

FURTHER REPORT

JRPP PLANNING REPORT

JRPP NO:	2012SYW029
DA NO:	854/2012/JP
PROPOSED DEVELOPMENT:	RESIDENTIAL DEVELOPMENT COMPRISING 126 APARTMENTS AND 34 INTEGRATED HOUSING DWELLINGS.
SUBJECT SITE:	PROPOSED LOT 12 IN APPROVED SUBDIVISION OF LOTS A & B DP 379959 (DA NO. 1639/2011/ZA) – No.'s 75-95 PRESIDENT ROAD, KELLYVILLE
APPLICANT:	NAMUL PTY LTD
LODGEMENT DATE:	13 FEBRUARY 2012
REPORT BY:	SENIOR TOWN PLANNER SOPHIA CHIN
RECOMMENDATION:	APPROVAL

HISTORY

15/11/2012

JRPP meeting held. Matter deferred by the JRPP with the following resolution:

The Panel unanimously agrees to resolve to defer this application owing to administrative difficulties with notification letters to submitters. To ensure relevant persons are notified of the panel meeting, another meeting will be scheduled at a later date.

Potential amenity impacts and interface issues were raised by the Joint Regional Planning Panel in respect to the part four and part three storey high Apartment Block D (located to the south western corner of the subject site) on the adjoining properties in Saliba Close. These concerns were conveyed to the applicant.

20/11/2012

Amended plans were received from the applicant deleting the third storey of Apartment Block D.

REPORT

At the Joint Regional Planning Panel meeting on 15 November 2012:

The Panel unanimously agrees to resolve to defer this application owing to administrative difficulties with notification letters to submitters. To ensure relevant persons are notified of the panel meeting, another meeting will be scheduled at a later date.

The panel raised concerns relating to potential amenity impacts and interface issues in respect to the part four and part three storey high Apartment Block D (located to the south western corner of the subject site) on the adjoining properties in Saliba Close. These concerns were conveyed to the applicant by Council staff, the applicant has submitted amended plans on 20 November 2012 amending the design of this apartment block. Apartment Block D has now been reduced to two storeys in height and maintains a side setback of 9.5 metres to the south-western boundary.

AMENDED PROPOSAL

The amended proposal is for a residential development comprising five Residential Flat Buildings (126 apartments), 34 integrated dwellings, associated parking, landscaping and communal facilities, a neighbourhood shop, and the Community Title and Strata Title subdivision of the site to be constructed in seven stages.

The amended development reduces Apartment Block D to two storeys in height and now provides 126 apartments across the site compared to the previous proposal with 133 apartments. The amended residential flat building components of the development include the following:

- 22 x four bedroom apartments;
- 72 x three bedroom apartments; and
- 32 x two bedroom apartments.

As a result of the changes, the development proposes 142 dwellings for the TCD part of the site and results in a variation of 82% (64 dwellings) to the maximum density control. The previous proposal sought a variation of 91% (71 dwellings) to the maximum density control.

Parking for the apartment residents and visitors in the basement for Apartment Block's D and E has been reduced by six spaces (from 81 car spaces to 75 car spaces).

The 34 integrated dwellings, and Apartment Block's A, B, C and E, landscaping, communal facilities and a neighbourhood shop remain as previously reported to the JRPP.

The proposed condition related to Section 94 Contributions has been amended to reflect the reduction in units.

ISSUES FOR CONSIDERATION

1. Amended Plans

A comparative analysis of the previous and now amended eastern and western elevations of Apartment Block D is provided below:



Previous Eastern Elevation



Proposed Amended Eastern Elevation



Previous Western Elevation



Proposed Amended Western Elevation

The proposed amended development results in a two storey interface when viewed from neighbouring dwellings to the south-west. A side setback of 9.5 metres to the south-western boundary is maintained (in excess of the 6 metre DCP requirement). This amendment provides improved integration with the surrounding low density character of the area whilst enabling a higher built form to be accommodated to the centre of the site.

It is considered that the amended development demonstrates an improved transition and visual interface to the neighbouring residential properties to the south-western corner of the site and is considered satisfactory.

2. Compliance with The Hills DCP 2011 Part D Section 5 – Kellyville/Rouse Hill Release Area

The proposed amended development has been re-assessed against the relevant development standards of The Hills Development Control Plan 2011.

The specific developments standards applicable to the proposed amendments have been reconsidered resulting in reassessment of density compliance as detailed below: -

DEVELOPMENT STANDARD	DCP 2011 REQUIREMENTS	PROPOSED AMENDED DEVELOPMENT	COMPLIANCE
Density	<p>Local Centre Density - 15-20 dwg/net ha Required = 13.9 – 18.6 dwellings for 0.932ha</p> <p>Town Centre Density - 30-35 dwg/net ha Required = 66.8 – 78 dwellings for 2.229ha</p>	<p>Local Centre Density - 19 dwellings for 0.932ha</p> <p>Town Centre Density - 142 dwellings for 2.229ha</p>	No – however the proposal is an improvement on the previous development providing a reduced variation from that previously proposed.

2.1 Density

Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area identifies two density controls – Local Centre Density (15 – 20 dwellings/ha), and Town Centre Density (30 – 35 dwellings/ha).

The Town Centre Density (TCD) part of the site (2.229ha) can accommodate a maximum of 78 dwellings under this control. The amended development provides a reduction of proposed dwellings for the TCD part of the site to 142 dwellings and results in a variation of 82% (64 dwellings) to the maximum density control (original proposal resulted in a variation of 91% (71 dwellings) to the maximum density control.

The density objectives of Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area states:

- “(i) To facilitate a range of lot sizes and housing types within the release area to meet changing demographic profiles and housing requirements.
- (ii) To locate smaller lots and multi unit housing types within close proximity to community facilities, open space, public transport, and commercial centres.”

As previously discussed within the original report to the JRPP, it is considered that whilst the proposal does not result in numerical compliance with the density requirements, it satisfies the above objectives in an effective manner. The development will result in the provision of various housing types that will address the changing demographic profiles and housing requirements of the Kellyville area. The development will provide housing types that are more affordable and may be suitable for rental accommodation which will result in improving the diversity of housing choice for the population in the area.

The development adjoins an existing shopping complex to the south consisting of Woolworths, Coles and Kellyville Plaza, and is in close proximity to community facilities and open space areas. Further the development is nearby bus stops (servicing the City, Parramatta, Rouse Hill, Castle Hill etc) located on Wrights Road and Green Road.

The amended plans provide improved integration with the surrounding low density character of the area whilst enabling the bulk of the development to be accommodated to the centre of the site.

As a result, the retained variation to the DCP for density is considered satisfactory.

3. Compliance with The Hills DCP 2011 Part C Section 1 – Parking

The amended proposal has altered the resulting bedroom / parking requirements as per the DCP. As a result a reassessment has been undertaken as detailed below: -

APT BEDROOM NO.	NO. OF UNITS	DCP PARKING RATE	REQUIRED
2 bedroom	32 X 2 bed units	2 parking spaces per 2 bed unit	64 spaces
3 bedroom	72 x 3 bed units	2 parking spaces per 3 bed unit	144 spaces
4 bedroom	22 x 4 bed units	No rate specified per 3 bed unit – to adopt 3 bedroom rate - 2 parking spaces per unit	44 spaces
Visitor Parking	126 Units	2 spaces per 5 dwellings	51 spaces
INTEGRATED HOUSING	NO. OF DWELLINGS	DCP PARKING RATE (Cl. 4.9 BHDGP Part D Section 5 – Kellyville/Rouse Hill Release Area)	REQUIRED
-	34 dwellings	2 spaces per dwelling	68 spaces

TOTAL PARKING REQUIRED: 303 spaces (apartments) plus 68 spaces (integrated housing) = 371 spaces	TOTAL RESIDENTIAL PARKING PROPOSED: 314 (apartments) + 68 (integrated housing) = 382 spaces
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In view of the above, the amended car parking numbers comply.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2011, State Environmental Planning Policy (State and Regional Development) 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory.

The proposed amended development provides an improved interface between the residential flat buildings and the adjacent two storey residential dwellings. The amendments result in a two storey interface for Apartment Block D (as viewed from the neighbouring dwellings) with the 9.5 metre side setback in excess of the DCP requirements.

In addition, the proposed development has been amended to reduce the variation with the DCP requirements concerning density.

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

RECOMMENDATION

The Development Application No. 854/2012/JP be approved subject to the following conditions:

CONDITIONS RELATING TO ALL STAGES

GENERAL MATTERS

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

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

The amendments in red include: -

- Site Analysis Plan amended in red as per Condition No. 29 regarding the relocation and addition of bin bay storage areas;
- Stage 5 Subdivision Plan amended in red to reflect the revised subdivision layout for the integrated dwellings at the corner of Alessandra Drive and York Road illustrated in Site Analysis Plan;
- Acoustic screen at the southern boundary adjacent Apartment Block B amended in red as per Condition No. 35 to provide a 1.8m high acoustic screen with a 2m landscape setback.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
A16972-DA	Staging Plan	1	A	10 September 2012
A16972-DA	Approved proposed street and unit numbers plan (11 pages)	-	-	-
A16972-DA	Site Analysis Plan	1	F	6 June 2012
A16972_DA	Part Basement Carpark	2	E	13 June 2012
A16972_DA	Part Basement Carpark	3	D	3 May 2012
A16972_DA	Part Basement Carpark	4	D	3 May 2012
A16972_DA	Part Basement Carpark	5	G	19 November 2012
A16972_DA	Part Ground Floor Plan	6	E	13 June 2012
A16972_DA	Part Ground Floor Plan	7	D	3 May 2012
A16972_DA	Part Ground Floor Plan	8	D	3 May 2012
A16972_DA	Part Ground Floor Plan	9	D	3 May 2012
A16972_DA	Part First Floor Plan	10	E	13 June 2012

A16972_DA	Part First Floor Plan	11	D	3 May 2012
A16972_DA	Part First Floor Plan	12	D	3 May 2012
A16972_DA	Part First Floor Plan	13	D	19 November 2012
A16972_DA	Part Second Floor Plan	14	D	3 May 2012
A16972_DA	Part Second Floor Plan	15	D	3 May 2012
A16972_DA	Part Second Floor Plan	16	D	3 May 2012
A16972_DA	Part Second Floor Plan	17	G	19 November 2012
A16972_DA	Part Third Floor Plan	18	D	3 May 2012
A16972_DA	Part Third Floor Plan	19	D	3 May 2012
A16972_DA	Streetscape Elevations	20	D	3 May 2012
A16972_DA	Streetscape Elevations	21	G	19 November 2012
A16972_DA	Streetscape Elevations	22	E	13 June 2012
A16972_DA	Streetscape Elevations	23	D	3 May 2012
A16972_DA	Typical Plans/Elevations – Type 1 Facade A	28	E	13 June 2012
A16972_DA	Typical Plans/Elevations – Type 2 Facade A	29	D	3 May 2012
A16972_DA	Typical Plans/Elevations – Type 2 Facade B	30	D	3 May 2012
A16972_DA	Typical Plans/Elevations – Type 3 Facade A	31	E	13 June 2012
A16972_DA	Typical Plans/Elevations – Type 4 Facade A	32	D	3 May 2012
A16972_DA	Typical Plans/Elevations – Type 4 Facade B	33	D	3 May 2012
A16972_DA	Typical Plans/Elevations – Type 5 Facade A	34	D	3 May 2012
A16972_DA	Block D Cross Sections	34	G	19 November 2012
A16972-DA	Apartment Block Sections	35	G	19 November 2012
A16972_DA	BASIX Commitments	36	D	3 May 2012
31207 / COM	Stage 1 Subdivision	1	-	31 January 2012
31207 / COM	Stage 2 Subdivision	2	-	31 January 2012
31207 / COM	Stage 3 Subdivision	3	-	31 January 2012
31207 / COM	Stage 4 Subdivision	4	-	31 January 2012
31207 / COM	Stage 5 Subdivision	5	-	31 January 2012
31207 / COM	Staging Plan	6	-	31 January 2012

-	Waste Management Plan	-	-	9 May 2012
-	Access Review prepared by Morris-Goding Accessibility Consulting	-	-	10 May 2012
20111170.2/0207A/RO/GW	Acoustic Review Letter prepared by Acoustic Logic	-	-	2 July 2012
-	Colour Schedule	-	-	-
412684M	BASIX Certificate – Block A	-	-	27 January 2012
413085M	BASIX Certificate – Block B	-	-	27 January 2012
413188M	BASIX Certificate – Block C	-	-	27 January 2012
413037M_02	BASIX Certificate – Block D	-	-	3 December 2012
413190M	BASIX Certificate – Block E	-	-	27 January 2012
412446S	BASIX Certificate – D2	-	-	24 January 2012
412448S	BASIX Certificate – D3	-	-	24 January 2012
412449S	BASIX Certificate – D4	-	-	24 January 2012
412546S	BASIX Certificate – D5	-	-	24 January 2012
412548S	BASIX Certificate – D6	-	-	24 January 2012
412550S	BASIX Certificate – D7	-	-	24 January 2012
412553S	BASIX Certificate – D8	-	-	24 January 2012
412557S	BASIX Certificate – D9	-	-	24 January 2012
412558S	BASIX Certificate – D10	-	-	24 January 2012
412560S	BASIX Certificate – D11	-	-	24 January 2012
412565S	BASIX Certificate – D12	-	-	24 January 2012
412594S	BASIX Certificate – D13	-	-	24 January 2012
412595S	BASIX Certificate – D14	-	-	24 January 2012
412596S	BASIX Certificate – D15	-	-	24 January 2012
412597S	BASIX Certificate – D16	-	-	24 January 2012
412598S	BASIX Certificate – D17	-	-	24 January 2012
412599S	BASIX Certificate – D18	-	-	24 January 2012
412600S	BASIX Certificate – D19	-	-	24 January 2012
412601S	BASIX Certificate – D20	-	-	24 January 2012
412608S	BASIX Certificate – D21	-	-	24 January 2012
412609S	BASIX Certificate – D22	-	-	24 January 2012
412610S	BASIX Certificate – D23	-	-	24 January 2012
412611S	BASIX Certificate – D24	-	-	24 January 2012
412612S	BASIX Certificate – D25	-	-	24 January 2012
412613S	BASIX Certificate – D26	-	-	24 January 2012

412614S	BASIX Certificate – D27	-	-	24 January 2012
412615S	BASIX Certificate – D28	-	-	24 January 2012
412616S	BASIX Certificate – D29	-	-	24 January 2012
412617S	BASIX Certificate – D30	-	-	24 January 2012
412618S	BASIX Certificate – D31	-	-	24 January 2012
412619S	BASIX Certificate – D32	-	-	24 January 2012
412620S	BASIX Certificate – D33	-	-	24 January 2012
412621S	BASIX Certificate – D34	-	-	24 January 2012
412622S	BASIX Certificate – D34	-	-	24 January 2012

2. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is as listed below and per numbered plans.

UNIT BUILDINGS

BLOCK A

Lift 1 Units 1 – 16 / 103 York Road Kellyville

Lift 2 Units 17 – 32 / 103 York Road Kellyville

BLOCK B

Lift 3 Units 33 – 47 / 1 'Proposed Road' Kellyville

Lift 4 Units 48 – 62 / 1 'Proposed Road' Kellyville

BLOCK C

Lift 5 Units 63 – 77 / 1 'Proposed Road' Kellyville

Lift 6 Units 78 – 92 / 1 'Proposed Road' Kellyville

Subject to Block D & E sub-strata

BLOCK D

Lift 7 Units 1 – 8 / York Road Kellyville (street number to be advised)

Lift 8 Units 9 – 14 / York Road Kellyville (street number to be advised)

BLOCK E

Lift 9 Units 15 – 24 / York Road Kellyville (street number to be advised)

Unit numbers to Blocks D & E will recommence from unit number 1 subject to these two blocks being a sub strata. If not sub strata, unit numbers will continue on from unit number 93.

INTEGRATED HOUSING

Street numbers:

2 to 52 'Proposed Road' Kellyville

2-4 Alessandra Drive Kellyville

1-11 Alessandra Drive Kellyville

PPOPOSED SHOP

105 York Road Kellyville

The unit numbers, as issued, are to be displayed on each unit door. Applicable unit numbers are also to be clearly listed on all lift, stairwell, lobby and basement entrances.

A diagrammatic plan of the complex must be positioned at both site entry points, showing relevant blocks and the units contained therein.

Street numbers allocated to the integrated housing must be clearly displayed at the front entrance of each property.

Future development is required along York Road to determine the correct street number for Block D & Block E. At this time you will be advised of the approved street number.

The proposed private road is to be named and approved by Council's Subdivision Section.

Two banks of mail boxes are to be located at the entrance to the visitors parking located off York Road for Block A. Each bank of mailboxes is to clearly identify relevant unit numbers and the approved street number.

A plan for positioning of letterboxes outside the security gate is to be submitted to Australia Post for approval prior to erection in order to comply with Australia Post Standards regarding positioning for safe delivery of mail.

Clear and accurate external directional signage is to be erected throughout and on all buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

3. Construction Certificate

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

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. Use of Neighbourhood Shop

A separate application is to be submitted to, and approved by, Council for the use of the Neighbourhood Shop.

6. External Finishes

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

7. Acoustic Wall Construction

The proposed Acoustic Wall located along the boundary with the shopping centre (No. 88 Wrights Road) shall be constructed of Masonry and is to be connected to the existing Acoustic Wall in a manner that ensures that the noise levels as outlined in the Acoustic Report prepared by Acoustic Logic, dated July 2012 are complied with.

8. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Environmental Noise Assessment Residential Development, Lots A & B, President Road, Kellyville dated 2 July 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 9 – Recommendation

9.1 Acoustic Screen

An acoustic screen is required along the southern boundary of the project site to mitigate noise impact from Woolworths and Coles. Detailed acoustic screen requirements are outlined in the Acoustic Report.

9.2 Glazing Structure Requirements

The recommended glazing assemblies were specified as an attachment to the acoustic report and are required to be provided as recommended. The design of the window is to ensure the STC rating as provided in Table 15 of the acoustic report.

9.3 Roof/ Ceiling Constructions

The roof / ceiling construction for Block E and the integrated Housing Units adjacent to Woolworths & Coles is to comply with the standard shown in Figure 3 of the acoustic report as a minimum.

9.3.1 Plasterboard Corner details

The plasterboard corner details are to comply with either of the two options provided in Figure 4, Section 9.3.1 of the acoustic report.

9.4 Cafe

As recommended in the acoustic report, when more details of the proposed cafe development are known a detailed acoustic assessment is to be undertaken to determine the required acoustic control elements and management measures and the identified elements and measures are to be incorporated into the development.

9.5 Mechanical Services

The mechanical services are to be acoustically designed and located to ensure that they shall not either singularly or in total emit noise levels which exceed the noise limits specified in Table 14 of the acoustic report.

9. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report No E1349.1 AF, dated 20th June 2012 and submitted as part of the Development Application shall be implemented as part of this approval.

10. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

11. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

12. 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.

13. Street Trees

Street trees and tree guards must be provided for the sections of York Road and Alessandra Drive within the development site in accordance with the approved landscape

plans listed within Condition No. 1. 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.

14. 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.

15. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

16. 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.

17. 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 Chadwick Cheng Consulting Surveyors Drawing 31207/COM dated 31/01/2012 except where amended by other conditions of consent.

18. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

19. 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.

20. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

21. Gutter and Footpath Crossing Application

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

22. 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.

23. 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.

24. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Note:

- Council's recycling service is fortnightly and not weekly therefore 67 bins are required to be allocated to the bin bays throughout the development.
- Council's bulk bins are 1.1 Litres in size not 1.5 Litres in size.

25. Waste Storage and Separation - Construction

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

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

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

26. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any 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.

27. Commencement of Domestic Waste Services

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

28. Domestic Waste Management –Integrated Dwellings

Council will provide each unit with a minimum of one 140 litre garbage bin (emptied weekly), one 240 litre recycling bin (emptied fortnightly) and one 240 litre garden organics bin (emptied fortnightly). Allowance is to be made for:

- a. space for all garbage and recycling bins to be placed on the kerb for servicing on collection day.
- b. storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c. adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard; or storage compound so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*; and
- d. flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e. each bin to be clearly marked with individual unit numbers.

29. Domestic Waste Management – Apartment Building Units

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Bin Storage facility is to be provided for a minimum of 8 x 1100 Litre bulk garbage bin(s) and 67 x 240 Litre recycling bins.

An additional bin storage facility is to be provided at the York Road frontage between Neighbourhood Shop and Apartment Block A.

The Apartment Block B bin storage facility is to be relocated to the south western corner of Apartment Block B adjoining the internal road and walkway.

Detailed plans indicating the relocation of the bin storage facilities are to be submitted to the satisfaction of Council prior to issue of a Construction Certificate.

30. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water as follows:

(i) Water

The development does not front an available drinking water main and an extension will be necessary. The 150mm drinking water main in York Road is to be extended along York Road and is to be linked to the 100mm drinking water main in Alessandra Drive.

The accredited Water Servicing Coordinator/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(ii) Recycled Water

The development does not front an available recycled water main and an extension will be necessary. The 150mm recycled water main in York Road is to be extended along York Road and is to be linked to the 100mm recycled water main in Alessandra Drive.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed recycled water infrastructure for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(iii) Wastewater

The current wastewater system has sufficient capacity to service the proposed development. The proposed lots can be serviced by extending either the 150mm wastewater main located to the west of the site or the 150mm wastewater main to the east of the site. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

(iv) Trade Waste

In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.

31. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force – The Hills Local Area Command for the development to comply with recommendations under Crime Prevention Through Environmental Design (CPTED) including the following:

- (i) The car parking area in the basement is to be painted white;
- (ii) Bicycle parking areas are to be covered, lockable racks to secure bicycles;
- (iii) A CCTV system to monitor the common open spaces throughout the use of the development;
- (iv) The use of a CCTV system to monitor access/exit driveways of the underground car parks and entrances to the unit blocks; and
- (v) Separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building. A similar system should be in place to restrict access to the grounds of the development.

32. Compliance with RMS Requirements

Compliance with the requirements of the Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- (ii) Car parking provision to Council's satisfaction.
- (iii) All works associated with the proposal shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

33. Payment of Section 94 Contributions

Section 94 Contributions applicable to each stage of the development shall be paid in full in accordance with Condition No.'s 108, 119, 120, 121, 122, 123 and 124 prior to the issue of the Construction Certificate for the stage.

34. Acoustic Wall Details

A detailed design for the acoustic wall must be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate. The acoustic wall shall be constructed with Hebel panel and shall include decorative treatments.

35. Acoustic Screen

To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.

Amended plans reflecting the above is to be submitted to Council prior to the issue of a Construction Certificate.

36. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

37. Landscape Plan

A detailed Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. The plan should include:

- All existing trees clearly marked for retention or removal.
- Location of plant species and quantities clearly shown
- A schedule of proposed planting, including botanic name, common name, size at planting, quantities, staking requirements, expected mature height.
- Details indicating a minimum of 300mm of good quality garden mix to all garden beds
- Details showing good quality topsoil to all lawn areas
- All garden bed areas to be clearly defined by brick/stone edging with its edge finishing flush with the surface of adjacent grass areas.
- All garden bed areas to have drip irrigation.

38. Erosion & Sediment Control Plan

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

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

39. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

40. Concept Engineering Design Approval

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

41. 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.

42. 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 \$78,300 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (190m) plus an additional 50m on either side (290m) and the width of the road measured from face of kerb on both sides (9m). The minimum bond amount is \$10,000.00.

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.

43. Security Bond – External Works

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

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

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

44. Bank Guarantee Requirements

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 854/2012/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.

45. Internal Pavement Structural Design Certification (Waste Services)

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

PRIOR TO WORK COMMENCING ON THE SITE

46. Principal Certifying Authority

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

47. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

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

48. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

49. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

50. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

51. Site Water Management Plan

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

52. Erosion & Sediment Control Plan Kept on Site

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

53. Stormwater Management

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

54. Traffic Control Plan

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

55. 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.

56. 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.

57. 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.

58. 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.

DURING CONSTRUCTION

59. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in the BASIX Certificate's listed in Condition No. 1 be complied with. Any subsequent version of the BASIX Certificate(s) will supersede all previous versions of the certificate(s).

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

60. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

61. 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.

62. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

63. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

64. Internal Sleep Arousal Noise Criteria – Compliance

Option 2 of section 9.2 of the Acoustic Report prepared by Acoustic Logic dated 2nd July 2012 shall be complied with. Option 2 reads as follows;

As internal noise levels cannot be achieved with marked windows open it is required that an alternative outside air supply system or air conditioning unit be installed in accordance with AS 1668.2 requirements. The mechanical ventilation system that is installed should be designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

65. Rock Breaking Noise

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

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

66. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

67. 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.

68. Stockpiles

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

69. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

70. Pool Discharge Water

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

71. Swimming Pool Safety Fencing

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

72. Resuscitation Warning Notice

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

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

and all other details required by the Regulation.

73. Pool not to be Filled Until Occupation

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

74. Temporary Fencing of Pools

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

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

75. 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.

76. 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.

77. 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
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

79. Compliance Statement – Mechanical Plant

A Compliance statement from an appropriately qualified Acoustic Consultant is to be submitted prior to the issue of the Occupation Certificate. This compliance statement is to confirm that the Mechanical Plant as built complies with the below mentioned criteria.

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

If the abovementioned criteria are not satisfied then the Acoustic Consultant is to provide recommended measures to achieve compliance. These measures are then to be implemented.

A copy of the Compliance Statement and any recommended compliance measures is to be submitted to Council.

80. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Environmental Noise Assessment – Residential Development, Lots A & B, President Road, Kellyville prepared by Acoustic Logic dated 2 July 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

81. Spa Pool Construction

The spa pool shall be constructed to comply with Australian Standard AS2610.2 – Private Spas. With respect to entrapment hazards, the spa pool shall:

- a) Be designed so pressure will be immediately released at a suction point from the spa pool if it becomes blocked;
- b) Each pump should have a minimum of two operative suction points connected by a common line;
- c) Suction points should be fitted as close as possible to the water surface as is practical without affecting the operation of the system;
- d) The suction points shall not be closer than 600mm;
- e) An emergency stop switch controlling all spa pool pumps, blowers and heaters shall be provided within three (3) metres of the spa pool and shall be visible at all times.

Certification of the above matters shall be provided from the spa manufacturer/installer to the PCA prior to the issue of any Occupation Certificate.

82. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

83. Construction of Swimming Pool Barrier

The required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings including the cabana, on the site prior to any occupation certificate (interim or final) being issued for the development.

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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/wsc/waterserv_ext_print.htm

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

90. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

91. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by Council or the relevant telecommunications carrier.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

92. 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.
- f) One copy of the strata or community titled subdivision plan that includes house/unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

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

93. 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.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council the following information must be submitted to Council within seven days of the certificate being issued:

- a) A copy of the strata certificate.
- b) A soft copy of the final plan on disk in “.dwg” format.
- c) A copy of the 88B Instrument, where applicable.
- d) Copies of all service authority certificates.
- e) A letter from the certifier confirming all conditions have been complied with.

95. 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) 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.

c) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with DCP Part C Section 3.

d) 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.

e) Restriction – Site Coverage (Kellyville/ Rouse Hill)

Restricting development of all residential lots to reinforce the maximum site coverage

f) Restriction – Bedroom Numbers

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

g) Positive Covenant – Stormwater Pump Maintenance

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

96. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

97. 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.

98. 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.

99. Inspection of Bin Bay Storage Area(s)

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

THE USE OF THE SITE

100. Lighting

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

101. Mechanical Services – Acoustic Compliance

Noise from the mechanical plant shall not exceed the criteria as outlined in the Acoustic Report dated 2/7/2012, prepared by Acoustic Logic. This criterion is as follows;

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

Acoustical assessment of the mechanical services shall be undertaken during detail design phase of the development to ensure that they shall not singularly or in total emit noise levels exceeding the noise criteria above.

102. Servicing of Bins

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

103. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles.

104. Collection of Bins

Integrated Housing

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Bin Bays Storage Facilities

All recycling/garden organic bins will need to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Alternatively, a caretaker will need to be appointed to attend to this requirement.

105. Communal Areas

The communal areas within the site are to be limited to the use of occupants of the development with no public access.

106. Graffiti-free Treatment

The acoustic screens to the southern boundary shall include graffiti free treatment.

STAGE 1:

GENERAL MATTERS

107. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require an Engineering Construction Certificate (ECC) to be obtained prior to the commencement of any works.

An ECC can only be issued by Council.

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

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

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

108. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

STAGE 1	2br per Unit	3br per Unit	Credit per Unit	2 Bedroom	3 Bedroom - 48	Sum of Units	Credits	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 80,352.58	\$ 354,207.36	\$ 434,559.94	\$ 10,112.40	\$ 424,447.54
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 33,048.68	\$ 145,683.84	\$ 178,732.52	\$ 4,159.19	\$ 174,573.33
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 217.91	\$ 1,731.52	\$ 7,632.96	\$ 9,364.48	\$ 217.91	\$ 9,146.57
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 14,990.50	\$ 66,080.16	\$ 81,070.66	\$ 1,886.55	\$ 79,184.11
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 2,305.10	\$ 10,161.60	\$ 12,466.70	\$ 290.11	\$ 12,176.59
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 13,239.24	\$ 58,360.80	\$ 71,600.04	\$ 1,666.16	\$ 69,933.88
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 31,476.06	\$ 138,751.68	\$ 170,227.74	\$ 3,961.28	\$ 166,266.46
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 177,143.68	\$ 780,878.40	\$ 958,022.08	\$ 22,293.60	\$ 935,728.48

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

109. Basement Car Park and Subsurface Drainage

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

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;

- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

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

110. Works on Adjoining Land

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

111. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

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

i. 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)
York Road	Road Type: Collector Road 5.3m/ 9.5m/ 5.3m (20.1m)	1 x 10 ⁶
Alessandra Drive	Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m)	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.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of York Road and northern side of Alessandra Drive in accordance with the DCP and the above documents.

iii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern/eastern side of York Road in accordance with the DCP and the above documents.

iv. Footpath Verge Formation

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

v. Gutter Crossings

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

vi. 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.

vii. Street Names Signs

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

viii. 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.

ix. 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 each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

DURING CONSTRUCTION

112. 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.

PRIOR TO THE ISSUE OF A OCCUPATION / SUBDIVISION CERTIFICATE

113. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA 1639/2011/ZA unless the two are issued and registered concurrently.

114. 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.

115. 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).

116. 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.

117. Dedication of Public Road

An Occupation Certificate must not be issued until York Road and Alessandra Drive have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

118. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

STAGE 1A:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

119. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

STAGE 1A	2br per Unit	3br per Unit	2 Bedroom	3 Bedroom	Sum of Units	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 34,436.82	\$ 177,103.68	\$ 211,540.50	\$ 211,540.50
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 14,163.72	\$ 72,841.92	\$ 87,005.64	\$ 87,005.64
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 742.08	\$ 3,816.48	\$ 4,558.56	\$ 4,558.56
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 6,424.50	\$ 33,040.08	\$ 39,464.58	\$ 39,464.58
Studies and Administration	\$ 164.65	\$ 211.70	\$ 987.90	\$ 5,080.80	\$ 6,068.70	\$ 6,068.70
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 5,673.96	\$ 29,180.40	\$ 34,854.36	\$ 34,854.36
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 13,489.74	\$ 69,375.84	\$ 82,865.58	\$ 82,865.58
Total	\$ 12,653.12	\$ 16,268.30	\$ 75,918.72	\$ 390,439.20	\$ 466,357.92	\$ 466,357.92

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 1B:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

120. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

STAGE 1B	2br per Unit	3br per Unit	2 Bedroom	3 Bedroom	Sum of Units	Credits	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 34,436.82	\$ 206,620.96	\$ 241,057.78	\$ -	\$ 241,057.78
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 14,163.72	\$ 84,982.24	\$ 99,145.96	\$ -	\$ 99,145.96
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 742.08	\$ 4,452.56	\$ 5,194.64	\$ -	\$ 5,194.64
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 6,424.50	\$ 38,546.76	\$ 44,971.26	\$ -	\$ 44,971.26
Studies and Administration	\$ 164.65	\$ 211.70	\$ 987.90	\$ 5,927.60	\$ 6,915.50	\$ -	\$ 6,915.50
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 5,673.96	\$ 34,043.80	\$ 39,717.76	\$ -	\$ 39,717.76
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 13,489.74	\$ 80,938.48	\$ 94,428.22	\$ -	\$ 94,428.22
Total	\$ 12,653.12	\$ 16,268.30	\$ 75,918.72	\$ 455,512.40	\$ 531,431.12	\$ -	\$ 531,431.12

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No. 8. The CPI at time of consent was 180.4 Quarter 2, October-December 2012.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 2:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

121. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

	Purpose	8	
STAGE 2	Per Small Lot (<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 65,594.00	\$ 65,594.00
Open Space - Capital	\$ 3,372.32	\$ 26,978.56	\$ 26,978.56
Community Facilities - Land	\$ 176.69	\$ 1,413.52	\$ 1,413.52
Community Facilities - Capital	\$ 1,529.64	\$ 12,237.12	\$ 12,237.12
Studies and Administration	\$ 235.22	\$ 1,881.76	\$ 1,881.76
Roadworks - Land	\$ 1,350.94	\$ 10,807.52	\$ 10,807.52
Roadworks - Capital	\$ 3,211.85	\$ 25,694.80	\$ 25,694.80
Total	\$ 18,075.91	\$ 144,607.28	\$ 144,607.28

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 3:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

122. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	Purpose	9	
STAGE 3	Per Small Lot (<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 73,793.25	\$ 73,793.25
Open Space - Capital	\$ 3,372.32	\$ 30,350.88	\$ 30,350.88
Community Facilities - Land	\$ 176.69	\$ 1,590.21	\$ 1,590.21
Community Facilities - Capital	\$ 1,529.64	\$ 13,766.76	\$ 13,766.76
Studies and Administration	\$ 235.22	\$ 2,116.98	\$ 2,116.98
Roadworks - Land	\$ 1,350.94	\$ 12,158.46	\$ 12,158.46
Roadworks - Capital	\$ 3,211.85	\$ 28,906.65	\$ 28,906.65
Total	\$ 18,075.91	\$ 162,683.19	\$ 162,683.19

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 4:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

123. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

	Purpose	11	
STAGE 4	Per Small Lot (<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 90,191.75	\$ 90,191.75
Open Space - Capital	\$ 3,372.32	\$ 37,095.52	\$ 37,095.52
Community Facilities - Land	\$ 176.69	\$ 1,943.59	\$ 1,943.59
Community Facilities - Capital	\$ 1,529.64	\$ 16,826.04	\$ 16,826.04
Studies and Administration	\$ 235.22	\$ 2,587.42	\$ 2,587.42
Roadworks - Land	\$ 1,350.94	\$ 14,860.34	\$ 14,860.34
Roadworks - Capital	\$ 3,211.85	\$ 35,330.35	\$ 35,330.35
Total	\$ 18,075.91	\$ 198,835.01	\$ 198,835.01

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 5:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

124. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

	Purpose	6	
STAGE 5	Per Small Lot (<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 49,195.50	\$ 49,195.50
Open Space - Capital	\$ 3,372.32	\$ 20,233.92	\$ 20,233.92
Community Facilities - Land	\$ 176.69	\$ 1,060.14	\$ 1,060.14
Community Facilities - Capital	\$ 1,529.64	\$ 9,177.84	\$ 9,177.84
Studies and Administration	\$ 235.22	\$ 1,411.32	\$ 1,411.32
Roadworks - Land	\$ 1,350.94	\$ 8,105.64	\$ 8,105.64
Roadworks - Capital	\$ 3,211.85	\$ 19,271.10	\$ 19,271.10
Total	\$ 18,075.91	\$ 108,455.46	\$ 108,455.46

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

ATTACHMENTS

1. Amended Elevations and Cross Sections
2. Previous Report to JRPP 15 September 2012

ATTACHMENT 3 – AMENDED ELEVATIONS AND CROSS SECTIONS

[illegible]



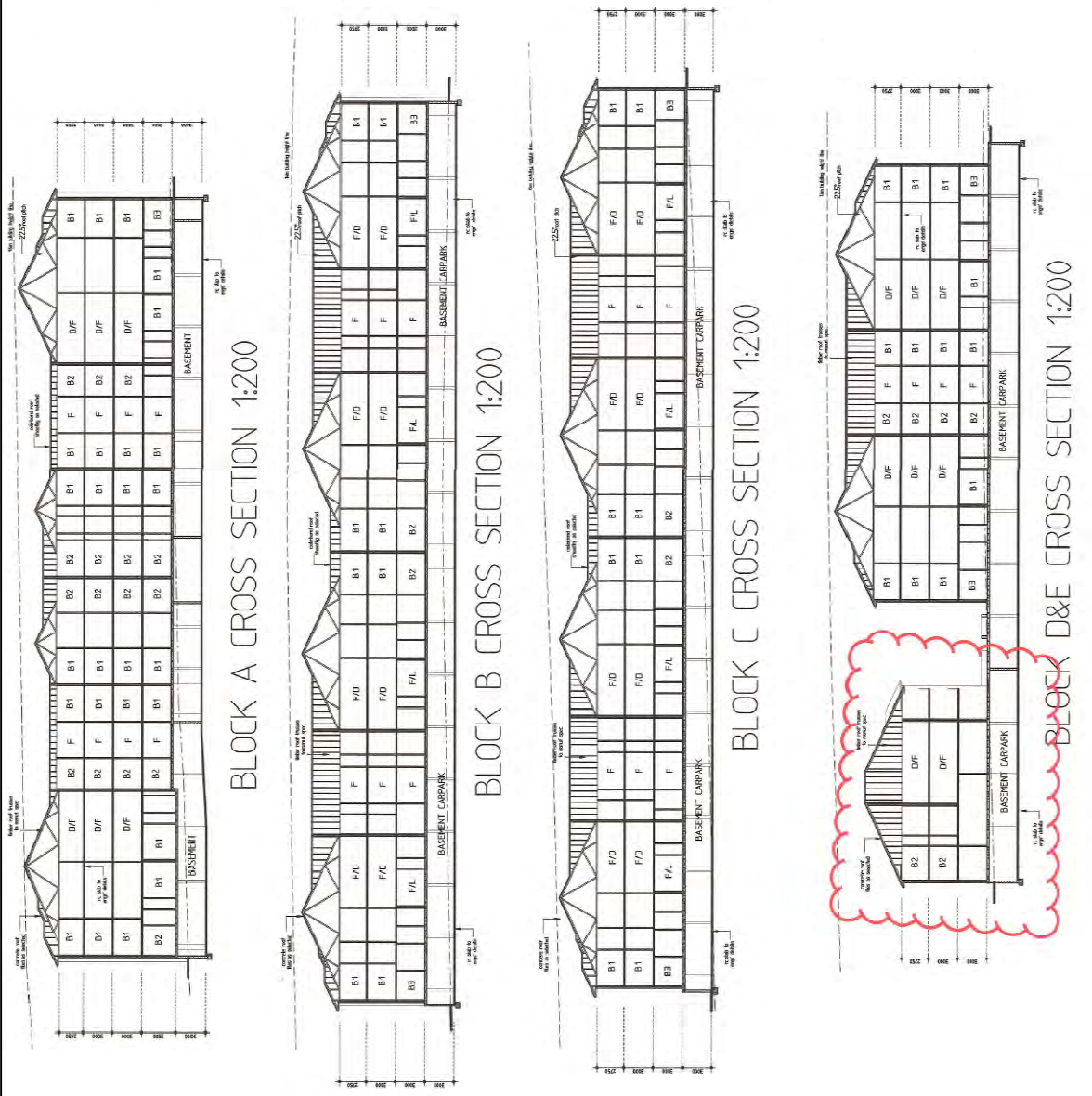
This drawing is the property of A&A Design & Drafting Services. It is to be used only for the project and site for which it was prepared. It is not to be reproduced, copied, or used for any other purpose without the written consent of A&A Design & Drafting Services.

NOTES:

- REFER TO FLOOR PLANS FOR CONSTRUCTION CONCEPT DETAILS, DIMENSIONS, AND LEVEL SETTING.
- ALL MATERIALS, FINISHES, LAMINATES & HARDWARES TO BE IN ACCORDANCE WITH AS/NZS 1600.1, FULL DETAILS AT LC STAGE.
- ALL EXTERNAL SURFACES TO BE FINISHED WITH AS/NZS 1600.1, FULL DETAILS AT LC STAGE.
- REFER TO AS/NZS 1600.1 FOR CONSTRUCTION CONCEPT DETAILS, DIMENSIONS, AND LEVEL SETTING.
- REFER TO LANDSCAPE PLANS FOR DESIGN DETAILS, FULL DETAILS AT LC STAGE.
- ACCESS ASSESSMENT REPORT FOR ACCESS DETAILS, FULL DETAILS AT LC STAGE.
- FINISH DETAILS, ROOM SIZES, FLOOR AREA & SITE DATA TO BE REVIEWED AT LC STAGE.
- ALL BUILDINGS WITH INTERNAL BATHROOMS & KITCHENS TO HAVE MECHANICAL EXHAUST & VENTILATION. FULL DETAILS AT LC STAGE.
- NOT SHOWN FROM FLOOR OF BUILDINGS TO FUL UNLESS NOTED OTHERWISE.
- THESE PLANS ARE TO BE READ IN CONJUNCTION WITH AS/NZS 1600.1.
- LETTERBOX COMPARTMENTS LOCATED AT EACH BUILDING ENTRANCE TO HAVE COMMON FACILITIES. FULL DETAILS AT LC STAGE.

PROJECT: RESIDENTIAL DEVELOPMENT
 ADDRESS: Lots A & B
 President Road, KELLVILLE
 CLIENT: NAMUL PTY LTD
 ARCHITECT: Eric Wignman
 Notified Architect Reg. 34999
 COMMENCE: APARTMENT BLOCKS SECTIONS
 DATE: 3-2-2012
 DRAWN BY: A/6972-DA
 CHECKED BY: J/6972-DA
 SCALE: 1/8" = 1'-0"

A&A DESIGN & DRAFTING SERVICES
 30/305 Midwood Place, Newmarket Business Park,
 P.O. Box 410, Newmarket NSW, Business Centre NSW 1515
 Phone: (02) 8855 3333 Fax: (02) 8855 564
 Email: info@aaa-design.com.au
 WWW.AAA-DESIGN.COM.AU



JRPP PLANNING REPORT

JRPP NO:	2012SYW029
DA NO:	854/2012/JP
PROPOSED DEVELOPMENT:	RESIDENTIAL DEVELOPMENT COMPRISING 133 APARTMENTS AND 35 INTEGRATED HOUSING DWELLINGS,
SUBJECT SITE:	PROPOSED LOT 12 IN APPROVED SUBDIVISION OF LOTS A & B DP 379959 (DA NO. 1639/2011/ZA) – No.'s 75-95 PRESIDENT ROAD, KELLYVILLE
APPLICANT:	NAMUL PTY LTD
LODGEMENT DATE:	13 FEBRUARY 2012
REPORT BY:	SENIOR TOWN PLANNER SOPHIA CHIN
RECOMMENDATION:	APPROVAL

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Namul Pty Ltd	1.	<u>LEP 2005</u> – Satisfactory
Zoning:	LEP 2005 – Residential 2(a) LEP 2012 – R3 Medium Density Residential and R4 High Density Residential	2.	<u>LEP 2012</u> – Satisfactory
Area:	31,617m ² (3.16 hectares)	3.	<u>SEPP 65 – Design Quality of Residential Flat Development</u> – Satisfactory.
Existing Development:	Vacant	4.	<u>DCP Part D Section 5 – Kellyville/Rouse Hill Release Area</u> – Variation proposed – see report.
		5.	<u>DCP Part B Section 5 – Residential Flat Buildings</u> – variations proposed – see report.
		6.	<u>DCP Part C Section 1 – Parking</u> – Complies.
		7.	<u>BHSC Multi Unit Housing Guidelines</u> – Satisfactory
		8.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
		9.	<u>Section 94 Contribution</u> – Currently \$2,658,361.38
		10.	<u>Capital Investment Value:</u> \$67,371,000

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Yes – 14 days as Advertised Development	1.	Capital Investment Value in Excess of \$20 million.
2. Notice Adj Owners:	Yes – 14 days		
3. Number Advised:	55 properties		
4. Submissions Received:	10 submissions received		

HISTORY

- 17/06/2010** Development Application No. 1373/2010/HA approved under Delegated Authority for the demolition of a dwelling, outbuildings, filling of existing dam and removal of three trees.
- 30/08/2011** Development Application No. 1639/2011/ZA approved by Council's Development Assessment Unit for a subdivision creating 12 lots including a new road, the subject site being a residual lot accessible from York Road.
- 13/02/2012** Subject Development Application lodged.
- 13/04/2012** Letter sent to the applicant seeking additional information regarding density, apartment building height, neighbourhood shop/cafe permissibility, apartment building setbacks, apartment building length, building separation, staging of development, waste management, waste collection vehicles, solar access, access and adaptability, BASIX Certificate commitments, swimming pool compliance, notice of requirements, fencing details, driveways, site drainage, vehicular access and parking, landscape plan, noise, contamination, integrated housing site boundary setback, housing type plans, apartment building section plans, site coverage and landscaped area, privacy screens, basement car parking plan, storage, carwash bays, and plant room/equipment, and advice received from the Roads and Maritime Services.
- 03/05/2012** Meeting held with applicant regarding the proposal.
- 14/05/2012** Additional information received from the applicant.
- 17/05/2012** Briefing provided to the Joint Regional Planning Panel (JRPP).
- 17/05/2012** Amended landscape plans received from the applicant.
- 23/05/2012** Amended civil road and stormwater plans received from the applicant.
- 04/06/2012** Meeting held with applicant regarding the proposal and briefing meeting with JRPP.
- 19/06/2012** Further letter sent to the applicant seeking additional information regarding site drainage, vehicular access and drainage, carwash bays, acoustic design and assessment, landscape plan, waste management, and swimming pool compliance.

28/06/2012	Contamination report received from the applicant.
23/07/2012	Additional information received from the applicant including reducing the number of integrated dwellings from 35 to 34.
07/08/2012	Additional information received from the applicant indicating pool fence and cabana details.
07/09/2012	Email sent to the applicant requesting a detailed staging plan.
11/09/2012	Staging plan received from the applicant.
05/10/2012	Notification of The Hills Local Environmental Plan 2012.

PROPOSAL

The Development Application seeks approval for a residential development comprising five Residential Flat Buildings (133 apartments), 34 integrated dwellings, associated parking, landscaping and communal facilities, a neighbourhood shop, and the Community Title and Strata Title subdivision of the site to be constructed in seven stages.

The development is to include Community Title subdivision for the integrated housing and residential flat building development lots, community property and internal access road, and strata titling for the residential flat buildings. Residents of the integrated dwellings and residential flat buildings are to have access to the communal facilities.

In general terms, the staging (as illustrated in Attachment 7) will occur as follows:

- Stage 1 - all public and private roads including the extension to York Road and Alessandra Drive, community lots and the construction of the two central northern and southern Apartment Blocks A and B;
- Stage 1A - central eastern Apartment Block C;
- Stage 1B - south western Apartment Blocks D and E;
- Stage 2 - integrated housing on Lot No.'s 7 to 14.
- Stage 3 - integrated housing on Lot No.'s 16 to 24.
- Stage 4 - integrated housing on Lot No.'s 26 to 36.
- Stage 5 - integrated housing on Lot No.'s 37 to 42.

The proposed residential flat buildings are three storeys (Blocks B and C) and four storeys (Blocks A, D and E) in height with a pitched roof and contain 22 x four bedroom apartments, 78 x three bedroom apartments, and 33 x two bedroom apartments. A total of 433 basement and at-grade resident and visitor car parking spaces are provided including 68 residential spaces and 34 visitor spaces for the integrated dwellings, 266 residential spaces for units and 54 visitor spaces within the residential flat buildings, and 11 visitor spaces for the neighbourhood shop.

The proposed integrated dwellings are two storeys high and contain a double garage, living areas on the ground floor and bedrooms and en-suites/bathrooms on the upper floor. The dwellings generally include four bedrooms. The integrated dwellings comprise of seven alternate dwelling types and within each dwelling type the design may have a flat, hipped or pitched roof.

It is recommended that the use of the neighbourhood shop be subject to a future development application which allows for further consideration of issues including waste storage and waste management depending on the use (refer to Condition No. 5).

York Road and Alessandra Drive (future public roads) are to be extended to dissect the site creating access to the site from the east, south and west.

Development Application 1639/2011/ZA for the subdivision of the site was approved at Council's Development Assessment Unit meeting on 30 August 2011. The approval included the subdivision of the existing lot into 12 lots, with 11 lots with a frontage to President Road, and the subject site being the residual lot accessible from York Road.

The development adjoins an existing shopping complex to the south-east consisting of Woolworths, Coles and Kellyville Plaza. Water towers adjoin the site to the south-west, and two storey dwellings adjoin the site to the east and west of the site.

The surrounding locality consists of single dwelling houses, a local shopping centre, town houses, residential flat buildings, schools, water storage facilities and community facilities.

The application was lodged prior to the gazettal of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if THLEP 2012 had not commenced. The application has been assessed under Baulkham Hills Local Environmental Plan 2005 that applied before the gazettal of The Hills LEP 2012.

ISSUES FOR CONSIDERATION

1. Compliance with Baulkham Hills Local Environmental Plan 2005

i. Permissibility

The site was zoned Residential 2(a) under the provisions of Baulkham Hills Local Environmental Plan 2005. The proposal is defined as an "apartment building", "integrated housing" and "neighbourhood shop".

Apartment Building is defined as:

"a building containing 3 or more dwellings where each dwelling does not necessarily have direct access to private open space at natural ground level."

Integrated Housing is defined as:

*"(a) the subdivision of land into two or more allotments, and
(b) the erection of one or more dwellings on each allotment so created, where the siting and design of each dwelling occurs prior to the determination of the subdivision boundaries but, in the Table to clause 13, does not include a form of development elsewhere specifically defined in this clause."*

An "apartment building" and "integrated housing" are permissible with consent in the Residential 2(a) zone; however a "neighbourhood shop" is prohibited. The application was lodged prior to the official notification of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if LEP 2012 had not commenced. Subject to consent being granted, it is recommended that the approved plans be annotated deleting the neighbourhood shop, and that the use of the neighbourhood shop be subject to a future development application.

In addition, Clause 22 – Integrated Housing of Baulkham Hills LEP 2005 also applies to the proposal. Clause 22 states:

"Despite any other provision of this plan, development for the purpose of integrated housing may be carried out, but only with development consent, on land:

- (a) that is within Zone 2(a), 2(b) or 2(c), and*
- (b) to which the Sydney Regional Environmental Plan No 19—Rouse Hill Development Area, as gazetted on 1 September 1989 applies, but excluding any land within Zone 2 (b1)."*

The site was zoned Residential 2(a) and is within the SREP No. 19 Release Area and therefore is satisfactory in respect to Clause 22 of Baulkham Hills LEP 2005.

ii. Zone Objectives

The site was zoned Residential 2(a) under Baulkham Hills LEP 2005.

The Residential 2(a) zone objectives seek to provide medium density housing choice and ensure that development carried out on the land is compatible with the surrounding area.

The proposed development has been assessed against the provisions of Baulkham Hills LEP 2005 and the following objectives of the Residential 2(a) zone:

- "(a) to make general provision for land to be used for the purposes of housing and associated facilities, and*
- (b) to provide for development for medium-density housing forms (including apartment buildings, town-houses, villas and the like) in locations close to the main activity centres of the local government area, and*
- (c) to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (d) to allow a range of developments, ancillary to residential uses, that:*
 - (i) are capable of integration with the surrounding environment, and*
 - (ii) serve the needs of the surrounding population without conflicting with the residential intent of the zone, and*
 - (iii) do not place demands on services beyond the level reasonably required for residential use."*

It is considered that the proposed development has a built form that is consistent with the desired future character of the locality and will not detract from the amenity of existing and future nearby residents or the existing quality of the environment. The development has also had regard to the amenity of future residents, particularly in relation to privacy, quality open space and solar access.

As such the proposal is considered satisfactory in respect to the Baulkham Hills LEP 2005 objectives.

2. Compliance with The Hills Local Environmental Plan 2012

The Hills Local Environmental Plan 2012 was notified officially on 5 October 2012. Clause 1.8A of The Hills LEP 2012 contains savings provisions relating to development applications. That Clause reads as follows:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The application was lodged prior to the official notification of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if LEP 2012 had not commenced. The application has been assessed under Baulkham Hills Local Environmental Plan 2005 that applied before the notification of The Hills LEP 2012.

Under the provisions of The Hills LEP 2012, the subject site is proposed to be zoned R3 Medium Density Residential (northern portion) and R4 High Density Residential (southern portion) as shown in Attachment 3.

The proposed development would sit within the group term "residential accommodation" and is defined as a "residential flat building", "multi dwelling housing" and "neighbourhood shop".

Residential Flat Building is defined as:

"A building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary."

Multi Dwelling Housing is defined as:

"3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: Multi dwelling housing is a type of residential accommodation – see the definition of that term in this Dictionary."

Neighbourhood Shop is defined as:

"premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises."

It is recommended that the use of the neighbourhood shop be subject to a future development application which eliminates any permissibility issue and would allow for consideration of issues arising from the specific nature of the shop once known.

Minimum Site Requirements

Clause 4.1A of the The Hills LEP 2012 requires that in the R3 and R4 zones multi dwelling housing can only be carried out on land which has a minimum area of 1800m², and in the R4 zone residential flat building development can only be carried out on land which has a minimum area of 4000m². The subject site has an area of 31,617m² and as such is satisfactory.

Development Near Zone Boundaries

Clause 5.3 of the The Hills LEP 2012 indicates that development consent may be granted to development that may be carried out in the adjoining zone within a distance of 20 metres of a boundary between 2 zones. Clause 5.3(4) states:

"Despite the provisions of this plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) *the development is not inconsistent with the objectives for development in both zones, and*
- (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land."*

The proposed apartment buildings on land zoned R3 Medium Density Residential, are located within 20 metres of the portion of the site zoned R4 High Density Residential.

A 12-15 metre portion of Apartment Blocks B and C extends into the portion of land zoned R3 Medium Density Residential. Further, Clause 4.3 of The Hills LEP 2012 prescribes that the maximum height on the portion of land zoned R3 is 10 metres, and the maximum height of buildings on the portion of land zoned R4 is 16 metres. The submitted elevation plan indicates that the northern elevation of Apartment Blocks C and B which are located within the portion of land zoned R3 exceeds the 10 metre building height limit.

The applicant states that *"the distribution of detached housing about the site responds to the imperative for contextual compatibility with adjacent development. This approach dictates which sections of the site are best sited for residential flat buildings. In particular, apartment block B as well as the north end of block C is proposed to protrude 12 – 15m into the R3 zone although residential flat buildings are prohibited in that zone. Despite this prohibition, the proposed placement of apartment block B and the north end of block C is appropriate because the development is designed as a masterplanned precinct rather than different forms positioned solely on the zone boundaries that split the site. The masterplan aligns apartment block B at right angles to the north end of block C allowing the pair to address and enclose the internal common open space, pool and recreation area thus creating the core of the development about which the internal loop road and main access roads circulate."*

The encroachment of Apartment Blocks B and C into the R3 Medium Density Residential zoned land is permissible under Clause 5.3 of the The Hills LEP 2012 as it is within 20 metres from the boundary of land zoned R4 High Density Residential.

The proposed development is considered to be consistent with the objectives for development in both zones. It is also considered that the carrying out of the apartment buildings as part of the masterplanned site is desirable due to compatible land use planning, future infrastructure capacity, and provides the efficient and timely development of the subject site.

3. Compliance with The Hills Development Control Plan

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2011:

- Part D Section 5 – Kellyville/Rouse Hill Release Area and;
- Part B Section 5 – Residential Flat Buildings.

BHDCP PART D SECTION 5 – KELLYVILLE/ROUSE HILL RELEASE AREA			
DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.2 Density and Allotment Size	Local Centre Density = 15-20 dwg/net ha Required = 13.9 – 18.6	LCD = 19 dwellings for 0.932ha	No – issue discussed below

	<p>dwelling for 0.932ha</p> <p>Town Centre Density = 30-35 dwg/net ha Required = 66.8 - 78 dwelling for 2.229ha</p>	TCD = 149 dwelling for 2.229ha	
<p>Housing as per Clause 4.1B(3) of The Hills LEP 2010 (It is noted that when The Hills LEP 2012 came into force, the clause number changed from Clause 4.1C to 4.1B(3).)</p>			
4.3 Setbacks	<p>Front (Primary): 4.5m</p> <p>Cnr (Secondary): 2.0M</p> <p>Garages: Min 5.5m</p> <p>Side Setbacks: 0.9m</p> <p>Rear Setbacks: 6.0m with a single storey component and 8 metres with a two storey component.</p>	All dwelling comply with required setbacks.	Yes
4.6 Height	10 metres on the northern portion of the site, and 16 metres on the southern portion of the site.	All dwelling types comply	Yes
4.8 Open Space	The principle private open space area must be able to contain a minimum area of 24m ² with minimum dimensions of 4 metres.	All dwelling comply with the minimum open space requirements.	Yes
4.9 Car Parking	Minimum 2 car parking spaces to be provided per dwelling of which one space must be provided within a garage. Garages are to have a maximum width of 6 metres or 50% of the property frontage whichever the lesser.	Each dwelling provides a double garage with a maximum width of 5.5m.	Yes
4.10 Site Coverage	60% (including dwellings, roads, garages, carports, driveways, outbuildings, decks, patios, paved areas, tennis courts and pools)	All dwelling comply with the maximum site coverage requirements.	Yes
4.11 Landscaping	Minimum 40%	Min 40% provided for each integrated lot.	Yes
4.13 Solar Access	Dwellings should be sited to allow adequate provision for access of direct sunlight to adjacent dwellings.	Amended plans have been received which indicate all integrated	Yes

	<p>Living areas to be orientated north where possible</p> <p>Maximise the amount of direct sunlight available to clothes drying areas</p> <p>Orient buildings to axis as shown in DCP diagram where possible</p> <p>Consider double glazing and sun shade devices (minimise west facing windows)</p>	<p>dwellings will provide sufficient solar access in accordance with Council's requirements.</p>	
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BHDCP PART B SECTION 5 – RESIDENTIAL FLAT BUILDINGS			
DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.1 Site Requirements	Min. lot size 4000m ² Min. road frontage – 30m	22,296m ² Min 30m provided	Yes Yes
3.3 Setbacks – Building Zone	<p>Front (one street frontage) - 10m</p> <p>Side – 6m</p> <p>Rear – 8m</p>	<p>Apartment Block A = 6.6m Apartment Block D = 6.005m Apartment Block E = 6.01m</p> <p>Apartment Block D Side (east) = 8.95m Side (south) = 4.95m Apartment Block E Side (south) = 5.3m</p> <p>Apartment Block E Rear = 6.1 metres (adjoining water towers)</p>	No – issue discussed below
3.4 Building Heights (per storey)	No building shall contain more than 4 storeys above natural ground level.	The 5 apartment buildings comply with the maximum height requirements.	Yes
3.5 Building Separation and Treatment	12m separation	Satisfactory with the exception of a 9.3 metre separation between Apartment Blocks D and E.	No – issue discussed below

3.6 Landscaped Area	50% of site area	55.9% on the R4 zoned part of the site.	Yes
3.7 Building Length	Max. 50m	65.5 - 92.5 metres	No - issue discussed below
3.8 Building Design and Streetscape	<p>Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002"</p> <p>Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street.</p> <p>Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.</p> <p>Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc.</p>	<p>A SEPP 65 Design Verification Statement has been submitted and is considered to be satisfactory.</p> <p>The design of the apartment buildings is considered to be compatible with the future development in the locality. The proposed landscaping treatments reduce the bulk and scale of the development.</p>	Yes
3.9 Urban Design Guidelines	Demonstrate conformity with "Baulkham Hills Multi Unit Housing - Urban Design Guidelines 2002"	Development complies with SEPP 65 Design requirements.	Yes
3.11 Unit Layout and Design	<p>1 bedroom - 75m²</p> <p>2 bedroom - 110m²</p> <p>3 bedroom - 135m²</p>	<p>Proposed 2 bedroom units = minimum 123m²</p> <p>Proposed 3 bedroom units = Minimum 147m²</p>	<p>Yes</p> <p>Yes</p>
3.12 Building Materials	<p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia.</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and</p>	Building colours and materials are sympathetic to the existing and future character and streetscape and is considered to be satisfactory.	Yes

	<p>economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p> <p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.</p>		
3.13 Open Space	<p>Private: Ground level – 4m x 3m (min)</p> <p>Above ground – min. 10m² with min. depth 2.5m</p> <p>Common: 20m² per dwelling</p>	<p>All units provide a satisfactory private open space area.</p> <p>Common: Required= 2,660m²</p> <p>Provided= 3,500m²</p>	Yes
3.14 Solar Access	<p>Adjoining buildings / open space areas – 4 hours between 9am & 3pm on 21 June</p>	<p>All adjoining buildings/open space areas receive a minimum 4 hours solar access between 9am and 3pm on 21 June. Shadow diagrams illustrate that the properties directly adjoining the site</p>	Yes

		to the south-west are overshadowed at 9am to 10am on 21 June and receive a minimum 5 hours solar access. The majority of overshadowing as a result of the development occurs towards the rear of the Woolworth's site and water cooling towers site.	
	Common open space - 4 hours between 9am & 3pm on 21 June	Common open space area complies with minimum solar access requirements.	Yes
3.15 Ventilation	<ul style="list-style-type: none"> - Consider prevailing breezes in relation to building orientation, window design and internal circulation. - Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position. - Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation. - Provide security screen doors at unit entries. - Minimise air gaps by incorporating door and window seals. 	All dwellings provide satisfactory cross ventilation.	Yes
3.16 Lighting	<ul style="list-style-type: none"> - Lighting to be in accordance with the Building Code of Australia. - Adequate lighting to ensure the security and safety of residents and visitors. - Maximise the use of natural lighting through window 	Condition of consent to comply with BCA. Safety and design have been addressed under recommendations from the NSW Police.	Yes

	<p>placement and skylights.</p> <ul style="list-style-type: none"> - In common areas lights are to be time switched and energy efficient fitting should be used. - Motion detectors are to be used for unit entries, lobbies and outdoor security. - Incorporate dimmers, motion detectors, and automatic turn-off switches where appropriate. - Provide separate switches for special purpose lights. 		
3.19 Car parking	<p><u>Rate per unit & visitor parking:</u> 1 space per 1 BR 2 spaces per 2 or 3 BR Visitor – 2 spaces per 5 dwellings</p> <p><u>Parking Dimension:</u> - Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage) - Lockable double garages min. dimension – 5.5 metres x 5 metres (exclusive of storage) - Visitor parking dimensions – 5.5 metres x 2.6 metres</p> <p><u>Manoeuvring and Ramps:</u> - First 6 metres of the driveway inside the property boundary to be a maximum of 5% - Ramp grades to comply with Australian Standard 2890.1 - Manoeuvring in accordance with Australian Standard 2890.1</p>	<p>Required = 266 spaces plus 53.2 visitor spaces</p> <p>Provided = 266 spaces plus 54 visitor spaces</p> <p>Parking dimensions comply for all car spaces.</p> <p>Council's Subdivision Engineer has reviewed the proposal and has no objection to the proposed manoeuvring and ramps subject to conditions of consent for development to comply with relevant Australian Standards and Council requirements.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.20 Storage	10m ³ with an area 5m ² and dimension 2 metres	Adequate storage provided in basement.	Yes

3.21 Adaptability, Pedestrian Access & Safety	Lift provided if greater than 2 storeys Accessible housing: 5% in a development >20 units	Lifts are provided to all apartment blocks. 7 accessible dwellings provided (5.2%).	Yes Yes
3.23 Privacy – Visual and Acoustic	<p>- Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space).</p> <p>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road</p>	<p>Decorative privacy screens are provided for the balcony areas. It is considered that the apartment buildings are provided with adequate building separation with the exception of the ground floor open space areas between Apartment Blocks D and E which are provided with fencing and planter bays to address privacy concerns. Further, Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns.</p> <p>To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic</p>	<p>Yes</p> <p>Yes</p>

	frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.	screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.	
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The proposed development has been assessed against the relevant development standards and objectives of The Hills Development Control Plan 2011. The variations identified in the above tables are discussed as follows:

(a) Density

Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area identifies two density controls – Local Centre Density (15 – 20 dwellings/ha), and Town Centre Density (30 – 35 dwellings/ha) (Refer to Attachment 5).

The Town Centre Density (TCD) part of the site (2.229ha) can accommodate a maximum of 78 dwellings under this control. The development proposes 149 dwellings for the TCD part of the site and results in a variation of 91% (71 dwellings) to the maximum density control. The Local Centre Density (LCD) part of the site (0.932ha) can accommodate a maximum of 19 dwellings for the LCD part of the site and the development proposes 19 dwellings complying with the maximum LCD control.

The overall site requires a maximum 97 dwellings for 3.16ha and proposes 167 dwellings. The overall site results in a variation of 41.9% (70 dwellings) to the combined maximum density control for the site.

The density objectives of Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area states:

- "(i) To facilitate a range of lot sizes and housing types within the release area to meet changing demographic profiles and housing requirements.
- (ii) To locate smaller lots and multi unit housing types within close proximity to community facilities, open space, public transport, and commercial centres."

It is considered that whilst the proposal does not result in numerical compliance with the density requirements, it satisfies the above objectives in an effective manner. The development will result in the provision of various housing types that will address the

changing demographic profiles and housing requirements of the Kellyville area. The development will provide housing types that are more affordable and may be suitable for rental accommodation which will result in improving the diversity of housing choice for the population in the area.

The development adjoins an existing shopping complex to the south consisting of Woolworths, Coles and Kellyville Plaza, and is in close proximity to community facilities and open space areas. Further the development is nearby bus stops (servicing the City, Parramatta, Rouse Hill, Castle Hill etc) located on Wrights Road and Green Road.

In relation to the variation to the density control, the applicant states that "apartment buildings are permissible across the whole site being zoned 2(a) under BLEP 2005. The DCP, in an apparent failure, appears not to anticipate apartments being built in the 2(a) zone. Therefore to apply a density control of 35 dwellings per ha is inconsistent and clearly inappropriate, especially for a site that is adjacent to the Kellyville District Centre which is a higher order centre rather than a Town Centre...the locality has been developed for a mix of detached dwellings, small lot housing, townhouses and apartment buildings. A review of the built and approved development indicates that the TCD has not been achieved throughout the area. One development of an apartment building in Hutchinson Avenue exceeds the TCD density. All the other developments are well below the density. Overall there is calculated a shortfall of some 60 dwellings in the TCD area. As such the proposed development, being one of the last development sites in the District Centre to be developed and the most affected by pre-planned roads should have the opportunity for increased yield to contribute to achieving an overall density of the locality close to Council's target."

It is noted that if adopting the density controls under The Hills DCP Part B Section 4 – Multi Dwelling Housing, and Part B Section 5 – Residential Flat Buildings, the overall site accommodates a maximum 478 persons per 3.16ha. The overall site provides for 475.1 persons per 3.16ha and complies with the combined density controls for townhouses and apartment buildings.

It is considered that Council has previously varied the density control. In particular, Development Application No. 593/2009/HB for the construction of a three storey apartment building at No. 7 Harrington Avenue, Castle Hill accommodated a target density range of a maximum 20 dwellings per net hectare and 52 dwellings per net hectare was approved.

In view of the above, it is considered that whilst numerical compliance for density for the Kellyville/Rouse Hill Release Area is not achieved in this instance, the development is consistent with the density objectives under The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area and is supportable in this regard.

(b) Apartment Building Length

Clause 3.7 of The Hills DCP Part B Section 5 – Residential Flat Buildings, prescribes that the maximum linear length of any apartment building is to be 50 metres.

Apartment Block A has a building length measuring approximately 78 metres, Apartment Block B has a building length measuring approximately 92.5 metres, Apartment Block C has a building length measuring approximately 93 metres, and Apartment Block D has a building length measuring approximately 65.5 metres.

The objectives of Clause 3.7 of The Hills DCP Part B Section 5 – Residential Flat Buildings states:

- "(i) *To reduce the visual bulk and scale of apartment building developments.*
(ii) *To ensure that developments will enhance and contribute to the streetscape and desired character of the future and existing neighbourhood.*"

The purpose of the building length control is largely to limit visual bulk and scale. Amended plans have been received providing stepped treatment and landscape feature planting to assist in screening the development from view and reduce the bulk and scale of the development which is considered satisfactory. The proposed development will enhance and contribute to the existing and desired future streetscape and neighbourhood.

(c) Building Separation and Treatment

Clause 3.5 of The Hills DCP Part B Section 5 – Residential Flat Buildings prescribes that the minimum separation between buildings is 12 metres.

Apartment Blocks D and E have a separation of 9.3 metres (See Attachment 8). The objectives of Clause 3.5 include *"to minimise the visual impact of apartment building developments by minimising the bulk and scale of residential apartment buildings and promoting suitable landscaping between buildings"*. The 2.7 metre variation to the building separation control is considered minor given the measures to address privacy and overlooking issues. Amended plans have been received including fencing and planter bays to minimise amenity concerns. Further, the proposed development is provided with high quality landscape to minimise the bulk and scale of the development which is considered to provide satisfactory amenity for future occupants.

(d) Residential Flat Building Setbacks

The following table summarises the proposed Residential Flat Building Setbacks against the setback requirements of Clause 3.3 of The Hills DCP Part B Section 5 – Residential Flat Buildings as indicated on the submitted plans:

APARTMENT	REQUIRED	PROPOSED	COMPLIANCE
Apartment Block A (one street frontage to York Road)	Front (one street frontage = 10 metres	Front = 6.6m	No.
Apartment Block B (faces internal road)	N/A	N/A	N/A
Apartment Block C (faces internal road)	N/A	N/A	N/A
Apartment Block D (one street frontage to York Road)	Front (one street frontage = 10 metres Side = 6 metres Rear = 8 metres	Front = 6.005m Side (east) = 8.95m Side (south) = 4.95m Rear = 9.5m	No. Yes. No. Yes.
Apartment Block E (one street frontage to York Road)	Front (one street frontage = 10 metres Side = 6 metres Rear = 8 metres	Front = 6.01m Side (south) = 5.3m Rear = 6.1m	No. No. No.

The objectives for setbacks under Clause 3.3 of The Hills DCP Part B Section 5 – Residential Flat Building are as follows:

- (i) *"To provide setbacks that complement the setting and contribute to the streetscape and character of the street while allowing flexibility in siting of buildings.*
- (ii) *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- (iii) *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*
- (iv) *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*
- (v) *To ensure placement of buildings takes into account the retention and protection of existing trees."*

It is considered that the provided setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of the street. The siting of the buildings minimise adverse impacts on the amenity of adjoining properties. It is considered that the development complies with the minimum solar access requirements. Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns.

In support of the variation, the applicant states that the master plan development has a generous landscape setback along York Road with the apartment buildings in the middle of the site and integrated housing around the perimeter of the property compatible with the surrounding area. The proposed setbacks are in excess of the prevailing 4.5 metre setbacks in the locality and provides for a greater area set aside for the internal common open space.

In view of the above, it is considered that development is consistent with the setback objectives for apartment buildings and the variation is supportable.

4. Compliance with The Hills DCP Part C Section 1 – Parking

The proposal has been assessed against the parking requirements within the DCP as detailed below:-

APT BEDROOM NO.	NO. OF UNITS	DCP PARKING RATE	REQUIRED
2 bedroom	33 X 2 bed units	2 parking spaces per 2 bed unit	66 spaces
3 bedroom	78 x 3 bed units	2 parking spaces per 3 bed unit	156 spaces
4 bedroom	22 x 4 bed units	No rate specified per 3 bed unit – to adopt 3 bedroom rate - 2 parking spaces per unit	44 spaces
INTEGRATED HOUSING	NO. OF DWELLINGS	DCP PARKING RATE (Cl. 4.9 BHDCP Part D Section 5 – Kellyville/Rouse Hill Release Area)	REQUIRED
-	34 dwellings	2 spaces per dwelling	68 spaces
TOTAL RESIDENTIAL PARKING REQUIRED: 266 spaces (apartments) plus 68 spaces (integrated housing) = 434 spaces		TOTAL RESIDENTIAL PARKING PROPOSED: 266 (apartments) + 68 (integrated housing) = 434 spaces	

VISITOR PARKING	DCP RATE	DCP REQUIRED	PROPOSED
Apartments	2 spaces per 5 dwellings	54 visitor spaces for 133 dwellings	54 visitor spaces

It is noted that 11 car spaces have been provided for the proposed neighbourhood shop. While it is recommended that the use of this building be subject to a future development application, sufficient spaces have been provided for its use. Overall the car parking numbers comply.

5. Multi Unit Housing Guidelines

The application has been assessed with regard to the design quality principles outlined in the Multi-Unit Design Guidelines. The merits of the application in terms of urban design and its relationship to the site constraints are as follows:

i. Character of the Area

The development integrates with the future built form character of surrounding area which is zoned R3 and R4 under The Hills LEP 2012 for the opportunity for future development multi unit housing and residential flat building. As such, the proposal is considered satisfactory.

ii. Site Analysis and Design

The development has provided satisfactory private open space areas maximising solar access where possible. The dwellings therefore have been designed having regard to the contours and orientation of the site. The design of the buildings is considered satisfactory.

iii. Building Envelope and Siting

The massing of the built form provides a development which is considered appropriate both to the surrounding residential properties and future residential character of the locality. The three and four storey apartment buildings are sited in the centre of the development and adjoining the water tower site to the south, with integrated housing development sited along the sides of the property adjoining two storey residential dwellings to the north and east of the site.

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from side boundaries. The proposed setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of the street.

v. Building Height

The height of the buildings is considered satisfactory as outlined within Section 2 and 3 of this report.

vi. Communal and Private Open Space

Private open space is provided to all dwellings and is located so as to be an extension of the living area of the dwelling either at ground or by way of balconies.

vii. Landscaping

The proposal provides landscaping for the enjoyment of future residents. Council's Tree Management Co-ordinator has reviewed the landscape plan, and has raised no objection, subject to conditions.

viii. On-Site Car Parking and Access

Two car parking spaces are provided for each dwelling. In addition, adequate visitor parking spaces are provided for use by visitors.

ix. Solar Access

The proposed development ensures acceptable levels of solar access are provided to all private open space areas within the site and ensures that the proposed development does not result in adverse overshadowing for adjoining properties.

x. Resource, Energy and Water Efficiency

The development application was accompanied by a Basix Certificate meeting the thermal comfort, water and energy rating requirements.

xi. Security

The location of buildings with entries along the driveway provides an opportunity for informal surveillance to improve the safety of future residents. It is considered that there is a clear definition of spaces and transition areas. The design of the development encourages passive surveillance with ground floor units open to streets and publicly visible areas.

xii. Ecological Sustainable Design

The development will provide a high energy efficiency rating for each dwelling. The dwellings will be constructed of brick to improve the thermal efficiency of the dwellings and adequate cross-ventilation will be achieved.

xiii. Building Design

The development provides a high level of amenity to future residents by means of the provision of private and common open space, and visual and acoustic privacy.

6. SEPP 65 – Design Quality of Residential Flat Buildings

The proposal has been assessed against the relevant controls prescribed by SEPP 65 and the following table shows the development's performance against the relevant considerations of the Policy.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	The proposed building height is considered satisfactory and is consistent with the future character of the area to be zoned R3 Medium Density and R4 High Density.	Yes
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory day lighting	While the building depths exceed the SEPP suggested depths, the design of the buildings are articulated with all units provided with	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
	and natural ventilation are to be achieved.	adequate sunlight and ventilation through dual aspect orientations.	
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The proposed streetscape presentation and associated building setbacks is considered satisfactory. High quality landscaping and street trees are proposed to enhance the streetscape character of the development.	Yes
Side and rear setback	Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	Landscaped area and solar access is considered satisfactory and appropriately considered by the applicant in the design of the development.	Yes
Floor Space Ratio	Test the desired built form outcome against proposed floor space ratio to ensure consistency with: <ul style="list-style-type: none"> - Building height - Building footprint - The three dimensional building envelope - Open space requirements 	There is no specific floor space ratio within the DCP. However, it is noted the development is satisfactory in regard to building height and built form. The development exceeds the required density as outlined within Section 3 of this report and is considered satisfactory as the development is consistent with the density objectives	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
		under The Hills DCP Part D Section 5 - Kellyville/Rouse Hill Release Area.	
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The submitted Design Verification Statement confirms that 63% of the site is provided with deep root zone planting.	Yes
Open Space	<p>The area of communal open space required should generally be at least 25-30% of the site area.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m².</p>	<p>The proposed common open space area is 25% of the site area.</p> <p>100% of ground floor units are provided with private open space to the extent of 25m² with a minimum width of 4m.</p>	Yes
Pedestrian Access	<p>Identify the access requirement from the street or car parking area to the apartment entrance.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p>	<p>Ensures compliance.</p> <p>Access is provided by way of lifts throughout the development and from the basement car parking areas and ground floor to all units.</p>	Yes
Vehicular Access	<p>Generally limit the width of driveways to a maximum of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	<p>The driveway widths are compliant with the Australian Standards and ensure sufficient manoeuvring is available within the site.</p> <p>The basement access is not in direct conflict with pedestrian paths of travel.</p>	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	The majority of the proposed units are provided with dual aspect orientations and where a dual aspect is not available, sufficient separation has been demonstrated with adequate window provision for light and ventilation.	Yes
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	Mixed apartment sizes and bedroom capacities proposed.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies comply as per the DCP requirements.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	All units ensure compliance with the 2.7m floor to ceiling height requirements as per the BCA.	Yes
Ground floor apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.</p> <p>Provide ground floor apartments with access to private open space (i.e. terrace, garden).</p>	<p>Accessible unit provision is compliant with the DCP requirements.</p> <p>All ground floor units are provided with at grade access and ground floor private open space access.</p>	Yes
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	The maximum number of apartments off any single lift and stair lobby is five. No access corridors form part of the development.	Yes
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide	Accessible storage is provided to all units within the unit floor	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
	accessible storage facilities at the following rates: <ul style="list-style-type: none"> - Studio – 6m³ - 1 bed – 6m³ - 2 bed – 8m³ - 3 bed+ - 10m³ 	area and within designated storage areas within the basement.	
Daylight Access	Living rooms and private open spaces for at 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	Sufficient solar access has been provided / demonstrated as outlined within the submitted shadow diagrams and Design Verification Statement.	Yes
Natural Ventilation	Building depths, which supports natural ventilation typically range from 10 to 18 metres. 60% of residential units should achieve natural cross flow ventilation.	The majority of the apartments provide cross floor ventilation and the articulation and irregular building design ensures sufficient lighting, ventilation and privacy is maintained between the apartment units.	Yes
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	Waste Management Plans have been submitted, assessed by Council's Resource Recovery Section and considered satisfactory.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	Satisfactory rainwater collection, re-use and disposal proposed. Note that there are no offensive or hazardous roofing materials proposed.	Yes

7. Issues Raised in Submissions

The Development Application was advertised and notified to adjoining and surrounding property owners and ten submissions were received. The following issues raised in the submissions are addressed in the following table:

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>The proposed development will adversely increase the traffic on York Road, President Road and Wrights Road. There will be additional traffic impacts from the adjoining Kellyville Plaza and Woolworths.</p> <p>York Road is not wide enough to cater for the amount of traffic from the proposed development. Traffic calming measures should be used on York Road, President Road, and Wrights Road.</p>	<p>Council's Principal Traffic and Transport Coordinator has assessed the application including the traffic assessment submitted with the application and raised no objection to the proposed development. The local road system in this area has been built in accordance with the planned network and the traffic volumes are within forecast parameters.</p> <p>No Local Area Traffic Management strategies are required to be implemented as part of this development as the original DCP identified LATM devices to be built in designated areas. These devices are already in place. York Rd is a designated collector road and is to be built in accordance with the DCP specifications for collector roads.</p>	<p>Issue addressed.</p>
<p>Concern over the safety of children from the high volume of traffic.</p>	<p>No evidence is provided to substantiate this claim. Existing and proposed footpath/cycleway facilities are to be provided in accordance with the DCP. These facilities provide safe access to the nearby schools, shops and public reserves for children.</p>	<p>Issue addressed.</p>
<p>The open car parks visible from the road are an eyesore and should be located under or behind buildings, and will cause vandalism and anti-social gatherings.</p>	<p>The at-grade car parks provide 54 visitor car spaces for the development as required under The Hills DCP Part C Section 1 – Parking and landscaped screening is provided around the car parking areas. The NSW Police have reviewed the proposal and recommended a number of Crime Prevention through Environmental Design factors that should be considered in this development including suitable lighting provisions at the entry and exit points from the buildings, car parks and access/exit driveways. Any anti-social or illegal activity is a matter to be referred to The NSW Police –</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	The Hills Local Area Command.	
Privacy and overlooking impacts on nearby dwellings particularly from the proposed apartment buildings.	Amended plans have been received proposing privacy screens to the apartment balconies to address overlooking and privacy concerns. Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns. The development application will have no significant impact on the amenity of adjoining property owners.	Issue addressed.
The proposal is an overdevelopment of the site. The development is out of character with the Kellyville area. A combination of free standing homes and two storey apartments would be more appropriate for the site.	The proposed development is permissible on land zoned Residential 2(a) under Baulkham Hills LEP 2005. The proposed development is consistent with the aims and objectives of the Residential 2(a) zone. Further, the proposed development is permissible under the future R3 Medium Density and R4 High Density zoning of the site and is considered to be consistent with the aims and objectives of The Hills LEP 2012.	Issue addressed.
The density of the site exceeds the permissible density and is inappropriate for this part of Kellyville.	As previously discussed in this report, the development is consistent with the density objectives and will result in the provision of various housing types that will address the changing demographic profiles and housing requirements of the Kellyville area.	Issue addressed.
The development is not compatible with the existing streetscape.	Between Wrights Road and President Road, the streetscape is mixed and includes a shopping centre, water towers and two storey dwellings. The proposed development is permissible under Baulkham Hills LEP 2005 and The Hills LEP	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	2012 and is considered to be compatible with the future character and mixed streetscape of the area.	
The height of the 4 storey apartments is excessive.	Apartment Blocks B and C are three storeys in height and Apartment Blocks A, D and E are four storeys in height. The height of the apartment buildings complies with the maximum height limit of 16 metres for the zone.	Issue addressed.
There will be a negative impact on property values in the area.	This issue is not a planning consideration under Section 79C of the Act. In any event, no evidence is provided to substantiate this claim.	Issue addressed.
The proposed development will overshadow dwellings at Saliba Close resulting in health issues and dampness.	The submitted shadow diagrams illustrate that the rear of the properties directly adjoining the site to the south-west at Saliba Close are overshadowed at 9am to 10am on 21 June and receive a minimum 5 hours solar access which complies with Council's Solar Access controls. No evidence is provided to substantiate that any overshadowing will result in adverse health issues and dampness to adjoining properties.	Issue addressed.
The existing infrastructure will not be able to support the scale of the proposed development.	Section 94 development contributions are to form part of the conditions of consent which will go towards the provision of necessary facilities and services for new development and increased population within the Kellyville/Rouse Hill Release Area.	Issue addressed.
The bulk and scale of the development will impact upon the amenity of adjoining properties.	Apartment buildings are a permissible form of development on the subject site under Baulkham Hills LEP 2005 and The Hills LEP 2012. The applicant has limited the bulk and scale of the development through design with the development site	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>generally fringed by 2 storey development with the exception of Apartment Block D adjoining 2 storey dwellings on Saliba Close to the western boundary. Apartment Block D provides a 9.5 metre rear setback exceeding the minimum required 6 metre setback which minimises potential overlooking and privacy concerns.</p> <p>Further, the bulk and scale of the development is minimised through landscaping treatments, external materials and colours, and architectural design.</p>	
Lack of notification as many nearby residents were not notified by letter, many residents do not receive the local newspaper, and the development notice on the property fencing is inadequate.	The proposal was notified in accordance with the Notification and Advertising requirements under Section 7 of The Hills DCP Part A. In particular, Council has notified 55 landowners whose property adjoins the subject site and those directly opposite the site. An advertisement was also placed within the local newspaper, and a sign was placed on the subject site.	Issue addressed.
Plans on Council's online tracking system were too small to read.	As part of Council's notification process, a hard copy of the Development Application plans and documents can be viewed at the Council's Administration Building upon request.	Issue addressed.
The trucks used for Kellyville Plaza and Woolworths will use York Road and Alessandra Drive for access, and queue on York Road outside the loading hours.	This issue is a matter to be considered by the Local Traffic Committee in the future should an issue arise upon completion of the road construction.	Issue addressed.
Acoustic measures are required on the new homes to limit truck noise from the shopping centre.	Amended plans and documentation addressing acoustic requirements have been reviewed by Council's Environmental Health and Protection Team who raise no objection subject to recommended conditions of consent.	Issue addressed. Refer to Condition No.'s 7 and 8.
The common areas including	Conditions of consent are	Issue addressed. Refer

ISSUE/OBJECTION	COMMENT	OUTCOME
the pool will encourage anti-social use, with noise, lighting, parking and illegal use outside reasonable hours.	recommended for the communal areas to be limited to the use of occupants of the development with no public access. Any anti-social or illegal activity is a matter to be referred to The NSW Police – The Hills Local Area Command.	to Condition No. 105.
The plans are misleading and the height of the trees taller than the buildings to be an artist's impression to disguise the height of the building. Any vegetation depicted on the plans should be installed at the time of construction.	A condition of consent is recommended for a detailed landscape plan to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places.	Issue addressed. Refer to Condition No. 37.
The neighbourhood shop is unnecessary as there are sufficient approved shopping facilities adjoining the site on Wrights Road.	A neighbourhood shop is a permissible form of development on the subject site and is consistent with the aims and objectives of The Hills LEP 2012.	Issue addressed.

BUILDING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing swimming pool safety requirements.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing the staging, engineering and subdivision of the development.

TRAFFIC MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

This remaining section of York Road will complete a link in the local collector road network in accordance with the Development Control Plan. This network provides access to the nearest sub-arterial route which is Green Road, and to the nearest arterial route which is Windsor Road.

Traffic control signals have already been installed at the intersection of Windsor Road and President Road, providing safe access to the west. New traffic control signals are also to be constructed at the intersection of Wrights Road and Windsor Road within the next five years, and these signals will provide an alternative access to the west from the proposed residential development in York Road.

Traffic control signals have been installed at the intersection of Wrights Road and Green Road east of the proposed development, and a roundabout has been built at the intersection of President Road and Green Road.

All of these controlled access points combine to adequately accommodate the existing traffic volumes, and the traffic generation of the proposed residential development will not affect performance at these intersections.

President Road and Wrights Road have already been treated with Local Area Traffic Management (LATM) devices in the form of mini-roundabouts and pedestrian refuge islands, and these routes perform their planned functions as major collectors for the local area. These roads, together with York Road, have concrete footpath on at least one side, and in many areas on both sides to adequately cater for pedestrian safety.

Traffic volumes in President Road are comparatively high at present, however the new signals to be built at Wrights Road will balance the traffic demand from this area between the two accesses out onto Windsor Road within the next five years. The completion of the York Road extension will provide a planned connection between the two major collector routes that will assist in the balance of traffic volumes. However, traffic along York Road will still remain within its environmental capacity and no further LATM devices are needed in this area.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions requiring an amended landscape plan to be submitted prior to the issue of a construction certificate, and the requirement of a landscape bond.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions addressing acoustic requirements, contamination, stormwater management, rock breaking and construction noise, stockpiles, and dust control.

An existing 2 metre high colourbond fence is provided along the southern boundary adjacent to proposed integrated dwellings D2 to D7. To mitigate noise impact from Woolworths and Coles, the submitted acoustic report requires a 4 metre high acoustic screen along the southern boundary adjacent to integrated dwellings D2 to D7 (Attachment 9). The proposed 4 metre high acoustic screen directly adjoins the Woolworth and Coles loading dock and is setback 8.5 metres from the carriageway. The submitted landscape plan details that Norfolk Island Hibiscus trees which grow to a height of 10 metres are proposed to be planted within the road reserve to minimise the visual impact of the acoustic screen from York Road. Substantial landscaping is proposed to the rear of the integrated dwellings D2 and D7 including Grey Box trees to a height of 25 metres, Snow in Summer trees to a height of 15 metres, and White Feather Honey Myrtle trees to a height of 7 metres. In view of the above, it is considered that the proposed landscaping adjoining the 4 metre high acoustic screen will minimise the visual impact from York Road.

A minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is recommended in the acoustic report. However, to ensure the development provides a satisfactory streetscape presentation to York Road, a condition of consent is recommended for the 2.5 metre high acoustic screen to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road (Attachment 9). The submitted acoustic report requires that the internal noise levels of the proposed house and apartments facing the loading docks are to comply with the requirements of AS2107 Acoustic – Recommended design sound levels and reverberation times for building interiors and sleeping arousal noise criteria, therefore it is considered that the reduction of the recommended acoustic screen around Apartment Block E will not adversely impact the amenity of the residents due to construction requirements to be in accordance with AS2107.

Subject to consent being granted, a condition of consent is recommended for a detailed design for the acoustic wall to be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate with the acoustic wall to be constructed with Hebel panel and to include decorative treatments (Condition No. 34). Further, a condition of consent is recommended for the acoustic wall to include graffiti-free treatment (Condition No. 106).

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing waste storage and management. Non standard conditions include the requirement of an additional bin storage facility to be provided at the York Road frontage between the neighbourhood shop and Apartment Block A, Apartment Block B bin storage facility to be relocated to the south western corner of Block B adjoining the internal road and walkway, and the bin standing area for integrated dwellings 19 and 20 to be repositioned between integrated dwellings 21 and 22.

ROADS & MARITIME SERVICES COMMENTS

Comments and recommendations from the Roads and Maritime Services and Sydney Regional Development Advisory Committee are to form part of the conditions of consent (Condition No. 32).

NSW POLICE COMMENTS

The proposal was referred to The Hills Local Area Command, NSW Police in accordance with the requirements of "Safer by Design Guidelines" prepared by the NSW Police in conjunction with the Department of Planning and the in accordance with the memorandum of understanding between the Hills Shire Council and The Hills Local Area Command, NSW Police.

Comments and recommendations from the NSW Police are to form part of the conditions of consent (Condition No. 31).

CONCLUSION

The proposed development has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2011 and is considered satisfactory.

The proposal will provide additional housing choice for residents of the Shire. The external and internal design of the apartment buildings and integrated dwellings is satisfactory and will result in an appropriate streetscape outcome for the future character of the area.

The proposal was advertised and notified to adjoining property owners for a period of 14 days and 10 submissions were received which have been addressed in the report.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget of forward estimates.

Hills 2026

The social and environmental impacts have been addressed in the report. The proposal will add to housing choice within the Shire and is a satisfactory design outcome.

RECOMMENDATION

The Development Application No. 854/2012/JP be approved subject to the following conditions:

CONDITIONS RELATING TO ALL STAGES

GENERAL MATTERS

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

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

The amendments in red include: -

- Site Analysis Plan amended in red as per Condition No. 29 regarding the relocation and addition of bin bay storage areas;
- Stage 5 Subdivision Plan amended in red to reflect the revised subdivision layout for the integrated dwellings at the corner of Alessandra Drive and York Road illustrated in Site Analysis Plan;
- Acoustic screen at the southern boundary adjacent Apartment Block B amended in red as per Condition No. 35 to provide a 1.8m high acoustic screen with a 2m landscape setback.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
A16972-DA	Staging Plan	1	A	10 September 2012
A16972-DA	Numbering Plans (11 pages)	-	-	-
A16972-DA	Site Analysis Plan	1	F	6 June 2012
A16972_DA	Part Basement Carpark	2	E	13 June 2012
A16972_DA	Part Basement Carpark	3	D	3 May 2012
A16972_DA	Part Basement Carpark	4	D	3 May 2012
A16972_DA	Part Basement Carpark	5	D	3 May 2012
A16972_DA	Part Ground Floor Plan	6	E	13 June 2012
A16972_DA	Part Ground Floor Plan	7	D	3 May 2012
A16972_DA	Part Ground Floor Plan	8	D	3 May 2012
A16972_DA	Part Ground Floor Plan	9	D	3 May 2012
A16972_DA	Part First Floor Plan	10	E	13 June 2012
A16972_DA	Part First Floor Plan	11	D	3 May 2012
A16972_DA	Part First Floor Plan	12	D	3 May 2012
A16972_DA	Part First Floor Plan	13	D	3 May 2012
A16972_DA	Part Second Floor Plan	14	D	3 May 2012
A16972_DA	Part Second Floor Plan	15	D	3 May 2012
A16972_DA	Part Second Floor Plan	16	D	3 May 2012

A16972_DA	Part Second Floor Plan	17	D	3 May 2012
A16972_DA	Part Third Floor Plan	18	D	3 May 2012
A16972_DA	Part Third Floor Plan	19	D	3 May 2012
A16972_DA	Streetscape Elevations	20	D	3 May 2012
A16972_DA	Streetscape Elevations	21	D	3 May 2012
A16972_DA	Streetscape Elevations	22	E	13 June 2012
A16972_DA	Streetscape Elevations	23	D	3 May 2012
A16972_DA	Typical Plans/Elevations - Type 1 Facade A	28	E	13 June 2012
A16972_DA	Typical Plans/Elevations - Type 2 Facade A	29	D	3 May 2012
A16972_DA	Typical Plans/Elevations - Type 2 Facade B	30	D	3 May 2012
A16972_DA	Typical Plans/Elevations - Type 3 Facade A	31	E	13 June 2012
A16972_DA	Typical Plans/Elevations - Type 4 Facade A	32	D	3 May 2012
A16972_DA	Typical Plans/Elevations - Type 4 Facade B	33	D	3 May 2012
A16972_DA	Typical Plans/Elevations - Type 5 Facade A	34	D	3 May 2012
A16972_DA	Block D Cross Sections	34	E	13 June 2012
A16972_DA	BASIX Commitments	36	D	3 May 2012
31207 / COM	Stage 1 Subdivision	1	-	31 January 2012
31207 / COM	Stage 2 Subdivision	2	-	31 January 2012
31207 / COM	Stage 3 Subdivision	3	-	31 January 2012
31207 / COM	Stage 4 Subdivision	4	-	31 January 2012
31207 / COM	Stage 5 Subdivision	5	-	31 January 2012
31207 / COM	Staging Plan	6	-	31 January 2012
-	Waste Management Plan	-	-	9 May 2012
-	Access Review prepared by Morris-Goding Accessibility Consulting	-	-	10 May 2012
20111170.2/0207A/RO/GW	Acoustic Review Letter prepared by Acoustic Logic	-	-	2 July 2012
-	Colour Schedule	-	-	-
412684M	BASIX Certificate - Block A	-	-	27 January 2012
413085M	BASIX Certificate - Block B	-	-	27 January 2012
413188M	BASIX Certificate - Block C	-	-	27 January 2012
413037M	BASIX Certificate - Block D	-	-	27 January 2012

413190M	BASIX Certificate – Block E	-	-	27 January 2012
412446S	BASIX Certificate – D2	-	-	24 January 2012
412448S	BASIX Certificate – D3	-	-	24 January 2012
412449S	BASIX Certificate – D4	-	-	24 January 2012
412546S	BASIX Certificate – D5	-	-	24 January 2012
412548S	BASIX Certificate – D6	-	-	24 January 2012
412550S	BASIX Certificate – D7	-	-	24 January 2012
412553S	BASIX Certificate – D8	-	-	24 January 2012
412557S	BASIX Certificate – D9	-	-	24 January 2012
412558S	BASIX Certificate – D10	-	-	24 January 2012
412560S	BASIX Certificate – D11	-	-	24 January 2012
412565S	BASIX Certificate – D12	-	-	24 January 2012
412594S	BASIX Certificate – D13	-	-	24 January 2012
412595S	BASIX Certificate – D14	-	-	24 January 2012
412596S	BASIX Certificate – D15	-	-	24 January 2012
412597S	BASIX Certificate – D16	-	-	24 January 2012
412598S	BASIX Certificate – D17	-	-	24 January 2012
412599S	BASIX Certificate – D18	-	-	24 January 2012
412600S	BASIX Certificate – D19	-	-	24 January 2012
412601S	BASIX Certificate – D20	-	-	24 January 2012
412608S	BASIX Certificate – D21	-	-	24 January 2012
412609S	BASIX Certificate – D22	-	-	24 January 2012
412610S	BASIX Certificate – D23	-	-	24 January 2012
412611S	BASIX Certificate – D24	-	-	24 January 2012
412612S	BASIX Certificate – D25	-	-	24 January 2012
412613S	BASIX Certificate – D26	-	-	24 January 2012
412614S	BASIX Certificate – D27	-	-	24 January 2012
412615S	BASIX Certificate – D28	-	-	24 January 2012
412616S	BASIX Certificate – D29	-	-	24 January 2012
412617S	BASIX Certificate – D30	-	-	24 January 2012
412618S	BASIX Certificate – D31	-	-	24 January 2012
412619S	BASIX Certificate – D32	-	-	24 January 2012
412620S	BASIX Certificate – D33	-	-	24 January 2012
412621S	BASIX Certificate – D34	-	-	24 January 2012
412622S	BASIX Certificate – D34	-	-	24 January 2012

2. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is as listed below and per numbered plans.

UNIT BUILDINGS

BLOCK A

Lift 1 Units 1-16/1 'Proposed Road' Kellyville
Lift 2 Units 17-32/1 'Proposed Road Kellyville'

BLOCK B

Lift 3 Units 33-47/1 'Proposed Road' Kellyville
Lift 4 Units 48-62/1 'Proposed Road' Kellyville

BLOCK C

Lift 5 Units 63-77/1 'Proposed Road' Kellyville
Lift 6 Units 78-92/1 'Proposed' Road Kellyville

BLOCK D

Lift 7 Units 93-104/ York Road Kellyville (Street number to be advised)
Lift 8 Units 105-113/York Road Kellyville (Street number to be advised)

BLOCK E

Lift 9 Units 114-133/York Road Kellyville (Street number to be advised)

INTEGRATED HOUSING

House numbers:

2 to 52 'Proposed Road' Kellyville
2-4 Alessandra Drive Kellyville
1-11 Alessandra Drive Kellyville

The unit numbers, as issued, are to be displayed clearly on all entrances, with appropriate unit numbers listed at all lift, stairwell and lobby entrances, basement entrances and on each Unit door. A diagrammatic plan of the complex must be positioned at both site entry points, showing relevant Blocks and the units contained therein.

Clear and accurate external directional signage is to be erected throughout and on all buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed. Integrated housing must clearly display allocated House Number at the front entrance to each property.

Note:

York Street numbering will be applied when road completed and all subdivisions to that point have been determined.

Proposed Private Road is to be named.

A plan for positioning of letterboxes outside the security gate is to be submitted to Australia Post for approval prior to erection in order to comply with Australia Post Standards regarding positioning for safe delivery of mail.

Submitted plans show unit numbering that does not comply with Council and emergency services guidelines. Plans submitted also show a repeat of first floor unit numbering onto second floor units in Blocks D & E & a repeat of Unit 69 (Ground Floor Block C). All

numbering throughout this development is to be as per amended numbering on approved plans by THSC in Condition No. 1.

3. Construction Certificate

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

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. Use of Neighbourhood Shop

A separate application is to be submitted to, and approved by, Council for the use of the Neighbourhood Shop.

6. External Finishes

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

7. Acoustic Wall Construction

The proposed Acoustic Wall located along the boundary with the shopping centre (No. 88 Wrights Road) shall be constructed of Masonry and is to be connected to the existing Acoustic Wall in a manner that ensures that the noise levels as outlined in the Acoustic Report prepared by Acoustic Logic, dated July 2012 are complied with.

8. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Environmental Noise Assessment Residential Development, Lots A & B, President Road, Kellyville dated 2 July 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 9 – Recommendation

9.1 Acoustic Screen

An acoustic screen is required along the southern boundary of the project site to mitigate noise impact from Woolworths and Coles. Detailed acoustic screen requirements are outlined in the Acoustic Report.

9.2 Glazing Structure Requirements

The recommended glazing assemblies were specified as an attachment to the acoustic report and are required to be provided as recommended. The design of the window is to ensure the STC rating as provided in Table 15 of the acoustic report.

9.3 Roof/ Ceiling Constructions

The roof / ceiling construction for Block E and the integrated Housing Units adjacent to Woolworths & Coles is to comply with the standard shown in Figure 3 of the acoustic report as a minimum.

9.3.1 Plasterboard Corner details

The plasterboard corner details are to comply with either of the two options provided in Figure 4, Section 9.3.1 of the acoustic report.

9.4 Cafe

As recommended in the acoustic report, when more details of the proposed cafe development are known a detailed acoustic assessment is to be undertaken to determine the required acoustic control elements and management measures and the identified elements and measures are to be incorporated into the development.

9.5 Mechanical Services

The mechanical services are to be acoustically designed and located to ensure that they shall not either singularly or in total emit noise levels which exceed the noise limits specified in Table 14 of the acoustic report.

9. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report No E1349.1 AF, dated 20th June 2012 and submitted as part of the Development Application shall be implemented as part of this approval.

10. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

11. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

12. 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.

13. Street Trees

Street trees and tree guards must be provided for the sections of York Road and Alessandra Drive within the development site in accordance with the approved landscape plans listed within Condition No. 1. 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.

14. 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.

15. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

16. 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.

17. 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 Chadwick Cheng Consulting Surveyors Drawing 31207/COM dated 31/01/2012 except where amended by other conditions of consent.

18. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

19. 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.

20. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

21. Gutter and Footpath Crossing Application

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

22. 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.

23. 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.

24. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Note:

- Council's recycling service is fortnightly and not weekly therefore 67 bins are required to be allocated to the bin bays throughout the development.
- Council's bulk bins are 1.1 Litres in size not 1.5 Litres in size.

25. Waste Storage and Separation - Construction

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

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

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

26. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any 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.

27. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be

ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

28. Domestic Waste Management –Integrated Dwellings

Council will provide each unit with a minimum of one 140 litre garbage bin (emptied weekly), one 240 litre recycling bin (emptied fortnightly) and one 240 litre garden organics bin (emptied fortnightly). Allowance is to be made for:

- a. space for all garbage and recycling bins to be placed on the kerb for servicing on collection day.
- b. storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c. adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard; or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d. flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e. each bin to be clearly marked with individual unit numbers.

29. Domestic Waste Management – Apartment Building Units

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Bin Storage facility is to be provided for a minimum of 8 x 1100 Litre bulk garbage bin(s) and 67 x 240 Litre recycling bins.

An additional bin storage facility is to be provided at the York Road frontage between Neighbourhood Shop and Apartment Block A.

The Apartment Block B bin storage facility is to be relocated to the south western corner of Apartment Block B adjoining the internal road and walkway.

Detailed plans indicating the relocation of the bin storage facilities are to be submitted to the satisfaction of Council prior to issue of a Construction Certificate.

30. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water as follows:

(i) Water

The development does not front an available drinking water main and an extension will be necessary. The 150mm drinking water main in York Road is to be extended along York Road and is to be linked to the 100mm drinking water main in Alessandra Drive.

The accredited Water Servicing Coordinator/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(ii) Recycled Water

The development does not front an available recycled water main and an extension will be necessary. The 150mm recycled water main in York Road is to be extended along York Road and is to be linked to the 100mm recycled water main in Alessandra Drive.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed recycled water infrastructure for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(iii) Wastewater

The current wastewater system has sufficient capacity to service the proposed development. The proposed lots can be serviced by extending either the 150mm wastewater main located to the west of the site or the 150mm wastewater main to the east of the site. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

(iv) Trade Waste

In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.

31. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force – The Hills Local Area Command for the development to comply with recommendations under Crime Prevention Through Environmental Design (CPTED) including the following:

- (i) The car parking area in the basement is to be painted white;
- (ii) Bicycle parking areas are to be covered, lockable racks to secure bicycles;
- (iii) A CCTV system to monitor the common open spaces throughout the use of the development;
- (iv) The use of a CCTV system to monitor access/exit driveways of the underground car parks and entrances to the unit blocks; and
- (v) Separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building. A similar system should be in place to restrict access to the grounds of the development.

32. Compliance with RMS Requirements

Compliance with the requirements of the Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- (ii) Car parking provision to Council's satisfaction.
- (iii) All works associated with the proposal shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

33. Payment of Section 94 Contributions

Section 94 Contributions applicable to each stage of the development shall be paid in full in accordance with Condition No.'s 108, 119, 120, 121, 122, 123 and 124 prior to the issue of the Construction Certificate for the stage.

34. Acoustic Wall Details

A detailed design for the acoustic wall must be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate.

The acoustic wall shall be constructed with Hebel panel and shall include decorative treatments.

35. Acoustic Screen

To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.

Amended plans reflecting the above is to be submitted to Council prior to the issue of a Construction Certificate.

36. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

37. Landscape Plan

A detailed Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. The plan should include:

- All existing trees clearly marked for retention or removal.
- Location of plant species and quantities clearly shown
- A schedule of proposed planting, including botanic name, common name, size at planting, quantities, staking requirements, expected mature height.
- Details indicating a minimum of 300mm of good quality garden mix to all garden beds
- Details showing good quality topsoil to all lawn areas
- All garden bed areas to be clearly defined by brick/stone edging with its edge finishing flush with the surface of adjacent grass areas.
- All garden bed areas to have drip irrigation.

38. Erosion & Sediment Control Plan

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

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

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

39. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water

mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

40. Concept Engineering Design Approval

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

41. 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.

42. 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 \$78,300 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (190m) plus an additional 50m on either side (290m) and the width of the road measured from face of kerb on both sides (9m). The minimum bond amount is \$10,000.00.

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.

43. Security Bond – External Works

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

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

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

44. Bank Guarantee Requirements

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 854/2012/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.

45. 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.

PRIOR TO WORK COMMENCING ON THE SITE

46. Principal Certifying Authority

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

47. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

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

48. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

49. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

50. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in

accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

51. Site Water Management Plan

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

52. Erosion & Sediment Control Plan Kept on Site

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

53. Stormwater Management

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

54. Traffic Control Plan

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

55. 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.

56. 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.

57. 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.

58. 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.

DURING CONSTRUCTION

59. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in the BASIX Certificate's listed in Condition No. 1 be complied with. Any subsequent version of the BASIX Certificate(s) will supersede all previous versions of the certificate(s).

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

60. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

61. 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.

62. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

63. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

64. Internal Sleep Arousal Noise Criteria – Compliance

Option 2 of section 9.2 of the Acoustic Report prepared by Acoustic Logic dated 2nd July 2012 shall be complied with. Option 2 reads as follows;

As internal noise levels cannot be achieved with marked windows open it is required that an alternative outside air supply system or air conditioning unit be installed in accordance with AS 1668.2 requirements. The mechanical ventilation system that is installed should be designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

65. Rock Breaking Noise

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

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

66. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

67. 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.

68. Stockpiles

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

69. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

70. Pool Discharge Water

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

71. Swimming Pool Safety Fencing

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

72. Resuscitation Warning Notice

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

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

and all other details required by the Regulation.

73. Pool not to be Filled Until Occupation

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

74. Temporary Fencing of Pools

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

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

75. 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.

76. 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.

77. 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
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneypwater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

79. Compliance Statement – Mechanical Plant

A Compliance statement from an appropriately qualified Acoustic Consultant is to be submitted prior to the issue of the Occupation Certificate. This compliance statement is to confirm that the Mechanical Plant as built complies with the below mentioned criteria.

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

If the abovementioned criteria are not satisfied then the Acoustic Consultant is to provide recommended measures to achieve compliance. These measures are then to be implemented.

A copy of the Compliance Statement and any recommended compliance measures is to be submitted to Council.

80. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Environmental Noise Assessment – Residential Development, Lots A & B, President Road, Kellyville prepared by Acoustic Logic dated 2 July 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

81. Spa Pool Construction

The spa pool shall be constructed to comply with Australian Standard AS2610.2 – Private Spas. With respect to entrapment hazards, the spa pool shall:

- Be designed so pressure will be immediately released at a suction point from the spa pool if it becomes blocked;
- Each pump should have a minimum of two operative suction points connected by a common line;
- Suction points should be fitted as close as possible to the water surface as is practical without affecting the operation of the system;
- The suction points shall not be closer than 600mm;

- e) An emergency stop switch controlling all spa pool pumps, blowers and heaters shall be provided within three (3) metres of the spa pool and shall be visible at all times.

Certification of the above matters shall be provided from the spa manufacturer/installer to the PCA prior to the issue of any Occupation Certificate.

82. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

83. Construction of Swimming Pool Barrier

The required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings including the cabana, on the site prior to any occupation certificate (interim or final) being issued for the development.

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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/wsc/waterserv_ext_print.htm

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

90. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

91. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by Council or the relevant telecommunications carrier.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

92. 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.
- f) One copy of the strata or community titled subdivision plan that includes house/unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

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

93. 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.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council the following information must be submitted to Council within seven days of the certificate being issued:

- a) A copy of the strata certificate.
- b) A soft copy of the final plan on disk in ".dwg" format.
- c) A copy of the 88B Instrument, where applicable.
- d) Copies of all service authority certificates.
- e) A letter from the certifier confirming all conditions have been complied with.

95. 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) 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.

c) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with DCP Part C Section 3.

d) 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.

e) Restriction – Site Coverage (Kellyville/ Rouse Hill)

Restricting development of all residential lots to reinforce the maximum site coverage

f) Restriction – Bedroom Numbers

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

g) Positive Covenant – Stormwater Pump Maintenance

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

96. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

97. 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.

98. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practising 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.

99. Inspection of Bin Bay Storage Area(s)

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

THE USE OF THE SITE

100. Lighting

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

101. Mechanical Services – Acoustic Compliance

Noise from the mechanical plant shall not exceed the criteria as outlined in the Acoustic Report dated 2/7/2012, prepared by Acoustic Logic. This criterion is as follows;

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

Acoustical assessment of the mechanical services shall be undertaken during detail design phase of the development to ensure that they shall not singularly or in total emit noise levels exceeding the noise criteria above.

102. Servicing of Bins

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

103. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles.

104. Collection of Bins

Integrated Housing

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Bin Bays Storage Facilities

All recycling/garden organic bins will need to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins. Alternatively, a caretaker will need to be appointed to attend to this requirement.

105. Communal Areas

The communal areas within the site are to be limited to the use of occupants of the development with no public access.

106. Graffiti-free Treatment

The acoustic screens to the southern boundary shall include graffiti free treatment.

STAGE 1:

GENERAL MATTERS

107. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require an Engineering Construction Certificate (ECC) to be obtained prior to the commencement of any works.

An ECC can only be issued by Council.

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

- A completed application form.
- Four copies of the design plans and specifications.
- Payment of the applicable application and inspection fees.
- Payment of any required security bonds.
- Payment of a long service levy.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

108. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 1	2br per Unit	3br per Unit	Credit per Unit	2 Bedroom	3 Bedroom - 48'	Sum of Units	Credits	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 80,352.58	\$ 354,207.96	\$ 434,559.94	\$ 10,112.40	\$ 424,447.54
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,139.19	\$ 33,048.68	\$ 143,683.84	\$ 178,732.32	\$ 4,139.19	\$ 174,593.33
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 217.91	\$ 1,731.52	\$ 7,632.96	\$ 9,364.48	\$ 217.91	\$ 9,146.57
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 14,990.50	\$ 66,080.16	\$ 81,070.66	\$ 1,886.55	\$ 79,184.11
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 2,305.10	\$ 10,161.60	\$ 12,466.70	\$ 290.11	\$ 12,176.59
Roadworks - Land	\$ 945.66	\$ 1,215.05	\$ 1,666.16	\$ 13,239.24	\$ 58,360.80	\$ 71,600.04	\$ 1,666.16	\$ 69,933.88
Roadworks - Capital	\$ 2,348.29	\$ 2,890.66	\$ 3,961.28	\$ 31,476.06	\$ 138,751.68	\$ 170,227.74	\$ 3,961.28	\$ 166,266.46
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 177,143.68	\$ 780,878.40	\$ 958,022.08	\$ 22,293.60	\$ 935,728.48

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

109. Basement Car Park and Subsurface Drainage

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

- A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- An alarm system to alert a pump failure;
- 100mm freeboard to all nearby parking spaces;

- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

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

110. Works on Adjoining Land

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

111. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

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

i. 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)
York Road	Road Type: Collector Road 5.3m/ 9.5m/ 5.3m (20.1m)	1×10^6
Alessandra Drive	Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m)	5×10^5

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of York Road and northern side of Alessandra Drive in accordance with the DCP and the above documents.

iii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern/eastern side of York Road in accordance with the DCP and the above documents.

iv. Footpath Verge Formation

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

v. Gutter Crossings

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

vi. 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.

vii. Street Names Signs

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

viii. 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.

ix. 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 each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

DURING CONSTRUCTION

112. 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.

PRIOR TO THE ISSUE OF A OCCUPATION / SUBDIVISION CERTIFICATE

113. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA 1639/2011/ZA unless the two are issued and registered concurrently.

114. 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.

115. 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).

116. 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.

117. Dedication of Public Road

An Occupation Certificate must not be issued until York Road and Alessandra Drive have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

118. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

STAGE 1A:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

119. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 1A	2br per Unit	3br per Unit	2 Bedroom	3 Bedroom	Sum of Units	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 34,436.82	\$ 177,103.68	\$ 211,540.50	\$ 211,540.50
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 14,163.72	\$ 72,041.92	\$ 87,005.64	\$ 87,005.64
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 742.08	\$ 3,816.48	\$ 4,558.56	\$ 4,558.56
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 6,424.50	\$ 33,040.08	\$ 39,164.58	\$ 39,164.58
Studies and Administration	\$ 164.65	\$ 211.70	\$ 987.90	\$ 5,080.80	\$ 6,068.70	\$ 6,068.70
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 5,673.96	\$ 29,180.40	\$ 34,854.36	\$ 34,854.36
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 13,489.74	\$ 69,375.84	\$ 82,865.58	\$ 82,865.58
Total	\$ 12,653.12	\$ 16,268.30	\$ 75,918.72	\$ 390,439.20	\$ 466,357.92	\$ 466,357.92

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 1B:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

120. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 1B	2br per Unit	3br per Unit	Credit per Unit	2 Bedroom	3 Bedroom	Sum of Units	Credits	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 40,176.29	\$ 250,896.88	\$ 291,073.17	\$ -	\$ 291,073.17
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 16,524.34	\$ 103,192.72	\$ 119,717.06	\$ -	\$ 119,717.06
Community Facilities - Land	\$ 123.60	\$ 159.02	\$ 217.91	\$ 865.76	\$ 5,406.68	\$ 6,272.44	\$ -	\$ 6,272.44
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,806.55	\$ 7,495.25	\$ 46,806.70	\$ 54,302.03	\$ -	\$ 54,302.03
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 1,152.55	\$ 7,197.80	\$ 8,350.35	\$ -	\$ 8,350.35
Roadworks - Land	\$ 945.66	\$ 1,215.05	\$ 1,666.16	\$ 6,619.62	\$ 41,330.90	\$ 47,950.52	\$ -	\$ 47,950.52
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 15,736.03	\$ 98,282.44	\$ 114,020.47	\$ -	\$ 114,020.47
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 88,571.84	\$ 553,122.20	\$ 641,694.04	\$ -	\$ 641,694.04

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 2:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

121. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 2	Purpose Per Small Lot (<450m2)	8 Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 65,594.00	\$ 65,594.00
Open Space - Capital	\$ 3,372.32	\$ 26,978.56	\$ 26,978.56
Community Facilities - Land	\$ 176.69	\$ 1,413.52	\$ 1,413.52
Community Facilities - Capital	\$ 1,529.64	\$ 12,237.12	\$ 12,237.12
Studies and Administration	\$ 235.22	\$ 1,881.76	\$ 1,881.76
Roadworks - Land	\$ 1,350.94	\$ 10,807.52	\$ 10,807.52
Roadworks - Capital	\$ 3,211.85	\$ 25,694.80	\$ 25,694.80
Total	\$ 18,075.91	\$ 144,607.28	\$ 144,607.28

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 3:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

122. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	Purpose	9	
STAGE 3	Per Small Lot(<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 73,793.25	\$ 73,793.25
Open Space - Capital	\$ 3,372.32	\$ 30,350.88	\$ 30,350.88
Community Facilities - Land	\$ 176.69	\$ 1,590.21	\$ 1,590.21
Community Facilities - Capital	\$ 1,529.64	\$ 13,766.76	\$ 13,766.76
Studies and Administration	\$ 235.22	\$ 2,116.98	\$ 2,116.98
Roadworks - Land	\$ 1,350.94	\$ 12,158.46	\$ 12,158.46
Roadworks - Capital	\$ 3,211.85	\$ 28,906.65	\$ 28,906.65
Total	\$ 18,075.91	\$ 162,683.19	\$ 162,683.19

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 4:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

123. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 4	Purpose	11	
	Per Small Lot(<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 90,191.75	\$ 90,191.75
Open Space - Capital	\$ 3,372.32	\$ 37,095.52	\$ 37,095.52
Community Facilities - Land	\$ 176.69	\$ 1,943.59	\$ 1,943.59
Community Facilities - Capital	\$ 1,529.64	\$ 16,826.04	\$ 16,826.04
Studies and Administration	\$ 235.22	\$ 2,587.42	\$ 2,587.42
Roadworks - Land	\$ 1,350.94	\$ 14,860.34	\$ 14,860.34
Roadworks - Capital	\$ 3,211.85	\$ 35,330.35	\$ 35,330.35
Total	\$ 18,075.91	\$ 198,835.01	\$ 198,835.01

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STAGE 5:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

124. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 5	Purpose	6	
	Per Small Lot(<450m2)	Small Lots	TOTAL
Open Space - Land	\$ 8,199.25	\$ 49,195.50	\$ 49,195.50
Open Space - Capital	\$ 3,372.32	\$ 20,233.92	\$ 20,233.92
Community Facilities - Land	\$ 176.69	\$ 1,060.14	\$ 1,060.14
Community Facilities - Capital	\$ 1,529.64	\$ 9,177.84	\$ 9,177.84
Studies and Administration	\$ 235.22	\$ 1,411.32	\$ 1,411.32
Roadworks - Land	\$ 1,350.94	\$ 8,105.64	\$ 8,105.64
Roadworks - Capital	\$ 3,211.85	\$ 19,271.10	\$ 19,271.10
Total	\$ 18,075.91	\$ 108,455.46	\$ 108,455.46

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.