening is not considered to be required as a consequence of the proposed development.</p>	<p>Issues addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>lane in each direction and gets very clogged with traffic every week day morning. There is no set of traffic lights leading onto Windsor Road. Cars can only turn left at this intersection. It is an incredibly poor, and dangerous, situation.</p> <ul style="list-style-type: none"> <li>For residents wishing to travel by car to Castle Towers or Castle Hill RSL etc., Showground Road needs a significant upgrade. Currently it is very difficult to turn right from Windsor Road onto Showground Road as all of the cars have to merge into one lane. The road widens for a while but then goes back to two lanes, which is desperately insufficient for the current number of cars without adding extra burden to the road by adding extra traffic coming from Mackillop Drive.</li> </ul>	<p>The upgrade of Showground Road is a separate matter associated with the Stage 3 construction of Castle Towers Shopping Centre. Development Consent 297/2008/HB contains specific conditions (Condition No. 34) requiring works to be undertaken within the classified road (being Showground Road).</p>	
<p>An increase in construction trucks is not favorable regardless of the proximity of the construction site to my property as these vehicles will travel along the length of the street in order to reach other main roads such as Seven Hills Road. Furthermore, an increase in both site workers and other development personnel will create a busy environment at the intersection of Mackillop Drive and Barina Downs Road.</p>	<p>Construction vehicles are a consequence of any development however appropriate conditions have been recommended to minimize disruption on the local road network. This includes the preparation of a Traffic Management Plan in accordance with the requirements of the Roads and Maritime Services</p>	<p>Issue addressed.</p>
<p>Our main is the issue on road safety. Our current block in particular our front and side yard are 2.5 - 3m below Barina Downs Rd and</p>	<p>The proposed development does not result in a change to speed limits within the local road network or generate excessive traffic which will adversely</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
we fear the next speeding car to fly through the roundabout as a short cut to either Norwest Boulevard or back streets of Bella Vista will end up either in our front yard or lounge room. It has happened in our neighbours back yard heading in the opposite direction.	impact on vehicular or pedestrian safety. There are existing round-a-bouts along Barina Downs Road which are considered sufficient to regulate traffic speeds noting an identified reduction in traffic using Barina Downs Road instead of the Norwest Boulevard.	
<p>Barina Downs in both directions should have either speed humps or chicanes provided which divide the road to slow traffic speeds.</p> <p>With speed humps to slow traffic behind you will create a safe environment for families especially children. We are certainly not opposing the development. We are urging you to strongly think about the risks of high volume of traffic at speeds greater than the assigned speed .</p>	<p>There are existing round-a-bouts within Barina Downs Road which are considered to be sufficient traffic calming measures to regulate speeds at this point in time.</p> <p>Further investigation into traffic speeds and required infrastructure can be separately investigated by Council's Local Traffic Committee.</p>	Issue addressed.
Hillsborough Way at this point in time is a very narrow street with no street parking.	There is no proposed reliance on Hillsborough Way for parking as sufficient parking will be available on each created allotment as per the requirements of THDCP 2011.	Issue addressed.
It is extremely difficult to turn right into Barina Downs Road from Windsor Road (even at off peak times) plus getting out of Barina Downs Road for all of Crestwood is horrendous. The RMS need to look at lifting the no right turn (onto Windsor Road) in off peak times to help with congestion.	No works are proposed at the Windsor Road / Barina Downs Road intersection as a consequence of this development. It is noted that works have now been completed at the Norwest Boulevard / Windsor Road intersection which has alleviated diverting traffic onto Barina Downs Road (as evidenced within Traffic and Parking Surveys undertaken on 18 September 2012 as part of Development Application 870/2012/JP.	Issue addressed.
Our quiet neighborhood will	The proposed development is	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>have a major increase in noise from traffic and people. With the ongoing development in the Norwest Business Park, this has increased population, noise and traffic to the area. Increasing residential homes will make it worse.</p>	<p>considered to provide a satisfactory density which is consistent with the subdivision pattern of the immediate surrounding area. The proposed apartment building and multi dwelling housing capability foreshadowed within the master plan is also considered to provide an appropriate housing opportunity within close proximity to a major business centre and key transport route facilitated by the future North West Rail Line.</p>	
<p>The schools, hospital and shopping area in Norwest is not build to handle this major increase in residential population. This will place more pressure on the already stretched facilities within the Norwest and the NSW government and local council does not have the funding to improve this.</p>	<p>Norwest Business Park currently provides two shopping centre complexes (Marketown and Circa) in addition to Bella Vista Shops being a local neighbourhood shopping complex. In addition two hospital developments exist within Norwest Business Park (Norbrik Drive as constructed and Solent Circuit as approved). The provision of these services is considered sufficient to meet the retail and health service requirements of the proposed population increase in this area.</p> <p>It is also noted that sufficient educational opportunities are provided for by way of existing primary and secondary schools as well as proposed future schools within the North Kellyville Precinct under the Growth Centres SEPP.</p>	<p>Issue addressed.</p>
<p>Council is continually turning this area into inner city living forcing more people to either move further west or interstate. This is not the lifestyle I bought into and with all the land space out at Kellyville, Rouse Hill and Dural, there is no need to build this residential subdivision and disrupt the lives of locals.</p>	<p>The proposed residential subdivision was amended to provide an allotment size and overall yield which is generally consistent with that of the immediate surrounding R2 – Low Density zoned properties.</p>	<p>Issue addressed.</p>
<p>The ongoing construction will</p>	<p>The development if approved will</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>damage our roads, create undue stress and potentially damage homes. No one will be able to sell their property during this period. No one will want to move into the neighborhood until construction is finished and this is a major detriment to people moving on with their lives.</p>	<p>be subject to conditions of consent (as recommended) which provide for bonds to provide existing local infrastructure.</p> <p>The proposed works are not considered to warrant dilapidation reporting as the construction works proposed are contained wholly within the site and not immediately adjacent to neighbouring properties.</p>	
<p>It is apparent that developments of this nature routinely request more dwellings than the site can sustainably hold. I would suggest that a development containing 40% of the number of proposed dwellings would be more appropriate to the area.</p>	<p>The proposed residential subdivision was amended to provide allotment sizes and overall yield which is consistent with that of the immediate surrounding R2 – Low Density zoned properties.</p>	<p>Issue addressed.</p>
<p>I am concerned with how many trees are going to be removed and not replaced. This is happening more and more in the area where development is getting rid of established trees without replacement.</p>	<p>The only trees proposed to be removed as part of the subdivision works are those affected by road construction and drainage works. All other trees on the site are to be protected during construction and any additional required removal addressed during the assessment of the dwelling Development Applications or Complying Development Certificates.</p>	<p>Issue addressed.</p>
<p>There is an existing drainage pipe from the proposed development site running through an easement on our block. In the 25 years we have been in residence there has been a number of times in heavy rainfall events that the capacity of the drainage pipe has been inadequate and flooding has occurred. I note from the Development Application that no increase of capacity in the drainage pipe is being contemplated. Although a detention basin is proposed,</p>	<p>The proposed development includes on site detention tanks and a designated detention basin within the low point of the site to address existing and post construction stormwater drainage. This on site storage will also address the volume of water draining through existing inter allotment drainage easement pipes discharging into Council's drainage network.</p> <p>These drainage measures have been assessed by Council's Subdivision and Development Certification Team and</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>how can the hydraulic engineering be guaranteed after the site is developed with hard surfaces?, which will eliminate the existing soakage ability of the whole paddock.</p>	<p>Waterways Teams are considered satisfactory to mitigate existing and future stormwater and flooding problems on the site.</p>	
<p>During heavy rains our pool has been filled with dirt and plant matter from the convent property. We have on one occasion had to have our pool drained due to the dirt and fill that drained into our yard. We have since dug a drain along the perimeter of our yard and the convent land and concreted this drain to redirect the water from entering our land. The stormwater easement already floods. The easement at the back of No. 12 Albion Place now gets filled to capacity during heavy rains.</p> <p>Concern is raised that there will be major flooding resulting in extensive damage to the surrounding houses. In the past there has been flooding after heavy rain, without the extra run-off from additional houses.</p>	<p>The proposed development includes on site detention tanks and a designated detention basin within the low point of the site to address existing and post construction stormwater drainage.</p> <p>These drainage measures have been assessed by Council's Subdivision and Development Certification Team and Waterways Teams are considered satisfactory to mitigate existing and future stormwater and flooding problems on the site.</p>	<p>Issue addressed.</p>
<p>I note on the plan of development that the area of detention basin containing the drainage pipe opening is designated as "public reserve". Who is to maintain this area and the drainage pipes?</p>	<p>The proposal includes the dedication of the detention basin to Council. Following dedication the detention basin (land and stormwater drainage infrastructure) will be maintained by Council.</p>	<p>Issue addressed.</p>
<p>Three (3) large eucalyptus trees on the site overhang into our property. Large branches have dropped and damaged our roof and smashed our pergola. If this area is to be public reserve, who will be responsible for future trimming of the trees and/or liable for any future</p>	<p>Any trees location within land dedicated to Council as part of the current application, will then be the responsibility of Council post dedication. Any concerns with tree maintenance, property damage or fencing disputes after the dedication are to be referred to Council's Parks Section for investigation and action.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
damage they may cause to our property or people on our side of the fence?		
<p>Our property is north facing. I would have concerns of light and sun being taken from our property, through either the height of proposed houses on cut and filled land, and height of retaining walls therefore devaluing the value of our property.</p> <p>Concern is raised with privacy to our house and property from the proposed development looking down into our property. Dwellings so close, and so high above our fence line will negatively impact upon our amenity.</p>	<p>The original proposal included a retaining wall associated with OSD tanks in the detention basin which were approximately 4.0m in height and approximately 3.0m set back from the southern property boundary. The applicant was requested to amend the plans to significantly increase the setback of these walls from the southern boundary which has been undertaken. Coupled with the minimum 10.0m rear setback of future dwelling houses to the southern boundary, the solar access of adjoining properties will not be adversely compromised by the future dwelling houses to be pursued as part of separate applications.</p> <p>The proposed setbacks are also considered sufficient to address privacy and amenity concerns with landscape planting capable of being provided within the 5.0m landscape buffer along the southern boundary fence. This is also proposed as a condition of consent to be replicated as a restriction on the applicable 88B Instrument.</p>	Issue addressed.
A 15 metre green buffer zone was previously proposed from our back boundary fence to the proposed back boundary line of properties. This has now been changed with the residential boundary running up to our back fence. Due to our house being a battleaxe property and with our main living area situated only 1 metre from our back boundary fence, this is of great concern.	The adopted Development Control Plan includes provision for a 10m rear building setback to the southern property boundary which includes a 5m landscaped vegetation corridor to be planted out at subdivision stage. This landscaping requirement is recommended to be incorporated as conditions of consent to be replicated into the applicable 88B Instrument.	Issue addressed.
Due to conflicting plans and diagrams, we do not know if	The only trees proposed to be removed as part of the	Issue addressed.



ISSUE/OBJECTION	COMMENT	OUTCOME
<p>the large trees (Lophostemon Confertus), that back onto our property, giving shade and privacy are to be retained or removed . These are beautiful old trees that are in excellent health and in the aborist report of 2008 were considered of high landscape significance and were recommended for retention; are these to remain? Due to the Management Guidelines for trees on private land adopted December 2009, we assume these would have to remain or significant replanting would have to occur.</p>	<p>subdivision works are those affected by road construction and drainage works. All other trees on the site are to be protected during construction and any additional required removal addressed during the assessment of the dwelling house Development Applications or Complying Development Certificates.</p>	
<p>Noise is another issue not addressed in the report. Earlier this year part of Mackillop Drive was resurfaced in a rough finish. Whilst this may have been a cheaper alternative for Council, it significantly increased noise levels from passing traffic. What will this proposal do to alleviate traffic noise?</p>	<p>The proposal does include specific measures to address traffic noise nor are measures considered necessary. The proposed subdivision component of the development results in allotment sizes and an overall yield which is consistent with the surrounding subdivision pattern of the locality. The proposed future multi dwelling housing and residential flat building components of the development will be subject to separate acoustic assessment noting that the proposed developments will not adversely escalate existing traffic noise in the locality as outlined within the above traffic volume modeling for Barina Downs Road.</p>	<p>Issue addressed.</p>
<p>The proposal will adversely affect the value of my property.</p>	<p>No evidence of property devaluation has been submitted to support this concern and the issue of devaluation is not a planning consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.</p>	<p>Issue addressed.</p>
<p>The proposed development of apartment units is contrary to the existing detached dwelling look and feel of the area.</p>	<p>The proposed residential flat buildings are contained within the proposed R4 – High Density zone which permits this form of development. The proposed</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	residential flat buildings are considered an appropriate form of development noting an residential flat building development is approved directly opposite and the site is within close proximity to Norwest Business Park and the future North West Rail Link.	
The subject site is zoned Special Uses 5(a) under BHLEP 2005. Objective (e) of the LEP would indicate that development should be in accordance with the adjoining 2(b) low density zone. The proposal including medium density development is contrary to Objective (e) of the zone.	The Special Uses 5(a) zone under BHLEP 2005 permitted forms of development which were also permitted on any land use within an adjacent zone. When considering what constitutes an "adjacent zone", the northern side of Barina Downs Road which was zoned Residential 2(a) was considered to be adjacent and as such the proposed residential flat building components of the master plan were considered to be a permissible form of development under the Special Uses 5(a) zoning.	Issue addressed.
The proposal includes residential flat buildings which are prohibited with the R2 zone reflected within LEP 2012. The development necessitates a rezoning via a planning proposal, to justify the proposed land use. This would normally proceed the Development Application.	The Development Application was lodged under the provisions of BHLEP 2005 which was considered to permit a residential flat building as outlined above. While THLEP 2012 is now in force, the Development Application is subject to a savings provision enabling its consideration under the provisions of BHLEP 2005.	Issue addressed.
The proposal includes 65% of allotments well below the requirements in the DCP. The proposed development should have progressed with a site specific amendment to the DCP.	The Development Application has progressed at the same time as the formulation of an amendment to the DCP and amendment to LEP 2012.	Issue addressed.
The application has not addressed the requirements of Council's Section 94 Contribution Plan and exhibited Section 94A Contribution Plan. Infrastructure embellishment should be considered with	The application is subject to The Hills Shire Wide Section 94A Contribution Plan which requires contributions to be paid to Council towards identified works within Council's Section 94A Works Program.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
the additional population proposed with the master plan.	In addition a Voluntary Planning Agreement is being pursued which coincides with the Development Application and outlines the payment of a monetary contribution towards water quality treatment works downstream in lieu of water quality treatment works on the subject site.	
The proposal includes a central row of trees around the heritage item as part of a local park. The southern park / detention basin has limited potential as a functional park. No assessment has been made of the increased demand on local and regional parks as a result of the additional population for the proposed 195 dwellings / units and any contributions to these facilities.	The proposed development includes the dedication of the southern detention basin as a 'public reserve' which will provide some passive open space / recreational opportunity for the existing and future community.	Issue addressed.
The master plan should be amended to provide low density development on the southern side of the heritage item with medium density development along Barina Downs Road. Apartment Buildings should not be supported.	<p>The proposed development includes low density residential subdivision to the south of the heritage item and multi dwelling housing capability along Barina Downs Road.</p> <p>The proposed residential flat building component of the master plan is considered satisfactory as the affected part of the site is proposed to be zoned R4 – High Density and the appropriateness of the R4 zoning has been addressed within the planning proposal recently reported to Council. This rationale was in part based upon the location of the site in close proximity to a major business centre (Norwest Business Park), future transport connectivity (North West Rail Link) and an apartment building development approved directly opposite the site.</p>	Issue addressed.
The master plan should be a site specific DCP amendment for the appropriate	An amendment to THDCP 2011 Part B, Section 2 – Residential has been prepared in	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
residential standards for housing development under the Council's planning controls.	conjunction with the assessment of the Development Application.	
<p>The Flora and Fauna Report also looks at the different types of birds that are found in and around the development. Two bird types that are not reported on are the Yellow-tailed Black Cockatoo (<i>Calyptorhynchus funereus</i>) and the Red-rumped Parrot (<i>Psephotus haematonotus</i>). The Cockatoo was sighted in trees on the development in the last two weeks. The Red-rumped Parrot was seen in the local area in abundant numbers prior to the developments such as the Norwest Business Park. These parrots can still be seen on the Eastern edge of the proposed development. The development of huge tracts of land in this area has seen the reduction in numbers of these beautiful parrots. I fear that this development would lead to the total demise of this species in another part of its natural habitat.</p>	<p>The proposed development has been assessed by Council's Flora and Fauna Section and is found to be satisfactory subject to conditions of consent requiring the significant vegetation in the north western corner of the site to be protected during the subdivision and road construction stages of the development, with further reporting required when the residential flat buildings are pursued by way of separate Development Applications in the future.</p>	Issue addressed.
<p>The traffic report suggests that the proposed North West Rail Link is also a factor in helping to reduce traffic in the future. This may well be the case however I feel that with this rail link many years away it should not even be considered as a factor.</p>	<p>While it is noted that the North West Rail Link is proposed within close proximity to the subject site, sole reliance on this future rail corridor to address traffic management issues is not appropriate. The assessment of the application has considered this future connection in conjunction with recent intersection improvements within Norwest Business Park and traffic surveys within the local road network.</p>	Issue addressed.
<p>In the development there has been a proposal to include a club house (farm house), pool and tennis court</p>	<p>The proposal includes a future community facility to be developed in conjunction with the future small lot housing</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>for the residents. Also the only community land in the development is very steep and would require major earthworks to make use of the land area. My suggestion is that the area in front of the farm house should be turned into a resource for the whole community. This resource should be a sporting field such as Bella Vista Oval utilising the farm house as a club house. I am involved in local sporting groups such as Soccer, Cricket, Swimming and Netball. These sporting groups are always looking for new facilities to cope with the increasing demand. These local sporting groups would relish the opportunity to use a new facility within the local community.</p>	<p>proposed fronting Barina Downs Road. This component of the development is foreshadowed as a future community title development with this facility for the private use of community which is part of the association.</p> <p>It is not considered that a sporting field on the subject site is required given the sites close proximity to existing community facilities within Bella Vista, Castle Hill and Kellyville.</p>	
<p>The density of the development is excessive and the adoption of standard building blocks of 700m2 are considered to be more appropriate and in keeping with the built environment.</p>	<p>The proposed low density component of the development (south of the central ridgeline) was amended to ensure minimum 700m2 allotment sizes are proposed in keeping with the surrounding low density character of the area to the east, west and south.</p>	<p>Issue addressed.</p>
<p>Will fencing along Barina Downs Road be cheap or a graffiti attraction. Will the existing banks on Barina Downs Road be replaced with sheer rendered masonry walls that provide an avenue for our local spray can artists to practice their skills?</p>	<p>Proposed fencing, retaining walls, embankment works and landscaping treatments along Barina Downs Road will be the subject of separate future Development Applications for the multi dwelling housing component of the development.</p>	<p>Issue addressed.</p>
<p>Concern is raised that cars will park along Barina Downs Road and clog the local street network.</p>	<p>There is no proposed reliance on Barina Downs Road for parking as sufficient parking will be available on each created allotment as per the requirements of THDCP 2011.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>If the government wants to raise some revenue from speeding fines they should come and sit on Barina Downs Road for a day, a lot of money would be raised, and even more so if the above development goes ahead.</p>	<p>Traffic infringement fines (such as speeding tickets) are a matter for the NSW Police Service.</p>	<p>Issue addressed.</p>
<p>I propose that if houses with wooden fences are to go up that greenery be part of the building development, much as has been done with the entrance of Reston Grange from Norwest Boulevard (With ivy grown against the fences and the additional landscaped greenery). Any cost of maintenance should be passed onto the residents of this estate. This will minimize the potential for graffiti (which will eventually be an added expense for Council) and help to minimise the look of high density. Why would we want to provide potential vandals with a blank canvass? New trees should also replace any removal of existing trees.</p>	<p>Fencing and landscaping treatments will be the subject of separate Development Applications for the dwelling houses once the allotments are created and registered.</p> <p>Ongoing maintenance of the torrens title allotments will be the responsibility of the allotment owners. Maintenance of the community title land will be the responsibility of the appointed Community Association.</p> <p>The only tree removal proposed as part of this application are those affected by the proposed roads and drainage works.</p>	<p>Issue addressed.</p>
<p>Finally we feel that this area should not be zoned to allow high density building. It detracts from the beauty and spaciousness that is associated with this area.</p>	<p>The appropriateness of the R4 zoning over the north western portion of the site was addressed within a separate planning proposal and is consistent with the residential density forecasts of the state government and the density forecasts outlined within the most recent North West Rail Link – Draft Structure Plan.</p>	<p>Issue addressed.</p>
<p>You can look at Toongabbie and Merrylands and many other suburbs where greed has prevailed and destroyed the characteristics of the area. This should not happen to us in The Hills Shire as there is plenty of space that can be developed for future residents.</p>	<p>The proposed development is considered to be an appropriate outcome given the nature of surrounding development which includes low density housing, residential flat buildings and multi unit housing forms, the proposed zoning of the site and recent strategic density directions issued by the state government which includes</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	medium density forecasts for the subject site.	

Following the Conciliation Conference and the submission of amended plans, the amended Development Application was re-notified for a further 14 days in conjunction with the exhibition of a separate planning proposal to rezone the site from R2 – Low Density to part R2, R3 and R4. A total of 52 submissions were received in relation to the Planning Proposal from the general public. This number includes submissions made specifically to the amended Development Application.

The additional issues raised in submissions received to both the amended Development Application and Planning Proposal are addressed in detail below:-

ISSUE/OBJECTION	COMMENT	OUTCOME
The proposal to increase the maximum building height adjacent to Coorumbene Court to 16m from the existing 9m will severely impact on the amenity of neighbouring properties.	It is acknowledged that the proposed 16 metre building height will be located adjacent to a residential area containing dwellings with a height limit of 9 metres. However, the 16 metre height will match that of the approved apartment building site at Nos. 40 – 52 Barina Downs Road, which is located close to the future apartment building location on the subject site. The residential plat buildings will be restricted to a maximum 3 storeys (on top of basement parking) as outlined within the master plan (subject of this application) and will be required to ensure compliance with the provisions of The Hills Development Control Plan 2011. This includes a minimum side boundary setback of 10 metres which will minimise the potential for adverse overshadowing to the west.	Issue addressed.
Surrounding infrastructure is inadequate. Council's Traffic Section is currently consulting with residents on the closure of Bingara Road during the morning peak. Such a closure would likely result in increased traffic load upon Barina Downs Road.  Public transport is currently inadequate.	The Residential Traffic Analysis prepared by Cardno Eppell Olsen in July 2009 found that the impact of full development of Mackillop Drive will have little impact on the critical intersections (Windsor Road with Memorial Avenue and Norwest Boulevard) or upon Windsor Road itself.  A further Traffic Impact Assessment prepared by Traffix in March 2011 considered that	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>the site enjoys good access to and from the arterial road network, using the surrounding local road network. The proposed low/medium density residential development under the current application may be regarded as a low traffic generating use on the site and in this context. The increased traffic associated with the development can be accommodated by the surrounding road network and will continue to operate within acceptable operating parameters which is further addressed by the recent completion of the Windsor Road / Norwest Boulevard intersection upgrade.</p>	
<p>The 2010 Local Environmental Plan provides for low density housing in this area. Low density housing is appropriate. The applicants proposal is inappropriate as apartment buildings are inconsistent with the character of the area.</p> <p>The site is currently zoned R2 and the Council has the ability to prevent the proposed R4 zoning.</p> <p>The design of the development is inconsistent with the surrounding area, namely the Crestwood and Bella Vista Estates. These estates are family friendly living with contained areas of low density housing and minimal through traffic. Apartment buildings are not consistent with this character.</p>	<p>The appropriateness of the R4 zoning over the north western portion of the site was addressed within a separate planning proposal and is consistent with the residential density forecasts of the state government and the density forecasts outlined within the most recent North West Rail Link – Draft Structure Plan.</p> <p>The proposed multi unit housing and residential flat building components of the development are consistent with existing built form in the locality including directly opposite the subject site at No. 40-52 Barina Downs Road.</p>	Issue addressed.
<p>This development will result in apartments being built above its neighbours in contrast to the apartments</p>	<p>The proposed residential flat building component of the Development Application is limited to a maximum of 3</p>	Issue addressed.



ISSUE/OBJECTION	COMMENT	OUTCOME
opposite (northern side of Barina Downs Road) which are sited in a gully and have a lesser impact upon surrounding properties.	storeys (above parking) which is lower than the approved apartment building development at Nos. 40-52 Barina Downs Road which were approved at 6 storeys with 2 and 3 storey interfaces and set back approximately 6.0 metres from the side property boundaries. The proposed residential flat buildings whilst located on the high side of the site, have generous side boundary setbacks to the western property boundary and are limited in height to address potential privacy and amenity concerns from adjoining low density residential developments.	
Loss of trees adjacent to Coorumbene Court is of concern.	The proposed development does not proposed tree removal adjacent to Coorumbene Court at this stage. Future assessment of tree retention and removal will be undertaken as part of the Development Applications lodged for the future residential flat buildings and access roads in this location	Issue addressed.
The 2009 proposal made provision for a 15m green zone. The proposed 5.0m exclusion zone adjacent to the western property boundary is inadequate and should be much greater for apartments.	The proposed 5.0m vegetation buffer zone is intended for boundary planting with an additional 5.0m (total 10.0m) setback for the proposed buildings. These setbacks are considered to provide adequate planting opportunity and separation between the proposed buildings and western boundary.	Issue addressed.
The proposal insufficiently considers the impact of the proposal on Mackillop Drive and Merinda Road. The concerns raised include blockages of the Mackillop Drive, Crestwood Drive and Chapel Lane Roundabout which is blocked during school times. About 500 houses only have one exit on Leonie Avenue and getting	Recent traffic surveys undertaken as part of a separate Development Application have showed that there has been a substantial reduction in the volume of traffic turning left at the Windsor Road/Barina Downs Road intersection due to substantial improvements to the Windsor Road / Norwest Boulevard intersection recently completed. A comparative	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>onto Merindah Road is another problem with cars banking from Lukes Lane.</p> <p>I request that the proposed rezoning be delayed until the surrounding roads can be improved to handle the resulting increase in traffic and that the exits onto the major roads at either end of Barina Downs Road be upgraded to allow easier egress during peak hours. Alternatively the proposal should be refused so that existing residents are not further inconvenienced by the overdevelopment of the precinct.</p> <p>Traffic modeling does not extend beyond roundabouts along Barina Downs Road. The intersection of Mackillop Drive and Chapel Lane is also overloaded in peak times as residents use this as an alternative exit to Windsor Road.</p>	<p>analysis of the traffic surveys undertaken pre and post intersection upgrade found that:-</p> <ul style="list-style-type: none"> <li>• There has been a reduction of 165vph (27.1%) in the volume of traffic using Barina Downs Road during the AM peak period; and</li> <li>• There has been a reduction of 73vph (14.3%) using Barina Downs Road in the PM Peak period.</li> </ul> <p>As a result of the above findings, it is considered that the projected additional traffic volumes expected to be generated by both development proposals is less than the reduction in traffic volumes using Barina Downs Road and surrounding local road network that has occurred as a consequence of the road improvement undertaken in Norwest Boulevard.</p> <p>It is not considered that the Development Application should be refused on the grounds of traffic generation and access.</p>	
<p>The site is on the hill and as such an increase in permitted building height is unfair to properties below.</p>	<p>The proposed building height increase from 9.0m to 16.0m is sufficiently addressed by way of a greater side boundary setback of 10.0m as per the amended DCP. In addition the proposed residential flat building components of the development will be limited to 3 storeys (above parking) ensuring a satisfactory transition is achieved from the subject site to the single and two storey residential dwellings to the west.</p> <p>It is also noted that further privacy measures such as high sill windows, obscure glazing and privacy screens could be considered as part of the future</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	Development Application for this component of the master plan works.	
<p>Public transport is insufficient for the increase in residents as the city bus only operates five buses up to 7.00am and 5 buses in the evening. The train station (when built) is also a very long walk.</p> <p>The bus routes quoted do not include the frequency of the timetables. Nor does the assessment indicate existing overloaded service problems.</p>	<p>The Norwest Train station is approximately 1.0km (500m as the crow flies) from the subject site. This distance is considered feasible for pedestrian connectivity.</p> <p>While it is noted that there are limited services within the 615X route number (Hillsbus Region 4 service to the City), there are regular buses along the M2 Hills Motorway that could be utilised (with limited park and ride availability). In addition to the T-Way (boarding at Norbik, Norwest Business Park) to the west of the subject site.</p>	Issue addressed.
<p>Where adjoining existing residential dwellings, including the north western corner of the site, a similar low density subdivision pattern should be pursued.</p> <p>Reliance on the adjacent apartment building development approved on Barina Downs Road is inadequate as this development should be used as a critical reason to avoid further departure from the established low density character of the area. The proposal needs to be considered holistically within development of the surrounding areas.</p>	<p>The proposed residential flat building development potential in this location is considered appropriate giving consideration to the required 10.0m side boundary setbacks, required 5.0m vegetation buffer zone and the higher residential densities foreshadowed within recent state government direction such as the North West Rail Link Draft Structure Plan.</p>	Issue addressed.
<p>The site is a transition zone between two critically ecologically endangered communities. The proposed development will have a substantial impact to local wildlife and diminishing habitats.</p>	<p>The proposed development has been assessed by Council's Flora and Fauna Section and is found to be satisfactory subject to conditions of consent requiring the significant vegetation in the north western corner of the site to be protected during the subdivision and road construction stages of the</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>development, with further reporting required when the residential flat buildings are pursued by way of separate Development Applications in the future.</p> <p>Refer to the Flora and Fauna comments in this report for further information.</p>	
<p>Pedestrian crossings and speed treatments will not reduce the volume of traffic and can only act as band aids to a larger problem.</p>	<p>The proposed development does not result in a change to speed limits within the local road network or generate excessive traffic which will adversely impact on vehicular or pedestrian safety. There are existing road-a-bouts along Barina Downs Road which are considered sufficient to regulate traffic speeds noting an identified reduction in traffic using Barina Downs Road instead of the Norwest Boulevard.</p>	<p>Issue addressed.</p>
<p>What additional infrastructure is the Council planning to cope with an additional 500 plus people in the area who will need public transport, health care, shopping facilities, playgrounds, schooling and sporting facilities?</p> <p>Where are the new residents going to do their shopping. It is already extremely hard to park at Norwest Marketown with Hillsong using the shopping centre spaces.</p>	<p>Norwest Business Park currently provides two shopping centre complexes (Marketown and Circa) in addition to Bella Vista Shops being a local neighbourhood shopping complex. In addition two hospital developments exist within Norwest Business Park (Norbrik Drive as constructed and Solent Circuit as approved). The provision of these services is considered sufficient to meet the retail and health service requirements of the proposed population increase in this area.</p> <p>It is also noted that sufficient educational opportunities are provided for by way of existing primary and secondary schools.</p>	<p>Issue addressed.</p>
<p>The site already has water management problems which should be dealt with. The cost of water containment and management cannot be covered by the development and would rely on the</p>	<p>The topography of the southern part of the site slopes steeply towards residential properties in Salamander Grove. The intensity of the proposed residential development will increase the extent of impermeable area on</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>broader rate base. Residents are happy to share this cost for low density development only.</p>	<p>site and requires appropriate drainage infrastructure to be provided. The subdivision pattern of surrounding properties was designed and constructed in a manner appropriate for its time, but additional drainage works are required to accommodate the stormwater discharge from the development site. The additional runoff generated by development of the site does not worsen flood impacts to properties downstream as the proposal includes on site detention tanks and a detention basin to address the increased overland flow. As a result residents will not be expected to share the costs as the works form part of the Development Application and are supplemented by a Voluntary Planning Agreement for water quality treatment works downstream.</p>	
<p>The proposed AMCOR minimum road widths have already proved themselves to be a problem, not just to residents but to support services, emergency services and visitors. They are incompatible with the existing roads in the area.</p>	<p>The proposed subdivision and associated road pattern complies with Council's subdivision and works specifications requirements and are considered satisfactory for the yield of allotments proposed within the Development Application.</p>	<p>Issue addressed.</p>
<p>Residents believe that the proposed suburban character zone within the State Government's Green Paper applies to this area and should explicitly preclude development that adversely impacts upon the local character. In response to these changes, I encourage Council to defer any decision on any large scale developments.</p>	<p>The Green Paper – A New Planning System for NSW dated July 2012 outlines the inclusion of new zones including a suburban character zone. This zone is proposed to give greater certainty about what can and cannot be developed in an area that has been designated for preservation. The subject site and immediate locality is not considered at this point in time to be in an area designated for preservation and as such the Green Paper is not considered to preclude the proposed development.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Community consultation has been insufficient as Council should engage its community services department expertise in information translation and the seeking of community responses in regard to large scale developments. I would also suggest community information days at the Crestwood Community Centre with a defined period consultation afterwards. It is better to gather people where they feel safe and comfortable rather than an alien administrative complex that is fraught with challenges.</p>	<p>The proposed development application was placed on public exhibition on two occasions and was the subject of a conciliation conference held at the Council Chambers.</p> <p>The extent of community consultation has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Development Control Plan.</p>	<p>Issue addressed.</p>
<p>It is noted that the developer has attracted Federal funding to correct a mistake in underestimation of traffic volume and flow with the Bella Vista Estate area, caused by the developer. This allocation of funds reduces, if not obliterates, the funding available to upgrade both feeder and collector roads in the area.</p>	<p>The additional traffic modeling information has been assessed in conjunction with the traffic modeling information submitted in support of Development Application 870/2012/JP and is considered to satisfactorily demonstrate that the proposed development will not have an unsatisfactory impact on local infrastructure.</p> <p>It is not considered that the proposed development has resulted in an adverse deficiency in transport infrastructure funding for the local community.</p>	<p>Issue addressed.</p>
<p>Council has increased the threat of danger by failing to control the vegetation in the middle of the roundabouts around the site.</p>	<p>This is a separate matter that can be separately pursued through Council's Place Management Section. This section is responsible for vegetation maintenance along the footpath and within roundabouts.</p>	<p>Issue addressed.</p>
<p>The additional building height, limited open space and no backyards will create a slum in the future.</p>	<p>The adopted amendments to the DCP and the detail outlined within the amended master plan is considered to provide sufficient development standards and built form outcomes which will not result in an unsatisfactory or unappealing</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	development outcome.	
<p>The community consultation process has been inadequate. The reports are difficult to find in the tracking application. Additional Figures 6, 7 and 8 are illegible in the Bushland Rehabilitation and Management Plan. Residents need to be able to readily access online documents in order for proper consultation.</p>	<p>The proposed development application was placed on public exhibition on two occasions and was the subject of a conciliation conference held at the Council Chambers.</p> <p>The extent of community consultation has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Development Control Plan 2011.</p> <p>While it is noted that various figures within the Bushland Rehabilitation and Management Plan are illegible, Council's Flora and Fauna Section have assessed the application and inspected the site and have confirmed that the proposed development is satisfactory subject to conditions consent.</p>	Issue addressed.
<p>There is an area of bushland next to the threatened species area on Figure 5 of the Bushland Management Plan which should be valued and protected as potential habitat for threatened species.</p>	<p>Figure 5 of the Bushland Management Plan identifies significant areas of vegetation of which the proposed future Residential Flat Buildings will be required to conserve where possible. The proposed pad site locations of the future flat buildings are not located within these areas.</p>	Issue addressed.
<p>I urge Council reconsider approving any developments on or near existing bushland, particularly these areas which contain threatened species. The suggested replanting of 1.290ha of bushland is commendable and should be adopted within the existing R2 zoning maintained.</p>	<p>Clause 2.2 of the submitted Bushland Management Plan indicates that a total of 1.290 hectares will be planted with Cumberland Plain Woodland and Sydney Turpentine Ironbark Forest. It is recommend that a condition of consent be imposed ensuring compliance with Figure 8 of the Management Plan – Proposed Vegetation Retention (Conservation Areas) is achieved.</p>	Issue addressed.
<p>The proposal is contrary to the Cumberland Plain Recovery Plan by the</p>	<p>The proposed development was supported by a Fauna and Fauna Survey Assessment Report and</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Department of Environment Climate Change and Water. Clearing of 0.56ha of Cumberland Plain Woodland is in direct violation to the guidelines requirement to deliver best management practices. Building of residential housing will also lead to degradation of the remaining bushland due to human activity, noise, pets and pollution.</p> <p>Council's report on the planning proposal indicates that the Sydney Turpentine Ironbark Forest and Cumberland Plain Woodland supports threatened species of birds and bats. High density dwellings in such close proximity to the bushland will have a negative effect on wildlife due to human activity, noise, traffic, foreign plants and animals. Low density housing in this location would have a lesser impact on the local bushland.</p>	<p>Bushland Rehabilitation Management Plan which has been assessed by Council's Flora and Fauna Section and is considered satisfactory. The proposed development ensures significantly vegetation is protected where practical with vegetation measures outlined within the management plan. The proposed low density development is indicated south of the central ridge with the significant portions of vegetation retained as outlined within the 'Remnant Vegetation Plan' forming part of the proposed master plan.</p>	
<p>The planning proposal indicates that apartment buildings are appropriate as the buildings are in close proximity to a conference centre. Most conference delegates attend from outside areas and only a hotel could service accommodation needs.</p>	<p>The proposed R4 zoning and residential flat building development outlined within the proposed master plan are considered satisfactory as the density is consistent with the surrounding built form of the locality and is consistent with state government strategic direction to intensify residential yields in close proximity to transit and business centres. The existing conference facility is not proposed to be amended by way of the current application and visitors to this facility have accommodation opportunities close by in Castle Hill and Norwest Business Park.</p>	<p>Issue addressed.</p>
<p>The Council should not rely on the North West Rail Line as this service will not be</p>	<p>While it is noted that the North West Rail Link is proposed within close proximity to the subject</p>	<p>Issue addressed.</p>



ISSUE/OBJECTION	COMMENT	OUTCOME
operational for approximately 10 years.	site, sole reliance on this future rail corridor to address traffic management issues is not appropriate. The assessment of the application has considered this future connection in conjunction with recent intersection improvements within Norwest Business Park and traffic surveys within the local road network.	
<p>The traffic impact assessments that were conducted were not comprehensive as they did not take all of the issues into consideration. The intersections addressed under the state and commonwealth interests, only assessed the intersections to the north of the site and didn't take into consideration all of the intersections to the south. Starting with Mackillop and Chapel Lane.</p> <p>The assessment also focused on delay times, which is a narrow view and should better address the potential increase in the number of people and cars into the area.</p>	<p>While the assessments submitted by the applicant have focused on Barina Downs Road and Mackillop Drive rather than the total local street network, the submitted reports were assessment by Council's Traffic Management Section in conjunction with Council's own traffic modeling records and the proposed impacts of the development on the total road network are not considered to warrant refusal of the application.</p> <p>With respect to the projected increase in vehicle movements (rather than service delays), recent survey work undertaken for the development opposite the subject site has found that traffic volumes have decreased within the local street network. As such the projected increase in traffic volume is considered to be offset by the existing reduction, in part resulting from the recent Windsor Road / Norwest Boulevard intersection upgrade.</p>	Issue addressed.
Most apartment blocks do not provide sufficient parking for visitors and it is likely that overflow parking will occur within Coorumbene Court given the lack of parking on Barina Downs Road. This will make the street crowded and unsafe.	The proposed development of the future Residential Flat Buildings will be required to demonstrate compliance with the resident and visitor parking requirements of the DCP when this stage of Development Applications are pursued. The parking rates outlined within the DCP are considered sufficient to ensure on street parking is not relied upon.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
As stated in the Department of Planning's website " <i>The Act provides for members of the public to participate in planning decisions that will shape their communities future.</i> " Council staff should be reminded that the community is defined as a group of people living in one place. The local community is the surrounding neighbourhood and is not just the land owner and developer.	The proposed Development Application was notified in accordance with the Environmental Planning and Assessment Act, 1979 and DCP to ensure that the surrounding community have been adequately informed and provided an opportunity for engagement and consultation.	Issue addressed.
Within one year, Council's opinion has changed for the site to allow for apartment buildings. We support infill development when it is appropriate within the surrounding character. We can live with townhouses and integrated housing that are well designed to fit into the urban landscape. However we do not support apartment building development.	<p>The existing R2 zone pursuant to THLEP 2012 resulted from a change in zone from Special Uses 5(a) under BHLEP 2005 to R2 - Low Density due to the existing low density zoning around the site. This rezoning was preliminary to then enable more detailed investigation into appropriate zoning for the site in response to strategic planning directions from the state government.</p> <p>As outlined above, residential density targets have recently been released for areas in close proximity to transit and business centres (which includes the subject site) and as such the proposed R4 zoning is considered to be more appropriate and consistent with this strategic direction.</p>	Issue addressed.
Has Council sought to recover the costs of preparing the LEP as outlined within EP&A Act 1979, Division 4 – Local Environmental Plans.	The Council has not sought to recover costs.	Issue addressed.
Council has not abided by the obligations under the Act and has exhibited the amendment without consulting with the NSW Office of Environment and Heritage and Transport NSW as per the departments	The NSW Office of Environment and Heritage and Transport for NSW - NSW Roads and Maritime Service were advised in writing of the planning proposal by letter dated 10 July 2012 in accordance with the conditions outlined in the Gateway	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Gateway Determination dated 12 June 2012.	Determination. Consultation with this department was subsequently undertaken at the same time as the exhibition period being between 10 July 2012 to 10 August 2012.	
The determination of the Development Application is premature until the Council has properly advertised and determined any amendments to the zoning instrument and Draft LEP.	The proposed zoning amendments have been exhibited, reported to Council and supported.	Issue addressed.
<p>The Council has adopted a Residential Direction Strategy to guide housing development and examine appropriate areas for increased housing densities. The proposal does not meet the criteria in this document as the proposal is not consistent with surrounding built form, the site is not in close proximity to public transport and services and the proposal is inconsistent with the surrounding low density residential development.</p> <p>The site has not been specifically targeted in the direction. As such there is no requirement to achieve a density yield on the site and no justification to achieve development other than that which is compatible with the surrounding built form.</p>	<p>The proposed mixed density yield across the site is considered to be compatible with the existing surrounding development form of the locality. The site is directly opposite a residential flat building development under construction, with multi unit housing development existing along Barina Downs Road. In addition the residential subdivision component was amended to ensure the resulting allotment sizes were consistent with the existing low density residential subdivision pattern of the locality.</p> <p>The site has been specifically targeted within recent strategic density directions (as outlined within the North West Rail Link Draft Structure Plan) which is consistent with the built form proposed within the current application.</p>	Issue addressed.
The Council report on the planning proposal notes that a schedule of works is needed to address the environmental capacity of the road network in terms of pedestrian crossing and traffic treatments via a Local Area Traffic Management Plan. No details of the Plan have been provided and this should be included in the investigation for the local	<p>An amended Traffic and Parking Assessment Report was submitted to Council which demonstrated satisfactory levels of traffic generation with respect to the existing and future function of the local road network.</p> <p>As a result a Local Area Traffic Management Plan was not considered necessary as outlined within the report to Council (14</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
area.	May 2013) on the Planning Proposal, Amended DCP and draft Voluntary Planning Proposal.	
<p>On 19/02/2012, my property was inundated by storm water flooding from the development. This flooding caused a retaining wall to be undermined, which in turn resulted in the slumping of my side footpath and buckling of the dividing fence. I am still awaiting advice from Council on the rectification of damage, which was no doubt caused by an existing inadequate drainage regime.</p> <p>As such adequate drainage measures as a result of this development are an imperative.</p>	<p>The proposed development includes on site detention tanks and a designated detention basin within the low point of the site to address existing and post construction stormwater drainage. This on site storage will also the volume of water draining through existing inter allotment drainage easement pipes discharging into Council's drainage network.</p> <p>These drainage measures have been assessed by Council's Subdivision and Development Certification Team and Waterways Teams are considered satisfactory to mitigate existing and future stormwater and flooding problems on the site.</p>	Issue addressed.
<p>We would seek a meeting with the residents of Nos. 2, 4, 6 and 8 Coorumbene Court to discuss opportunities to reposition some, or all of the three proposed apartment buildings in order the lessen the direct impacts on neighbouring properties.</p>	<p>The proposed future residential apartment buildings are located 10.0m from the side property boundary and are limited in height to three storeys (above parking). The limited height and setback (greater than that required for other sites in the area being 6.0m) is considered appropriate for the site.</p>	Issue addressed.
<p>Two bird types that are not reported on are the Yellow-tailed Black Cockatoo (<i>Calyptorhynchus funereus</i>) and the Red-rumped Parrot (<i>Psephotus haematonotus</i>). The Cockatoo was sighted in trees on the development in the last two weeks. The Red-rumped Parrot was seen in the local area in abundant numbers prior to the developments such as the Norwest Business Park. These parrots can still be seen on the Eastern edge of the proposed development.</p>	<p>The proposed development was supported by a Fauna and Fauna Survey Assessment Report and Bushland Rehabilitation Management Plan which has been assessed by Council's Flora and Fauna Section and is considered satisfactory. The proposed development ensures significantly vegetation is protected where practical with vegetation measures outlined within the management plan. This vegetation is considered sufficient to support existing species on the site.</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Of significant note is that these parrots eat grasses, seeds, fruits etc. The development of huge tracts of land in this area has seen the reduction in numbers of these beautiful parrots. I fear that this development would lead to the total demise of this species in another part of its natural habitat.</p>	<p>The proposed low density development is also indicated south of the central ridge with the significant portions of vegetation retained as outlined within the 'Remnant Vegetation Plan' forming part of the proposed master plan.</p>	
<p>The land uses and visual aspect on the southern / southwestern side of Barina Downs Road are significantly different to the those on the north eastern side. This is mainly due to the visual influence of the commercial buildings in the Norwest Business Park visible by looking from the southern/southwestern side of Barina Downs Road and the town houses on the corner of Barina Downs and Windsor Road. This makes R3 and R4 zoning appropriate for the north eastern side of the road but not the south western. Looking towards the Crestwood area from Barina Downs Road only lower height R2 dwellings fit in with the existing amenity. The point of division between higher density buildings of greater height is Barina Downs Road. The creep of R3 and R4 zonings onto the southwestern side of Barina Downs Road is not appropriate when considering the vistas from each side of Barina Downs Road.</p>	<p>The appropriateness of the R4 zoning over the north western portion of the site was addressed within a separate planning proposal and is consistent with the residential density forecasts of the state government and the density forecasts outlined within the most recent North West Rail Link – Draft Structure Plan.</p> <p>The proposed R3 zoning and associated small lot housing fronting Barina Downs Road is also considered appropriate as the additional density is not considered to compromise significant vistas to the sites heritage item or view corridors towards Norwest Business Park.</p> <p>The proposed small lot housing and residential flat building components of the development are also consistent with existing built form in the locality including directly opposite the subject site at No. 40-52 Barina Downs Road.</p>	<p>Issue addressed.</p>

#### **SUBDIVISION ENGINEERING COMMENTS**

No objection is raised to the proposed Development Application subject to conditions of consent.

## TRAFFIC MANAGEMENT COMMENTS

The application (as originally lodged) was referred to Council's Traffic Management Section and the following comments were received:-

### **"1. Traffic Impact**

#### *i) Existing Traffic Environment*

*This application propose to construct 195 residential dwellings with varying densities ranging from apartments to larger detached dwelling allotments with road frontages to both Mackillop Drive and Barina Downs Road. A traffic report prepared by Traffix has been submitted in support of the application. The application was referred to the Roads and Traffic Authority for comment and a response was received dated 16 August 2011 raising concerns regarding the traffic count data supplied by the consultant being obtained during the morning peak only and not AM and PM on a Friday and not the typical weekday peak of Tuesday, Wednesday or Thursday. In addition limit access into and out of all new access roads to left in left out by means of centralized concrete median islands.*

*Barina Downs Road is 1.2km long 10.0m wide major collector road within Council's road hierarchy linking the State Arterial of Windsor Road with a left in/ left out intersection at its eastern extremity and the roundabout controlled western intersection with Reston Grange. Mackillop Drive is also considered to be a major collector road linking Seven Hills Road to the south via Chapel Lane and Windsor Road via Barina Downs Road to the north. According to the Residential Traffic Analysis report prepared for Council by Cardno Eppell Olsen in 2009 both the eastern section of Barina Downs Road between Mackillop Drive and Windsor Road and the western section between Mackillop Drive and Reston Grange sustains around 600 vehicle trips per hour (vtph) or 6000 daily vehicle movements. Similarly according to the report Mackillop Drive also sustains around 600 vtph.*

*The volumes provided in the Cardno report have been validated with Council carrying out its own traffic counts in July 2008 and September 2011 obtaining similar results.*

*Of concern however is that upon interrogation of the traffic count data provided in the traffic consultants report it would appear to be substantially less at 303 vtph for the western section and 347 vtph for the eastern section of Barina Downs Road with Mackillop Drive also being substantially less at 360 vtph or around half the previously recorded data obtained by Cardno and Council.*

*There is no Environmental Capacity (EC) calculations for Barina Downs Road provided as part of the Residential Development and Traffic Study undertaken by TAR Technologies in August 2005 however the Cardno report includes these calculations with Barina Downs Rd (east) having an EC of 467 vtph and (west) 366 vtph with Mackillop Drive at 401 vtph.*

#### *ii) Proposed Development - Traffic Generation*

*There are Roads and Traffic Authority Guide to Traffic Generating Developments have traffic generation rates for the various class of residential developments applicable to this application ranging from 0.3 peak hour vehicle trips (phvt) for units to 0.85 phvt for detached dwellings.*

*The consultant has elected to assume the detached dwelling rate of 0.85 phvt for all 195 lots excluding apartments resulting in an overall total traffic generation of 157 peak hour vehicle trips or with an 80% departing the site and 20% arriving during the AM peak this equates to 126 outgoing and 31 incoming trips.*

*The consultant has distributed these additional trips according to the 2006 Journey to Work Data to the surrounding road network and through SIDRA analysis confirmed that all of the surrounding intersections will continue to operate at a satisfactory level of service. It must be pointed out however that whilst the consultants total traffic generation from the site is considered appropriate the application of these predicted volumes to the much*

lower consultants derived existing traffic count data will result in a distorted level of service output from the SIDRA model.

iii) Cumulative Impact in Locality – Barina Downs Road and Mackillop Drive

<b>Traffic Movements</b>	<b>Environmental Capacity</b>	<b>Existing Volumes Consultant</b>	<b>Existing Volumes Council &amp; Cardno</b>	<b>Proposed Increase</b>	<b>% Increase</b>
<b>Barina Downs Road (East)</b> Vehicle Movements: Peak Hour AM/PM Vehicles P/ Day	467 4670	347 3470	619 6190	54 540	8.7% 8.7%
<b>Barina Downs Road (West)</b> Vehicle Movements: Peak Hour AM/PM Vehicles P/ Day	366 3660	303 3030	626 6260	66 660	10.5% 10.5%
<b>Mackillop Drive</b> Vehicle Movements: Peak Hour AM/PM Vehicles P/ Day	401 4010	360 3600	561 5610	37 370	6.5% 6.5%

The above table contains traffic counts for Barina Downs Road and Mackillop Drive and shows that the cumulative impact of the proposed development will result in traffic increase of up to 10.5% peak hourly and 10.5% daily in Barina Downs Road and Mackillop Drive.

As can be seen from the figures above there is some discrepancy between the existing volumes indicated by the traffic consultant and those obtained by Cardno and Council resulting in a moderate increase in the Environmental Deficiency Index (EDI) from the existing factor of 1.7 to around 1.8.

The net increase in traffic expected to be generated by the proposed new development is relatively moderate both in terms overall numbers and the impact these numbers have on the operational efficiencies of the nearby intersections. However of concern is that when using the existing count data supplied as part of Cardno report and Council's own traffic counts the Environmental Capacity of all three surrounding roads is currently exceeded by a substantial margin and the addition of the traffic generated by this development is going to exacerbate an existing problem.

iv) Need for Traffic Improvements in the Locality

Possible Local Area Traffic Management devices such as slow points and mini roundabouts to improve Environmental Capacity.

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

Barina Downs Road is located to the west of the State Arterial of Windsor Road and to the east of Reston Grange within the suburb of Baulkham Hills. Access to Windsor Rd is restricted to left out only whilst access to Reston Grange is under roundabout control.

vi) Sight distance and other safety issues

*Sight distance when entering or exiting the proposed access roadways for the property exceeds the minimum safe intersection sight distance standards required under the Austroads Standards for vehicles traveling at 50km/h.*

*The issue of restricting access to left in left out as suggested by the RTA is not justified as better outcome could be achieved if the access for the apartments could be eliminated from Barina Downs Road and Mackillop Drive altogether and internalized to the proposed local internal road network."*

**Outcome**

As a result of the above findings, the applicant was requested to submit a revised traffic report with more accurate existing traffic count data and some comment about addressing the expected increase in the Environmental Deficiency Index for both Barina Downs Road and Mackillop Drive. In addition the applicant was requested to modify the proposed access for the apartments from Barina Downs Road and Mackillop Drive to the internal road network.

Following the submission of amended traffic modeling information, the amended proposal was re-referred to Council's Traffic Management Section for further consideration. The following additional comments were received in response to this referral:

**"1. Traffic Impact**

i) Existing Traffic Environment

*This application was previously referred to the traffic section with comments provided in October 2011. In essence the previous concerns related to the validity of the traffic count data provided in the traffic consultants report and the possibility of limiting the number of the access driveways onto both Mackillop Drive and Barina Downs Drive to reduce potential conflict points in proximity to the existing roundabouts.*

*The traffic consultant has addressed the traffic count issue and provided updated traffic counts which now appear to be consistent with Council and previous consultant reports prepared on behalf of Council.*

*The issue of driveway locations would appear not to have addressed with no changes to the previous proposal. It is understood that the reason for retaining the previous access configuration is to maintain service vehicle access in a one way arrangement to the higher density dwelling units. In this regard the access driveway for Block No 2B should be one way exiting into Mackillop Drive or alternatively if this is not possible the entry movements should be restricted to left in only by means of a physical impediment such as a central concrete median.*

*Similarly the access road adjacent to Block 3B also requires further consideration with a view to possible relocation and incorporation of a roundabout to coincide with the proposed driveway location for the proposed residential development (DA 870/2012/JP) on the opposite side at 40-52 Barina Downs Rd.*

*All previous comments concerning should be read in conjunction with these comments.*

**Recommendations**

*The applicant be requested to:-*

- 1. Ensure the one way access driveway servicing Block 2B be one-way exiting into Mackillop Drive or alternatively restricted to left in only through the provision of a central concrete median.*
- 2. Investigate the feasibility of relocating the access road servicing Block 3B incorporating a roundabout to coincide with the proposed access driveway for 40-52 Barina Downs Rd."*



### **Outcome**

In response to these revised comments, the applicant was again requested to consider the feasibility of various amendments as outlined above. The applicant responded in a letter dated 15 June 2012 and provided the following comments:-

1. *With respect to Item 1 it is indicated that the access onto Mackillop Drive needs to be retained to facilitate better service vehicle access to Stage B.*
2. *With respect to Item 2 the applicant has agreed to modify the access road design to exit onto Road No 1 instead of Barina Downs Road.*

### **Conclusion**

When having regard to the above comments and the additional information submitted by the applicant over the course of the assessment, there is no longer any objection raised to the proposed master plan and subdivision component of the development from a traffic management perspective.

### **TREE MANAGEMENT COMMENTS**

No objection is raised to the proposed Development Application subject to conditions of consent.

### **HEALTH & ENVIRONMENTAL PROTECTION COMMENTS**

No objection is raised to the proposed Development Application subject to conditions of consent.

### **WASTE MANAGEMENT COMMENTS**

No objection is raised to the proposed Development Application subject to conditions of consent.

### **FLORA AND FAUNA COMMENTS**

The application (as originally lodged) was referred to Council's Environmental Health and Protection (Flora and Fauna) Section and the following comments were received:-

#### **"RESIDENTIAL HOUSES / SUBDIVISION IN THE SOUTH**

*Limited changes to any habitat will be occurring for the purposes of this development as most of the trees will be retained and the site is largely clear of trees due to past land use.*

*The proposal was concluded by Ambrose Ecological Services (by way of a seven part test) to be unlikely to significantly impact on any threatened entities as listed under the Threatened Species Conservation Act 1995. As a result of these conclusions, no objection is raised to the proposed subdivision of southern portion of the site subject to the following conditions.*

1. *The removal/clearing of hollow-bearing trees should be undertaken according to the following methods:*
  - *Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.*
  - *An experienced wildlife handler/ecologist shall be in attendance during the felling of hollow-bearing trees on this site in order to rescue any injured wildlife.*
  - *Potential habitat branches in lowered trees or sections of trees shall be searched by an experienced ecologist and any fauna shall be removed and, if uninjured,*

- either released on the site or, if injured, transferred to the care of a wildlife carer and released on the site when re-habilitated.*
- 2. Tree hollows are to be salvaged from trees within the development area and placed within adjacent conservation areas. This is to be done by a qualified and experienced arborist, under the direction of the Project Ecologist.*
  - 3. Bushrock disturbed within the development area will be relocated to adjacent conservation areas by a suitably qualified and experience ecologist.*
  - 4. Retention and restoration of native vegetation remnants is to be undertaken as shown in Figure 7 as "Conservation Area A" within the development area in of the Flora and Fauna Assessment by Ambrose Ecological Services dated July 2011.*
  - 5. "Conservation Area A" is to be fenced and protected during construction from erosion and sediment impacts.*
  - 6. Lots that contain "Conservation Area A" will be subject to a restricted development area.*

### **MASTERPLAN IN THE NORTH & APARTMENTS IN THE NORTHWEST CORNER**

*Upon site inspection on the 11<sup>th</sup> August 2011 habitats within the forested area in the northwest corner of the development area are more substantial than those over the remainder of the site. A number of small to medium sized hollows were observed in the trees which have the potential to house a variety of fauna species including a number of threatened microchiropteran bats and threatened birds which are known to occur in the locality. Due to the limited habitat left available in the surrounding urban context the potential for this site to be an important habitat for fauna species is increased. There is insufficient information within the Flora & Fauna Survey & Assessment Report by Ambrose Ecological Services dated March 2011 detailing the fauna surveys conducted. At a minimum, the following fauna surveys should be undertaken for sites where a number of small to medium hollows are present:*

- Spotlighting*
- Dusk/dawn bird surveys*
- Call-playback*
- Anabat survey*

*Utilisation of these survey techniques will give a greater chance of detecting what species may be using this site as habitat.*

*The Flora & Fauna Survey & Assessment Report also provides insufficient information in relation to the survey effort for these surveys. Nocturnal Surveys were conducted from 5:30-7:30pm on 3, 4, & 5 July 2007 and 8-10:30pm on 11, 12 & 13 February 2008. In the Biodiversity Survey and Assessment: Guidelines for Developments and Activities (2004) it states at a minimum 3 hours of Ultrasonic bat detection is required immediately after dusk, however, there was only 2 or 2.5 hours of nocturnal survey conducted on these nights which is reported to include spotlighting, call-playback and ultrasonic detection but no mention of the effort for each survey method. Assumedly less than 2 hours of ultrasonic bat call detection was undertaken each night to account for other surveys undertaken. Ideally, ultrasonic bat detectors are left out overnight to take a full survey over the course of the night.*

*Concern is raised to the development of apartments within the northwest corner of the subject site due to the number of hollow-bearing trees in this area and insufficient survey here to determine the impacts on any threatened fauna which may utilise the habitat on site.*

*The Bushland Rehabilitation Management Plan outlines measures to reduce the likelihood of weed infestation during and post construction, and Bush regeneration measures for selected areas. This has included an estimate of costs associated with the bushland*

restoration works being a total of \$196,208. The Maintenance schedule in Table 4.1 of the Bushland Rehabilitation Management Plan indicates that the selection of revegetation sites are to be determined at a later date, however, sites to be revegetated are required to be detailed as part of the Masterplan and subsequent Development Application.

The applicant is therefore requested to provide a map indicating where re-vegetation is to occur, what is to be planted and the density of plantings.

Requirements for the Masterplan include:

- A table of fauna survey effort for each type of survey undertaken
- If insufficient (ie less than 3 hours) further bat call echolocation surveys are to be undertaken within the woodland in the north west of the site to determine likelihood of threatened microchiropteran bats.
- A list of results for the flora quadrats undertaken as per figure 8 of the Flora and Fauna Survey & Assessment Report by Ambrose Ecological Services dated March 2011
- A map of the resulting vegetation types from the quadrat surveys and a description of each community found on the site linked to the vegetation map. This map should show the extent of any threatened vegetation community found on the site.
- Additional information for the Bushland Rehabilitation Management Plan including locations of rehabilitation, density and types of plantings.
- A landscape plan detailing the use of local provenance stock of species representing remnant vegetation on the site."

### **Outcome**

In response to the above concerns, the applicant was requested to submit additional information for re-assessment. Following the submission of this requested information, the amended information was re-referred to Council's Environmental Health and Protection Section for reconsideration and the following further comments were received.

"The Flora and Fauna Survey & Assessment prepared by Ambrose Ecological Services concluded that there is unlikely to significantly impact on any threatened entities as listed under the Threatened Species Conservation Act 1995. However, Council's Environmental Health and Protection Section raised concern over the loss of five large and very old eucalypts from the northwest corner. These trees are potentially in excess of 200 years old and specimens of this type are likely to be extremely uncommon in a regional context. In addition to being important relics from the past these old trees are likely to make a significant contribution towards conservation through the maintenance of the genetic diversity and the habitat resources they would provide to local hollow dependant fauna.

It is requested that all options for retaining as many of these important trees as possible be explored as part of the next stage of development (being Development Applications for the construction of the residential flat buildings / apartment buildings).

### **REQUIREMENTS**

The Bushland Rehabilitation Management Plan by Ambrose Ecological Services Pty Ltd includes recommendations for species plantings and planting densities as part of the bush rehabilitation. Health and Sustainability considers these planting densities to be inadequate and recommend higher densities be adopted.

The following conditions are to be imposed as part of the next stage of the development in the north-west portion of the site.

1. *A revised Bushland Rehabilitation Management Plan is to be submitted with the future development application with the north-west portion of the site incorporating the following information.*
  - a) *Increased planting densities (groundcover - virotubes 3-4 per m<sup>2</sup>, understory planting – tube stock 1 per m<sup>2</sup>, trees/canopy strata –tube stock 1 per 10 m<sup>2</sup>);*
  - b) *Weed removal/maintenance schedules and detailed planting plans for specific areas to be revegetated.*
2. *A landscape plan is to be submitted with the future development application with the north-west portion of the site incorporating the use of local provenance native species. This is to be prepared for all planted/landscaped areas not included within the designated conservation zones as detailed on Drawing SK-01, Issue N, Vegetation Retention Plan.*

### **Conclusion**

As a result the proposed Development Application is considered satisfactory subject to the recommended conditions of consent outlined above.

### **HERITAGE COMMENTS**

No objection is raised to the proposed Development Application subject to conditions of consent.

### **FORWARD PLANNING COMMENTS**

No objection is raised to the proposed Development Application subject to adoption of recommended amendments to The Hills Development Control Plan 2011, adoption of a Voluntary Planning Agreement and progression of the Planning Proposal.

### **GEOTECHNICAL PEER REVIEW PANEL**

The Development Application was the subject of a peer review, undertaken by two commissioned Geotechnical Engineering companies in accordance with the requirements of DCP 2012, Part B, Section – Residential. Both consultants have outlined that the site is considered to be low to moderate risk with recommended works to be incorporated as conditions of consent.

### **NSW OFFICE OF WATER**

The NSW Office of Water have confirmed in correspondence dated 28 July 2011 that no objection is raised to the proposed development with no general terms of approval imposed.

### **ROADS & TRAFFIC AUTHORITY COMMENTS**

The following requirements were received from the NSW Roads and Maritime Services as outlined within correspondence dated 21 September 2012:

- "1. *All works associated with the proposed development are to be at no cost to RMS.*
2. *All vehicles are to enter and exit the site in a forward direction.*
3. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents."*

## **CONCLUSION**

The Development Application has been assessed against Section 79C of the Environmental Planning and Assessment Act, 1979, SREP 19 – Rouse Hill Development Area, SREP 20 – Hawkesbury / Nepean River, SREP (Sydney Harbour Catchment) 2005, SREP 32 – Urban Consolidation, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2012, Baulkham Hills Development Control Plan and The Hills Development Control Plan 2011 and is considered satisfactory.

The issues raised in the received submissions have been addressed as outlined within the body of this report and are not considered grounds to either further amend or refuse the Development Application.

## **IMPACTS:**

### **Financial**

In October 2011 Council adopted a Section 94A Plan. This Plan applies to all development over the subject site including subdivision and the future construction of all residential accommodation types. The Voluntary Planning Agreement provides for a waiver of applicable contributions under S94A in relation to the Stage 1B subdivision that would otherwise have been payable (currently \$48,147.18). This waiver is given to the extent of the financial contribution for the downstream water quality improvement works (\$360,000 plus appropriate indexation). The waiver is limited to the Stage 1B subdivision and normal Section 94A contributions will apply to all other subdivision and construction phases of the development.

### **Hills 2026**

The social and environmental impacts resulting from the proposed development have been identified and addressed in the report. The proposal provides a good mix of housing density which considered to be an environmentally sustainable form of development and is considered to ensure the protection and enhancement of the character of the locality and the Shire as a whole.

## **RECOMMENDATION**

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

## **GENERAL MATTERS**

### **1. Development in Accordance with Submitted Master Plans**

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

#### **REFERENCED PLANS AND DOCUMENTS**

DRAWING NO.	DESCRIPTION	REVISION	DATE
1	Context	-	12 Nov 2012
5	Development Principles Plan	-	12 Nov 2012
6	Draft Master Plan	-	12 Nov 2012
7	Remnant Vegetation Plan	-	12 Nov 2012
8	Open Space and Vegetation Plan	-	12 Nov 2012
12	Building Heights	-	12 Nov 2012
13	Building Setbacks to Public Domain	-	12 Nov 2012
14	Indicative Lot Sizes	-	12 Nov 2012

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

### **2. Built Form and Further Subdivision Subject to Future Development Applications**

All residential built form and further subdivision are subject to future Development Applications which will have regard to the masterplan and relevant planning instruments.

### **3. Approved Subdivision Plan – Combined Development/ Subdivision**

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Whelans Insites Drawing G479SC Sheet 1 to 12 Revision I dated 5 November 2012 except where amended by other conditions of consent.

### **4. 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.

### **5. Compliance with NSW Roads and Maritime Services Requirements**

Compliance with the requirements of the NSW Roads and Maritime Services dated 21 September 2012 being the following:-

- All works associated with the proposed development are to be at no cost to RMS;
- All vehicles are to enter and exit the site in a forward direction (except on standard residential allotments); and
- The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

### **6. Tree Removal**

Approval is granted for the removal of only those trees affected by road and drainage works. Trees shall only be removed as required at each stage of the development.

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

### **7. Protection of Existing Vegetation**

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

#### **8. 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.

#### **9. 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.

#### **10. 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.

#### **11. 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.

#### **12. Subdivision Certificate Pre-Lodgement Meeting / Check**

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

#### **13. Street Naming**

A written application for street naming must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

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

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

#### **14. Street Trees**

Street trees and tree guards must be provided for the section of Barina Downs Road, Mackillop Drive and all proposed roads within or fronting the development site at a rate of two trees per lot frontage (or in the case of small lot housing, at a spacing of between 7m to 10m). The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

#### **15. Upgrading of Existing Water and Sewerage Services**

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact

on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

#### **16. Temporary Turning Heads**

A temporary cul-de-sac turning head with a minimum diameter of 19m is required at the termination point in all public roads. Where the cul-de-sac head cannot be accommodated wholly within the road reserve:

- a) Additional adjacent land is to be dedicated as temporary public road; or
- b) An easement for public access and services must be created over an appropriate part of the adjacent land.

A temporary turning head is required at the western end of road one in Stage 1A extending into proposed lot 111 adjacent.

A temporary turning head is required at the northern end of road one in Stage 1B extending into proposed lot 225 adjacent.

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary cul-de-sac turning head. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. 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 removed, restored and documentary evidence being provided confirming closure of the temporary public road or removal of the easement for public access and services. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary cul-de-sac head, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A temporary turning head is not required where the extension of a proposed road into an adjoining property, as part of a separate development application, is constructed and dedicated concurrently. This will require the concurrent issuing of a Subdivision Certificate and plan registration for both subdivisions.

#### **17. Process for Council Endorsement of Legal Documentation**

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. This process includes the preparation of a report and the execution of the documents by Council. Sufficient time should be allowed before lodging a Subdivision Certificate application.

#### **18. Separate Application for Residue Lots**

A separate application must be submitted for any proposed development of the residue lots created by this subdivision.

#### **19. Water Sensitive Urban Design Handover Process**

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

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;
- d) Intended maintenance responsibility, Council, landowner etc;
- e) Inspection method and estimated frequency;



- f) Adopted design cleaning/ maintenance frequency;
- g) Estimate life-cycle costs;
- h) Site access details, including confirmation of legal access, access limitations etc;
- i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l) A work method statement;
- m) A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- n) The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council. For example, the consultation draft document entitled Managing Urban Stormwater: Urban Design prepared by the SMCMA and the then NSW DECCW suggests that the developer maintain WSUD elements within a subdivision until a given proportion of the dwellings on the lots created, say 80%, are erected and occupied.
- o) The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- p) Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- q) A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.
- r) WAE drawings and any required engineering certifications are provided to Council.
- s) Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- t) Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

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

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

## **20. Road Opening Permit**

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate Engineering Construction Certificate required to be obtained by Council, as outlined 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.

### **21. Surplus Excavated Material**

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility or a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised 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 receipts verifying recycling/disposal must be kept and presented to Council when required.

### **22. Flora Requirements – Subdivision Stages**

- a) The removal/clearing of hollow-bearing trees should be undertaken according to the following methods:
  - Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.
  - An experienced wildlife handler/ecologist shall be in attendance during the felling of hollow-bearing trees on this site in order to rescue any injured wildlife.
  - Potential habitat branches in lowered trees or sections of trees shall be searched by an experienced ecologist and any fauna shall be removed and, if uninjured, either released on the site or, if injured, transferred to the care of a wildlife carer and released on the site when re-habilitated.
- b) Tree hollows are to be salvaged from trees within the development area and placed within adjacent conservation areas. This is to be done by a qualified and experienced arborist, under the direction of the Project Ecologist.
- c) Any bushrock disturbed within the development area will be relocated to adjacent conservation areas by a suitably qualified and experience ecologist.
- d) Retention and restoration of native vegetation remnants is to be undertaken as shown in Figure 7 as "Conservation Area A" within the development area in of the Flora and Fauna Assessment by Ambrose Ecological Services dated July 2011.
- e) "Conservation Area A" is to be fenced and protected during construction from erosion and sediment impacts.
- f) Lots that contain "Conservation Area A" will be subject to a restricted development area.

### **23. Bushland Rehabilitation Management Plan**

A revised Bushland Rehabilitation Management Plan is to be submitted with any future Development Application concerning the north-west portion of the site. This report is to incorporate the following information.

- a) Increased planting densities (groundcover - virotubes 3-4 per m<sup>2</sup>, understory planting – tube stock 1 per m<sup>2</sup>, trees/canopy strata –tube stock 1 per 10 m<sup>2</sup>); and
- b) Weed removal/maintenance schedules and detailed planting plans for specific areas to be revegetated.

### **24. Landscape Plan Requirements**

A landscape plan is to be submitted with any future Development Application concerning the north-west portion of the site incorporating the use of local provenance native species. This is to be prepared for all planted/landscaped areas not included within the designated conservation zones as detailed within Drawing SK-01, Issue N titled "Vegetation Retention Plan".

#### **25. Air-conditioning Location**

A proposed location for air-conditioning shall be identified for each future dwelling and be shown on the plans submitted for development approval. The location shall be at least 3 metres from an adjoining premises unless provided with a sound attenuation barrier.

#### **26. Detailed Geotechnical Report/ Design and Peer Review Requirements**

The site must be stabilised for its proposed use as part of the subdivision works in accordance with the following geotechnical reporting, plans and details:

1. Peer Review Ref 25440W Let prepared by Jeffery and Katauskas Pty Ltd and dated 23 January 2012.
2. All documents listed under Appendix A of the above peer review.
3. Geotechnical Review dated 31 January 2013 prepared by Douglas Partners Pty Ltd.

A further geotechnical report in conjunction with a detailed design for the proposed stabilisation works addressing all construction matters associated with the stabilisation works consistent with the above documents is required to be submitted prior to the issuing of a Construction Certificate.

Any recommendations relating to the design, construction and reporting, including post construction, arising from the report and peer review must be implemented as part of the proposed works. During construction, all works must be carried out under strict geotechnical control under the supervision of a certified and practising geotechnical engineer. The geotechnical report submitted with the Construction Certificate must nominate an inspection schedule outlining when the geotechnical engineer is to be present on site.

Prior to the issuing of a Subdivision Certificate WAE plans for the stabilisation works must be submitted, along with certification/ confirmation from a certified and practising geotechnical engineer (preferably the same engineer who oversaw the works) demonstrating that the works have been completed according to the above documents.

### **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

#### **27. 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 \$50,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

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.

#### **28. Bank Guarantee Requirements (Development)**

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 6/2012/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.

## **29. Engineering Works and Design**

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

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

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
  - a) A completed application form.
  - b) 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 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

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

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

The following engineering works are required:

**i. Full Width Road Construction**

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

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Proposed Road 1	3.5m/ 8.5m/ 3.5m (15.5m total)	5 x 10 (5)
Proposed Road 2	3.5m/ 8.5m/ 3.5m (15.5m total)	5 x 10 (5)
Proposed Road 3	3.5m/ 8.5m/ 3.5m (15.5m total)	5 x 10 (5)
Proposed Road 4A	3.5m/ 8.5m/ 3.5m (15.5m total)	5 x 10 (5)
Proposed Road 4B	1.5m/ 8.5m/ 3.5m (13.5m total)	5 x 10 (5)
Proposed Road 5	3.5m/ 8.5m/ 3.5m (15.5m total)	5 x 10 (5)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council. Wider splays will be necessary at the intersection of Barina Downs Road/ Proposed Road 1 to allow for the roundabout at this location.

The reference to Proposed Road 4B above relates to the section of this road fronting proposed lot 2002, which is the side the narrower (1.5m wide) verge must be located. Proposed Road 4A relates to the remainder of this road with a 3.5m wide verge on both sides.

The carriageway width of 8.5m above must be provided for Proposed Road 1 for its entire length; the localised narrowing shown on the concept plan is not supported.

**ii. Road Shoulder and Kerb and Gutter Construction**

The road shoulder must be constructed along the sites Barina Downs Road frontage, including all associated drainage, kerb and gutter, road pavement, concrete footpath, verge formation, service adjustments and ancillary work required to make the construction effective.

A 4.5m wide footpath verge must be provided, along with a road carriageway matching that which exists on either side of the site to the east and west.

A design traffic loading of 1 x 10 (6) must be used in the pavement design.

These works must include all necessary adjustments to the existing roundabout at the intersection of Barina Downs Road/ Proposed Road 1 (above).

These works are to be staged to reflect the approved staging plans, such that a portion of these works will occur in Stage 2B and the remainder in Stage 3.

**iii. Turning Heads**

Cul-de-sac turning heads must be provided at the end of all roads within the site. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

**iv. Temporary Turning Heads**

Temporary cul-de-sac turning heads must be provided at the end of all roads that will be extended into adjoining properties. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

A temporary turning head is required at the western end of road one in Stage 1A and at the northern end of road one in Stage 2A extending into the lots adjacent.

**v. Pathway/ Local Drainage Link**

A 5m wide pathway/ local drainage link must be constructed in the two locations shown on the approved plan. The design of this pathway/ local drainage link must comply with the above documents and the relevant section of Council's DCP.

**vi. Concrete Footpath Paving**

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of proposed roads one to five in accordance with the DCP and the above documents.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of Barina Downs Road fronting the site in accordance with the DCP and the above documents (including the proposed "Stage 3" area).

**vii. Footpath Verge Formation**

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

**viii. Gutter Crossings**

Gutter crossings to each of the proposed new allotments are required.

**ix. Access Handle Driveway Construction**

A 5m wide (minimum) reinforced concrete driveway over the shared access handle of proposed lots 212 and 213 is required in accordance with the above documents and Council's driveway specifications.

**x. 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.

**xi. Street Names Signs**

Street name signs and posts are required, as approved by Council.

**xii. Service Conduits**

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

**xiii. Inter-allotment Stormwater Drainage**

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

Where OSD is required to be provided on individual lots within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

#### **xiv. Stormwater Drainage – Gross Pollutant Traps**

A gross pollutant trap is required upslope of the two proposed OSD tanks within the planned “public reserve” generally as shown on Drawing P13-7 Revision G dated 9 November 2012 prepared by Whelan Insites. All traps are to be CDS or similar units and appropriately sized for the design discharge. The engineering drawings must include the location and detail of all traps.

#### **xv. Water Sensitive Urban Design Elements**

Water sensitive urban design elements, consisting of two structural OSD tanks and a bio-retention treatment area within the planned “public reserve” are to be designed and constructed generally as shown on Drawing P13-7 Revision G dated 9 November 2012 prepared by Whelan Insites submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted to Council 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.

All model parameters and data outputs are to be provided to Council.

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/>.

#### **xvi. Onsite Stormwater Detention**

Onsite Stormwater Detention (OSD), consisting of two structural OSD tanks and a bio-retention treatment area within the planned “public reserve” are to be designed and constructed generally as shown on Drawing P13-7 Revision G dated 9 November 2012 prepared by Whelan Insites submitted with the application.

The stormwater concept plan and report prepared by Whelan Insites is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan approved by Whelans Insites submitted with the application and incorporating Drawing P13-7 referred to above.

The Onsite Stormwater Detention system is to be designed substantially in accordance with the requirements of Clause 3.3.3 of Part B Section 2 of Council’s Development Control Plan. Additionally, the design is to make allowance for a 20% increase in design rainfall intensities, as an enhanced engineering factor of safety, from those typically determined using the principles set out in the current edition of the publication Australian Rainfall and Runoff (Engineers Australia).

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 Council. This certification must be included with the documentation approved as part of any Construction Certificate.

### **30. 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.

### **31. Internal Pavement Structural Design Certification (Waste Services)**

A Certified Practicing 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.

### **32. Interpretative Signage**

A permanent interpretive signage panel/s is to be erected at an appropriate location on the site that is accessible to the public. The panel/s is to include historic information and photographs and provide information on the historical evolution of the site. The content of the panels is to be prepared with assistance from a heritage conservation specialist, and the local historical society. The panel/s is to be located at the head of the pathway across Road 2 from the cottage as part of Stage 1B.

## **PRIOR TO WORK COMMENCING ON THE SITE**

### **33. Protection of Existing Trees**

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

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

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



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

#### **34. 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.

#### **35. 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 RMS Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RMS accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

#### **36. Erection of Signage – Supervision of Work**

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

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:

The Hills Shire Council  
PO Box 75  
CASTLE HILL NSW 1765  
Phone (02) 9843 0555

- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

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

#### **37. Contractors Details**

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

#### **38. Sediment and Erosion Control**

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

### **39. Service Authority Consultation – Subdivision Works**

Before subdivision works commence:

- a) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and/ or provision of electrical services for the non-residue lots created by the subdivision.
- b) Documentary evidence, including a notice of requirements from Sydney Water, must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- c) The approved plans must be submitted to a Sydney Water quick check agent to determine whether the subdivision will affect any Sydney Water wastewater and water mains, stormwater drains or easements, and if any requirements need to be met.
- d) Consultation with the relevant telecommunications provider authorised under the Telecommunications Act regarding the installation of telephone conduits is required. The design and construction of these works must comply with current NBN standards, where applicable.

### **40. Permit Under the National Parks and Wildlife Act 1974**

A Permit under Section 90 of the National Parks and Wildlife Act, 1974 is required to be obtained from the Office of Environment and Heritage prior to any construction or other activity that may cause soil disturbance on the site. This condition does not apply to the facilitating subdivision as shown on plan G479SC Sheet 1 nor residue parcels in subsequent stages.

### **41. Consultation with Aboriginal Groups**

Prior to any construction or other activity that may cause soil disturbance, interested local Aboriginal groups shall be invited to be present on-site.

## **DURING CONSTRUCTION**

### **42. 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.

### **43. 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.

#### **44. Subdivision Earthworks – Allotment Topsoil**

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

#### **45. Documentation**

A copy of the following documents must be kept on site and made available upon request:

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan
- d) Traffic Control Plan

#### **46. 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.

#### **47. Rock Breaking Noise during construction and provision of services**

Should the provision of services and the installation of sewage and drainage require excavation into rock alternate means of excavation into rock other than rock breaking should be considered.

If rock breaking is the only practical alternative, 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.

#### **48. Contamination**

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council for review prior to works recommencing on site.

#### **49. Aboriginal Archaeological Sites or Relics**

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

#### **50. European Sites or Relics**

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

#### **51. Protection of Heritage Item during Construction**

The existing heritage building shall be protected during construction on the site. The building is to be fenced along its southern boundary during the construction process by a 1.8m high chain wire mesh fence. The building and its immediate surroundings is not to be used for storage of building materials or waste.

#### **52. Stabilisation and Protection of the existing building during Construction**

A structural engineer's report is required to address the method/s of protecting and supporting the cottage and its foundations during construction. This report is to be submitted to Council prior to the issue of a construction certificate.

#### **53. National Parks and Wildlife Act 1974**

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

#### **54. Final Dilapidation Survey**

On completion of the excavation, the structural engineer shall carry out a dilapidation survey of the existing heritage item and submit a copy of the survey both to Council and the property owner.

### **PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

#### **55. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

#### **56. OSD System Certification**

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of Council prior to the issuing of a Subdivision 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.

This requirement only relates to those stages of the development that include a stormwater detention system.

### **57. Completion of Water Sensitive Urban Design Elements**

A Subdivision 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 a Subdivision 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.

### **58. Completion of Subdivision Works**

A Subdivision Certificate must not be issued prior to the completion of all subdivision works covered by this consent, in accordance with this consent.

### **59. Works as Executed Plans**

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works 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.

### **60. Performance/ Maintenance Security Bond**

A performance/ maintenance bond of 5% of the total cost of the 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.

### **61. Final Subdivision Fees**

All outstanding fees must be paid before a Subdivision Certificate can be issued. The final fees that remain outstanding will be assessed following the submission of written advice confirming all works have been completed.

### **62. 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.

### **63. Removal of Sediment and Erosion Control Measures**

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

### **64. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

[http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/ws/waterserv\\_ext\\_print.htm](http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/ws/waterserv_ext_print.htm)

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 6/2012/JP.

### **65. Provision of Electrical Services**

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

**66. Existing Building Adjacent to Proposed Boundary**

Where any part of an existing building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on a separate copy of the final plan.

**67. Existing Building Services**

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

**68. Provision of Telecommunication Services**

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

**69. Final Plan and 88B Instrument**

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

**a) Dedication of Public Roads**

The proposed roads within the subdivision must be dedicated as public road at no cost to Council. All lots shown on the final plan must be provided with access to the public road network.

**b) Dedication of Road Widening**

The plan must provide for the dedication of the proposed public road widening at no cost to Council.

**c) Dedication of Local Drainage Link/ Pathway**

The proposed local drainage link/ pathway must be dedicated as a drainage reserve at no cost to Council.

**d) Temporary Public Access Easement**

A temporary public access easement must be created within proposed lots 111 and 225 over the temporary cul-de-sac turning heads.

**e) Drainage Easements – Council**

Suitable drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easements are only required for stormwater drainage pipelines and structures that are not located within a public road or drainage reserve. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

**f) Drainage Easements – Inter-allotment/ Private**

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage

easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

**g) Right of Carriage way/ Easement for Services**

A right of carriage way/ easement for services must be created over the access handle of proposed lots 212 and 213.

**h) Positive Covenant – Maintenance/ Repair of Shared Access**

A positive covenant must be placed on the title of proposed lots 212 and 213 to ensure the maintenance/ repair of the shared driveway.

**i) Restriction – Earthworks**

Restricting cut or fill on all residential lots in accordance with the DCP.

**j) Restriction – Site Slope 6% or Greater**

A restriction must be placed on the title of all lots with a grade of 6% or greater. Where there are no lots that fall into this category this restriction is not required, as determined by the works as executed drawings.

**k) Restriction – Site Coverage**

Restricting development of all residential lots to reinforce the maximum site coverage of 60% permitted by the DCP.

**l) Restriction – Rainwater Tanks**

Restricting residential development of all lots to ensure a 6000L rainwater tank is provided on each lot.

**m) Restriction – OSD/ WSUD Requirement**

A restriction must be placed on the title of the proposed lots within catchment C2 (proposed lots 101 to 115 in Stage 1A) restricting residential development until the proprietor has constructed, or made provision for the construction of, an onsite stormwater detention system to the requirements of Council. The detention volume required on each lot is outlined in Table 3.5 of the stormwater management strategy (Revision G dated November 2012) submitted with the development application.

Further, a restriction must be placed on the title of lots 2002, 2003, 301 and 302 restricting all development until the proprietor has constructed, or made provision for the construction of, an onsite stormwater detention system to the requirements of Council. This restriction must also restrict all development until the proprietor has constructed, or made provision for the construction of, a water sensitive urban design system to the requirements of Council.

**n) Restriction – OSD Modification**

A restriction must be placed on the title of the proposed lots affected by the above restriction restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system on each lot. The purpose of creating this restriction at the subdivision stage is to remove the need to create restrictions on a lot by lot basis at the dwelling development application stage.

**o) Positive Covenant – OSD Maintenance**

A positive covenant must be placed on the title of proposed lots affected by the above restriction to ensure the ongoing maintenance of the constructed onsite stormwater detention system on each lot. The purpose of creating this positive covenant at the subdivision stage is to remove the need to create positive covenants on a lot by lot basis at the dwelling development application stage.

**p) Restriction – Front Building Setback**

A restriction must be created on the title of all lots to ensure that any dwelling built on the affected lots is setback at least 6m from the fronting public road. For the lots fronting Mackillop Drive this setback is 7.5m. A secondary frontage setback of 4m applies to the corner lots within the subdivision (except as varied in the DCP). The restriction must nominate each of the individual lots affected by this restriction and the relevant setbacks that apply to each.

**q) Restriction – Rear Building Setback**

A restriction must be created on the title of all lots facing the site's southern boundary to ensure that any dwelling built on the affected lots is setback at least 10m from the rear boundary.

Further, a separate restriction must be added to the same lots requiring the implementation and retention of a 5m wide landscaped buffer, which is to be shown on the final plan.

**r) Restriction – Restricted Development Area**

A restriction be created on the title of all lots indicated with "Conservation Area A" as outlined within Figure 7 of the Flora and Fauna Assessment Report prepared by Ambrose Ecological Services dated July 2011.

**70. Subdivision Certificate Application**

When submitted, the Subdivision Certificate application must include:

- a) The final plan and administration sheet, along with seven copies of both.
- b) The original plus one copy of the 88B Instrument.
- c) All certificates and supplementary information as required by this consent.
- d) A completed copy of the attached checklist confirming compliance with all conditions.
- e) An electronic copy of the final plan on disk in ".dwg" format.

Council will not accept a Subdivision Certificate application without all the items listed above.

**71. Geotechnical Report (Lot Classification)**

Submission of a lot classification report, prepared by a suitably qualified geotechnical engineer, following the completion of all subdivision works confirming that all residential allotments are compliant with AS2870 and are suitable for residential development. The lot classification report must be accompanied by a separate table which clearly shows the classification of all lots created as part of the subdivision.

**72. 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).

**73. 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.

**74. 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.

**THE USE OF THE SITE**



## **75. Servicing of Bins**

Private garbage and recycling contract 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.

## **76. Property Numbering**

*Roads marked roads 1-5 are to be individually named. The internal roads (as additionally marked as roads 6-9 on the attached plan) are also to be given individual street names. These roads are:*

*Access road to small housing lots on proposed lot 5 - Road No. 6*

*Access road to small housing lots on proposed lot 4 - Road No. 7*

*Access road to apartment buildings on proposed lot 301 - Road No. 8*

*Access road at the end of Road 3 accessing large lots - Road No. 9*

*This is to ensure that all roads can be easily identified and numbered accordingly.*

*Council's Land Information Section is to be contacted to obtain the allocation of individual unit numbers for the apartment blocks to be constructed on proposed lots 301 & 302.*

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

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

*Please refer to approved numbering correspondence and plan. These numbers, as issued, are to be displayed clearly at all times.*

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

## **STAGE 1**

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

## **77. Section 94A Contribution - Stage 1**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of \$62,078.52 shall be paid to Council.

This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

## **STAGE 1A**

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **78. Section 94A Contribution - Stage 1A**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$8,590.36** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

## **STAGE 1B**

### **GENERAL MATTERS**

#### **79. Compliance with Voluntary Planning Agreement**

##### **a. Voluntary Planning Agreement**

Pursuant to Section 80 (A) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the Trustees of The Sisters of Saint Joseph in connection with this development application (a copy of which is attached) **must be executed within 14 days after the date of this determination.**

##### **b. Monetary Contribution**

Pursuant to the offer by the Trustees of the Sisters of Saint Joseph Planning Agreement as governed by Subdivision 2 Division 6 of Part 4 of the Act, that the Voluntary Planning Agreement applying to Lot 2 DP 817696 known as no. 64 Mackillop Drive Baulkham Hills payment of the monetary contribution of \$360,000 (including relevant index linking) as set out in Clause 7 of the Voluntary Planning Agreement be paid to Council

**prior to the release by Council of the plan of subdivision for the land relating Stage 1B of the development application for registration at Land & Property Information.**

**c. Land Dedication**

Pursuant to Clauses 5 and 6 of the Voluntary Planning Agreement the developer must at its cost dedicate to Council the dedication land being proposed Lot 257 of Stage 1B in conjunction with the subdivision of the land.

**d. Stormwater detention works**

Pursuant to Clauses 8 to 20 and Schedule 3 of the Voluntary Planning Agreement the developer must carry out and complete the works at the location of the dedication land and hand over to Council no later than the Hand Over date as specified in the Voluntary Planning Agreement.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

**80. 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.

**STAGE 2A**

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**81. Section 94A Contribution - Stage 2A**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$2,915.04** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1 %

**STAGE 2B**

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **82. Section 94A Contribution - Stage 2B**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$6,585.39** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

## **STAGE 3**

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **83. Section 94A Contribution - Stage 3**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$801.33** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

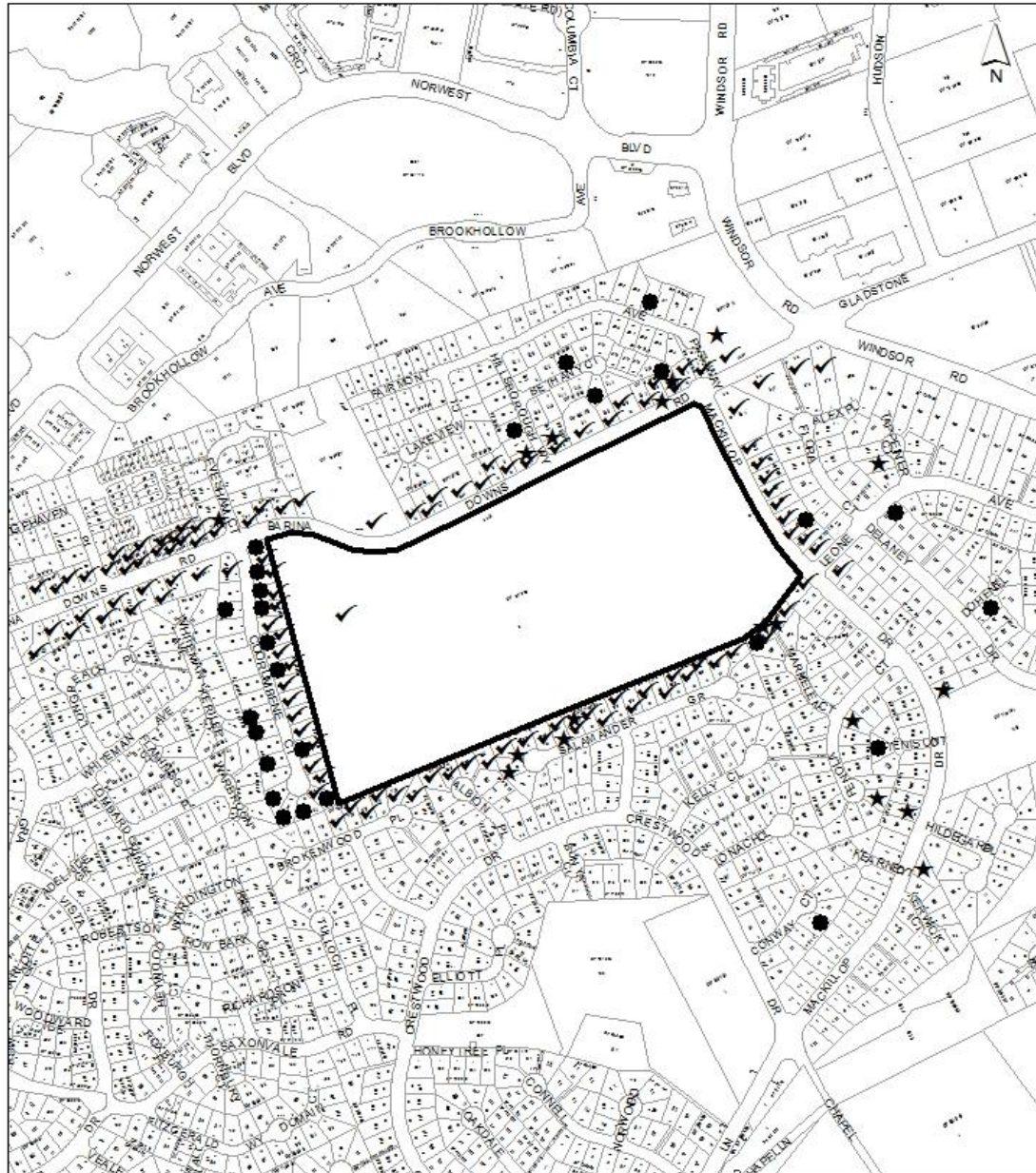
You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Site Analysis Plan
4. Slope Analysis Plan
5. Geotechnical Risk Analysis Plan
6. Development Principles Plan
7. Concept Master Plan
8. Remnant Vegetation Plan
9. Open Space and Vegetation Retention Plan
10. Street Types and Pedestrian Links
11. Stage 1- Facilitating Subdivision
12. Stage 1A
13. Stage 1B
14. Stage 2A
15. Stage 2B
16. Stage 3
17. Indicative Housing Types
18. Indicative Site Sections

## ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

★ SUBMISSIONS RECEIVED  
(1ST NOTIFICATION)

● SUBMISSIONS RECEIVED  
(2ND NOTIFICATION)

**NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY  
NORWEST ASSOCIATION & NSW RMS ALSO NOTIFIED**

**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**

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

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## ATTACHMENT 2 – AERIAL PHOTOGRAPH





## ATTACHMENT 3 – SITE ANALYSIS PLAN





## ATTACHMENT 4 – SLOPE ANALYSIS PLAN



## ATTACHMENT 5 – GEOTECHNICAL RISK ANALYSIS PLAN





## ATTACHMENT 6 – DEVELOPMENT PRINCIPLES PLAN





## ATTACHMENT 7 – CONCEPT MASTER PLAN



ATTACHMENT 8 – REMNANT VEGETATION PLAN

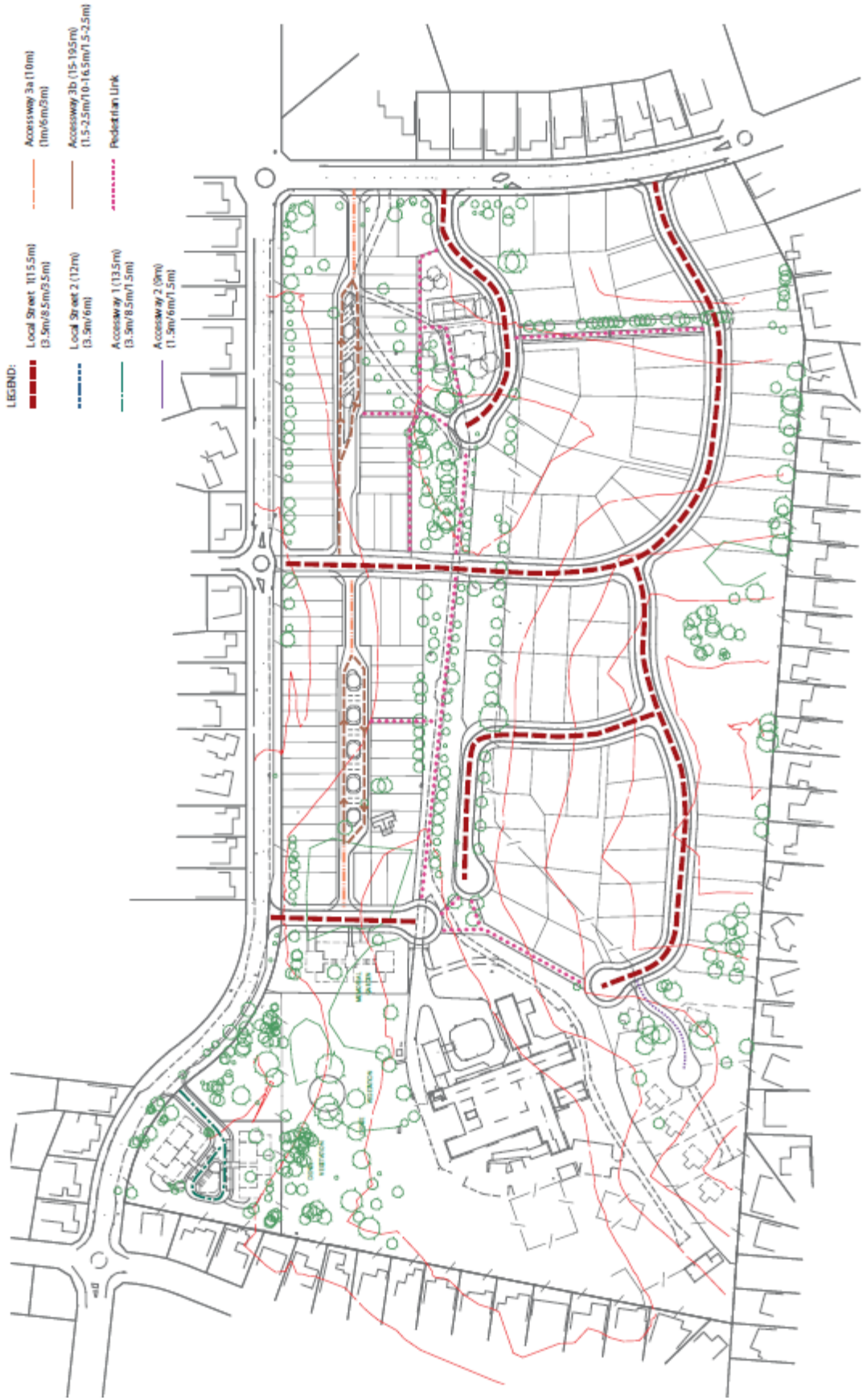




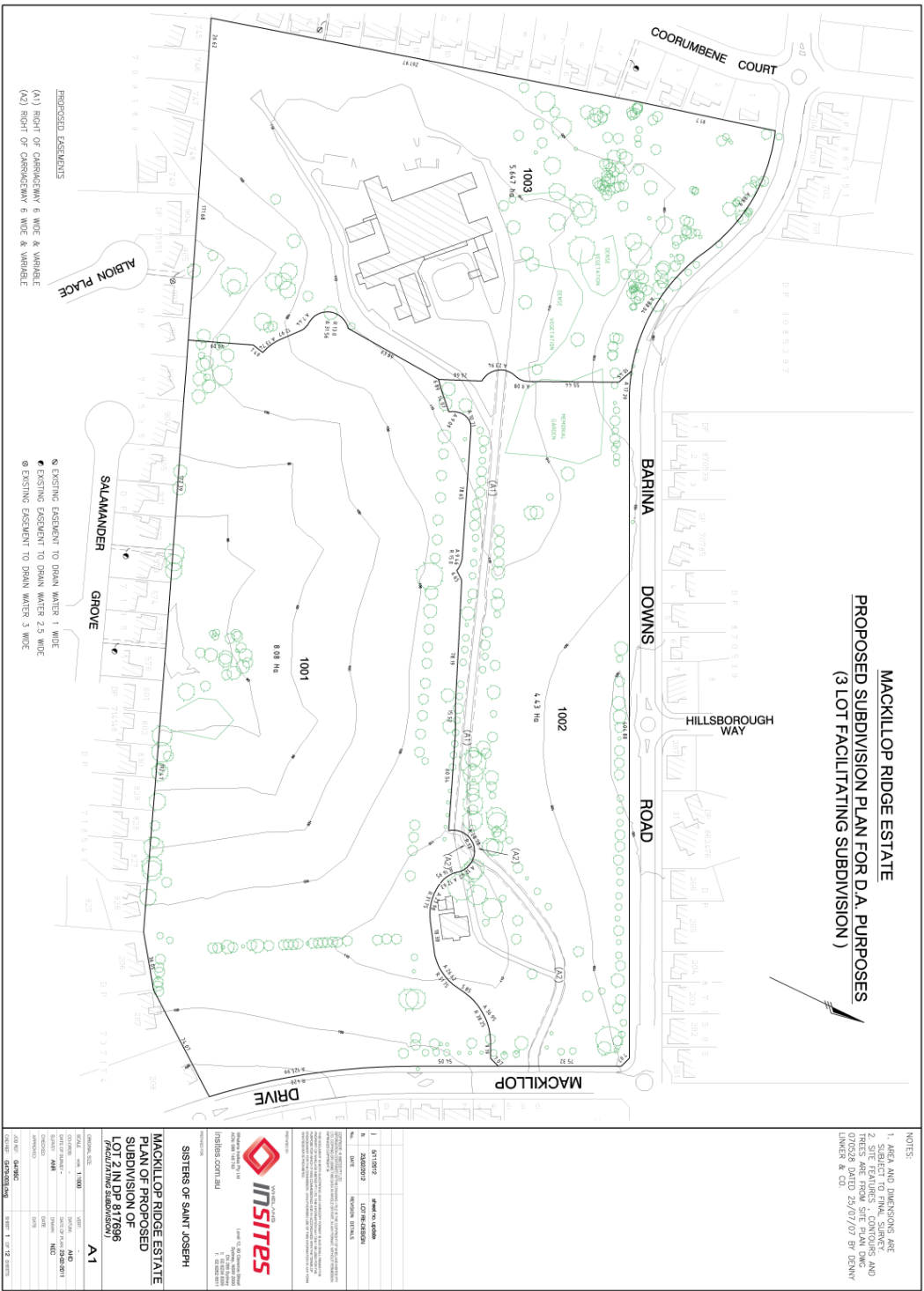
## ATTACHMENT 9 – OPEN SPACE AND VEGETATION RETENTION PLAN



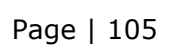
ATTACHMENT 10 – STREET TYPES AND PEDESTRIAN LINKS

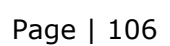


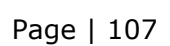
ATTACHMENT 11 – STAGE 1- FACILITATING SUBDIVISION

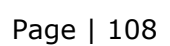


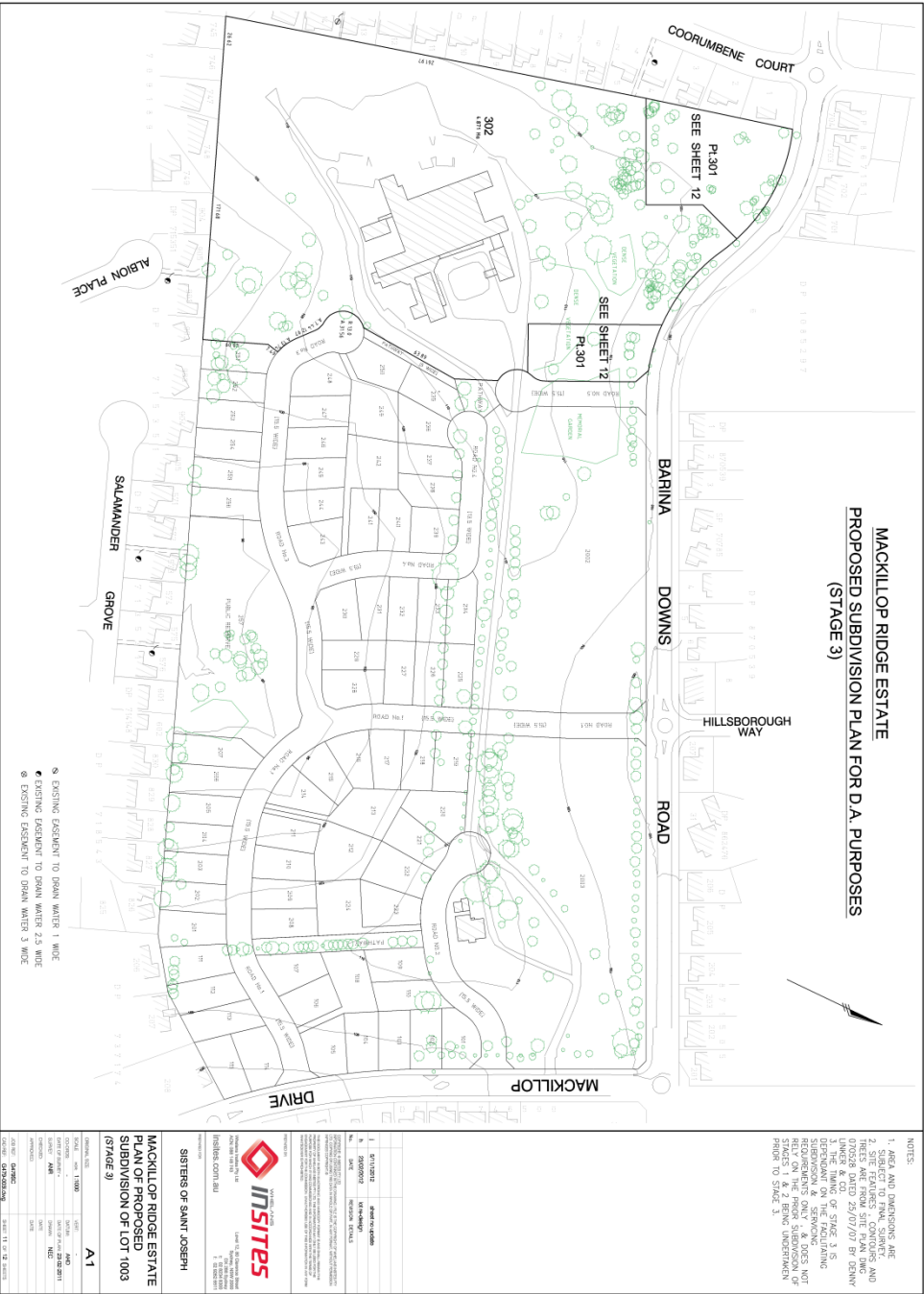










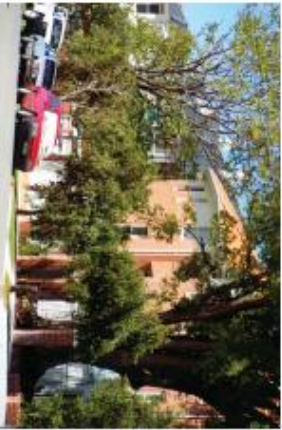








ATTACHMENT 17 – INDICATIVE HOUSING TYPES

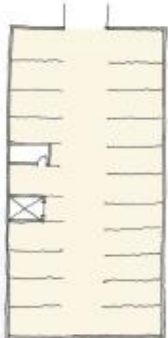
### Apartments



Typical Floor Plan





Underground Parking






Apartment D  
(Refer to Section Page 17)



### Small Lots: Attached Homes





Type B2 - 8m lot  
(Refer to Section Page 17)



Type A1 - 9m lot  
(Refer to Section Page 17)



Type A2 - 10m lot  
(Refer to Section Page 17)



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## Small Lots: Zero Lot Homes



Type B1 - 12m lot  
(Refer to Section Page 17)

## Medium & Large Lots: Detached Homes

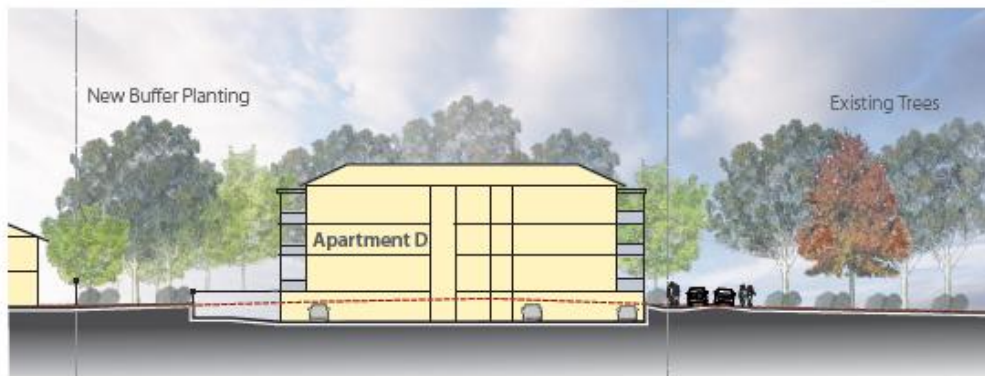
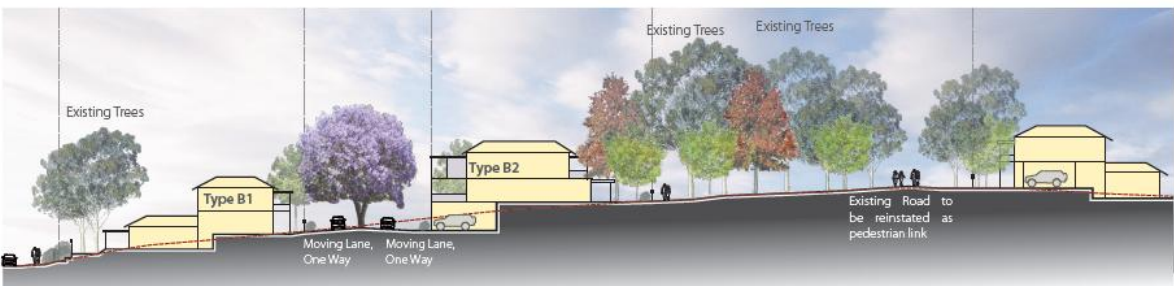
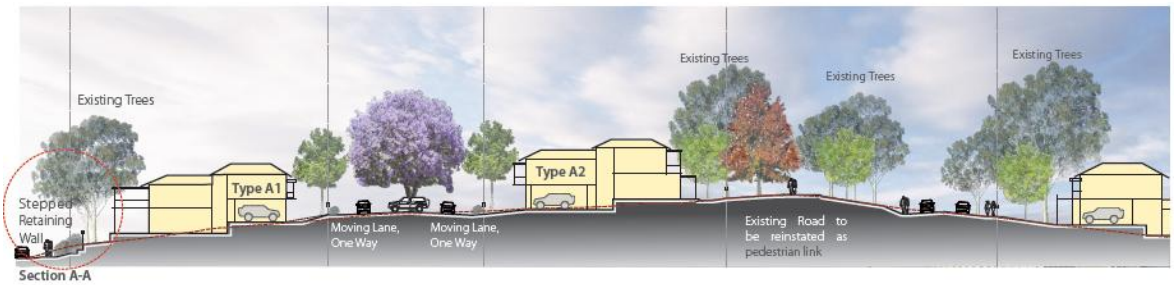


Type C1 - 15m lot  
(Refer to Section Page 17)

Type C2 - 15m lot  
(Refer to Section Page 17)



## ATTACHMENT 18 – INDICATIVE SITE SECTIONS



Section D-D

