JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2012SYW059
DA Number	1278/2012/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	MIXED USE DEVELOPMENT
Street Address	LOT 21 DP 588810, LOT 1 DP 619055, LOT 18 DP 659904 AND LOT 9 DP 28197, NO. 2 SEVEN HILLS ROAD, NOS. 344 AND 350 WINDSOR ROAD AND NO. 27 YATTENDEN CRESCENT (CORNER OF WINDSOR ROAD AND SEVEN HILLS ROAD), BAULKHAM HILLS
Applicant/Owner	HILLS SHOPPINGTOWN PTY LTD
Number of Submissions	1 letter in support, 5 letters against and a petition against the proposal signed by 27 people
Regional Development Criteria (Schedule 4A of the Act)	CIV EXCEEDS $20 MILLION
List of All Relevant s79C(1)(a) Matters	• LEP 2005 • Draft LEP 2010 • DCP Part E Section 24 – Target Site Corner of Windsor Road and Seven Hill Road • SEPP No. 65 – Design Quality of Residential Flat Development • Residential Flat Design Code
List all documents submitted with this report for the panel's consideration	NIL
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER

EXECUTIVE SUMMARY

The proposal is for a mixed use development comprising 5110m^2 retail floor area, 233 residential units and 621 car parking spaces. The site is located at the corner of Windsor Road and Seven Hills Road and also has frontage to Yattenden Crescent. The site is a prominent site within Baulkham Hills Town Centre.

The site has a site specific Target Site Development Control Plan (DCP) and has been the subject of a Design Competition responding to the Target Site DCP. The proposal is consistent with the winning entry for the Design Competition. The proposal includes variations to the DCP in regard to height, setbacks, parking, unit sizes and mix and solar access. The proposal also includes variations to SEPP 65 Design of Residential Flat buildings in relation to unit and balcony sizes. Seven of the 233 units have either an

internal or external area less than the recommended areas for the relevant apartment type. The maximum variation for internal area is 4m^2.

The proposal will include works on public roads including the construction of a slip lane on Windsor Road and the widening of Yattenden Crescent. In addition the applicant will contribute to the funding for traffic lights at the intersection of Arthur Street and Seven Hills Road.

The proposal was exhibited and notified to adjoining property owners. There was one submission in support, five submissions against and a petition signed by 27 people. The issues raised in regard to the proposal relate to amenity impacts and traffic and parking concerns. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

The proposal is recommended for approval subject to conditions.

BACKGROUND **MANDATORY REQUIREMENTS**

Owner:	Hills Shopping Town Pty Ltd	1.	LEP 2005 – Satisfactory.
Zoning:	Business 3(a) (LEP 2005)	2.	Draft LEP 2010 – Satisfactory.
Area:	10,240m^2	3.	DCP Part E Section 24 – Target Site Corner of Windsor Road and Seven Hill Road – Variations required, see report.
Existing Development:	Retail and commercial units	4.	SEPP 65 – Design Quality of Residential Flat Development and Residential Flat Design Code – Variation required, see report.
		5.	Section 79C (EP&A Act) – Satisfactory.
		6.	Section 94A Contribution – Currently $929,104.25

SUBMISSIONS **REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 14 days.	1.	Capital Investment Value in excess of $20 million
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	143		
4. Submissions Received:	One submission in support, five submissions against and a petition signed by 27 people.		

HISTORY

26/02/2010 Site Specific Target Site DCP came into force.

03/02/2011 Target Site Design Competition held.

05/06/2012 Subject Development Application lodged.

23/07/2012 Letter sent to the applicant requesting additional information regarding

	orderly development, DCP compliance, SEPP 65 compliance, further acoustic information, revised external colours and materials, waste information, landscape details, easements and restrictions, road widening, drainage, vehicle access and parking, street numbering, RMS concerns and a Political Disclosures Statement.
13/11/2012	Additional information submitted by the applicant.
19/12/2012	Further letter sent to the applicant requesting additional information regarding orderly development, unit numbers and types, DCP compliance, landscape details, further acoustic information, right-of-carriageway, stormwater details and a Political Disclosures Statement.
21/12/2012	Drainage plans and information submitted by the applicant.
11/02/2013	Further letter sent to the applicant regarding engineering matters.
11/04/2013	Further letter sent to the applicant regarding RMS issues.
26/07/2013	Letter to applicant requesting that outstanding information be provided within 14 days or the application be withdrawn.
09/08/2013 and 13/08/2013	Additional information submitted by the applicant.
04/11/2013	Further letter sent to the applicant requesting additional information regarding unit numbers and sizes, height and setback plans, acoustic information, right of carriageway, works along Windsor Road, driveway long sections, drainage and RMS issues including the design of the vehicle access from Windsor Road and the proposed median. The applicant was requested to provide the information prior to 25 November 2013.
12/12/2013	Additional information submitted by the applicant.
23/12/2013	Email sent to applicant regarding unit mix and typology and the submission of an additional height plan.
29/01/2014	Further letter sent to the applicant regarding right of carriageway, long sections, drainage and a response to the email dated 23 December 2013.
13/02/2014	Meeting held with the applicant to discuss outstanding issues. The applicant indicated that additional information would be submitted in one week.
13/03/2014	Additional information submitted by the applicant.
27/03/2014	Further letter sent to the applicant regarding engineering and drainage matters.
14/04/2014 and 16/06/2014	Additional information submitted by the applicant.
27/06/2014	Further information submitted by the applicant regarding the parking variation.
03/07/2014	Updated BASIX Certificate submitted.

08/07/2014 Report considered at Council's Ordinary Meeting which recommend amendments to Council's DCPs to insert amended/additional criteria regarding apartment sizes and mix of unit sizes.

It was resolved that:

The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be publicly exhibited.

PROPOSAL

The proposal is for a mixed use development consisting of ground floor and podium level retail space with residential units above. The development consists of four (4) separate buildings over a common basement and podium with the buildings ranging in height from six (6) storeys to sixteen (16) storeys. The development also contains multi-basement car parking levels, landscaping and a public piazza. The proposed development consists of the following:

- 233 residential units;
- retail space of 5,110m^2; and
- 621 basement car parking spaces provided within five (5) basement car parking levels comprising:

- 225 retail spaces;
- 350 resident spaces;
- 46 visitor spaces;
- 14 bicycle spaces;
- 6 retail loading bays; and
- 13 motor cycle spaces.

The four (4) buildings comprise the following:

- Building A - 15 / part 16 storeys with Basement Level 1 containing a 1,900m^2 supermarket, ground floor containing 815m^2 of retail floor space which adjoins the central open piazza and 14 residential levels above.
- Building B - 9 storeys in height consisting of ground floor retail area of 435m^2 which addresses Windsor Road, 85m^2 of retail floor space adjoining the piazza, with 8 residential levels above addressing Windsor Road and 6 residential levels adjoining the central piazza.
- Building C - contains 270m^2 of retail floor space at the Basement Level and ground floor and a total of 8 residential levels providing a total number of 8 storeys stepping down to 7 storey where it addresses Yattenden Crescent.
- Building D - contains 420m^2 of retail floor space at Basement 01 Level and adjoining the ground level podium level. There are 5 residential levels above with a rooftop private open space area. Due to the slope of the land there are residential levels at Basement 02 Level. Building D has a total number of storeys above basement car parking of 9 storeys plus rooftop garden.

The unit mix is as follows:

		Unit Type	
Total Number of Units	**233**	**Type 1**	**Type 2**
1 Bedroom Units	29	-	-
2 Bedroom Units	174	122	52
3 Bedroom Units	30	21	9

The subject site can be accessed from four vehicle access points, with two access points from Windsor Road to both parking and the garbage collection/loading dock, Seven Hills Road and Yattenden Crescent.

The proposed works include the construction of a slip lane on Windsor Road to accommodate left turn movements into the development from Windsor Road. In additional, road widening is proposed along Yattenden Crescent along the northern side to facilitate the construction of a footpath and a roundabout at the entry to the site.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than $20 million.

The proposed development has a capital investment value of $83,064,600 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Permissibility of the Development

a. LEP 2005

At the time of lodgement of the Development Application, LEP 2005 was in force and the site was zoned Business 3(a) (Retail). Shop-top housing and apartment buildings are permissible uses within the Business 3(a) zone. On 5 October 2012 LEP 2012 came into force. The savings provisions within LEP 2012 allows the proposal to continue to be assessed under LEP 2012. Notwithstanding this, under LEP 2012 the site is zoned B2 Local Centre and shop-top housing remains as a permissible use.

The following 'savings provision' within LEP 2012 allows the proposal to continue to be assessed under LEP 2005 however it is noted that the proposal continues to remain as a permissible use under LEP 2012:

"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 been exhibited but had not commenced."

As such the proposal is considered to be satisfactory in regard to LEP 2005.

b. Draft LEP 2010

As outlined above, as the Development Application was lodged prior to the coming into force of LEP 2012, LEP 2005 is the prevailing document. Notwithstanding this, the following comments are made regarding compliance with Draft LEP 2010.

i. Zoning

The proposed zoning under LEP 2010 is Local Centre B2. 'Shop top' housing is a permissible use with consent in the Local Centre B2 zone.

ii. Height

Draft LEP 2010 contains varying height limits across the site. The height is 17m fronting Yattenden Crescent, 30m central to the site, 25m fronting Seven Hills Road and along the western boundary, and 50m at the corner of Seven Hills Road and Windsor Road. In general terms, the height reduces down from the Seven Hills Road/ Windsor Road intersection towards Yattenden Crescent.

The proposal is consistent with the Draft LEP 2010 height.

iii. Floor Space Ratio

Draft LEP 2010 has a FSR of 2.7:1 for the site. In addition, Clause 4.5A (7) allows a 10% greater FSR to be provided if the design of the building has been the result of an architectural competition. As an architectural competition has been carried out and the permitted FSR is 2.97:1. The proposed FSR is 2.97:1 and as such is satisfactory in regard to the LEP requirements.

Accordingly, the proposal is considered satisfactory with regard to Draft LEP 2010.

3. Development within Baulkham Hills and Design Excellence

Clauses 61 and 62 of LEP 2005 relate to development within Baulkham Hills and design excellence.

Clause 61 'Development within Baulkham Hills' from LEP 2005 states as follows:

(1) This clause applies to the land shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 1".

(2) The objectives of this clause are:

(a) to control the bulk and scale of future development on the land, and

(b) to ensure that future development on the land is compatible with the scale and character of adjoining development.

(3) The consent authority must not consent to the carrying out of development on the land unless:

(a) the floor space ratio of the development does not exceed the maximum floor space ratio shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 2", and

(b) the building height of the development does not exceed the maximum building height shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 19)—Sheet 3".

Clause 62 'Design excellence in Baulkham Hills' from LEP 2005 states as follows:

(1) This clause applies to development involving the erection of a new building or

external alterations to an existing building on land to which clause 61 applies.

(2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors,

(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Baulkham Hills Development Control Plan,

(e) the requirements of the Baulkham Hills Development Control Plan,

(f) how the development addresses the following matters:

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain.

(4) Development consent must not be granted to the following development to which this plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:

(a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,

(b) development having a capital value of more than $5,000,000,

(c) development for which the applicant has chosen to have such a competition.

(5) Subclause (4) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.

(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by the map marked "Baulkham Hills Local Environmental Plan 2005 Amendment No 19)—Sheet 2", but only if the design of the building or alteration is the result of an architectural design competition.

(7) In determining whether to grant consent to the development application, the consent authority is to take into account the results of the architectural design competition.

(8) In this clause:

***architectural design competition** means a competitive process conducted in accordance with the Design Excellence Guidelines.*

***Baulkham Hills Development Control Plan** means the Baulkham Hills Development Control Plan, as in force at the commencement of Baulkham Hills Local Environmental Plan 2005 (Amendment No 19).*

> ***Design Excellence Guidelines*** *means the Design Excellence Guidelines issued by the Director-General, as amended from time to time.*

Council's Senior Forward Planner reviewed the proposal and advised as follows:

'A design competition for the target site was undertaken in accordance with Clause 62 of Baulkham Hills Local Environmental Plan 2005 which required the consent authority to consider whether the proposed development exhibits design excellence and requires buildings to be designed as a result of an architectural design competition.

The concept which forms the proposed development was the winner of the Design Competition as determined at the Design Competition Jury Meeting held on 3 February 2011.

The Jury Report for the Architectural Design Competition summarises the key features of each design concept presented and concluded that:

> *"The Jury has reviewed the designs in detail and has heard each firm's presentation. After considerable discussion, the Jury has unanimously agreed that the Aleksandar Design Group's architectural submission is the winning entry, having achieved "Design Excellence" as prescribed by Council's governing planning instrument. The 10% increase in additional floor space is therefore awarded to their design".*

In addition, the report notes that:

> *"The design in a number of areas does not fully comply with Council's site specific DCP however SEPP 65 has been used in these areas to justify the variations from this DCP. The controls within SEPP 65 and its associated Residential Flat Design Code are minimum best practice design guidelines and variations from the Residential Flat Design Code would not be able to achieve design excellence as prescribed by Council's LEP and the objectives set out under the Director Generals Design Excellence Guidelines for Design Competitions".*

Noting that the concept plan which forms the proposed development was the winner of the Design Competition, Forward Planning has no objection to the design of the proposed development with respect to Clauses 61 and 62 of Baulkham Hills Local Environmental Plan 2005.

Clause 61 of Baulkham Hill Local Environmental Plan 2005 – Development within Baulkham Hills

The subject site is subject to a maximum floor space ratio of 2.7:1 under Baulkham Hills Local Environmental Plan 2005. A maximum floor space ratio of 2.7:1 is also applicable under the Draft The Hills Local Environmental Plan 2010. Consistent with Clause 62(6) of Baulkham Hills Local Environmental Plan 2005, as the winner of the design competition, the proposed development has been awarded a floor space ratio bonus of 10%.

Accordingly, the proposed floor space ratio of 2.97:1 complies with the maximum floor space ratio noting the floor space ratio bonus of 10% applicable pursuant to Clause 62(6).

It is noted that Clause 62(6) has been transferred into the Draft The Hills Local Environmental Plan as Clause 4.5A(7). As such, the floor space ratio bonus of 10% is also available to the proposed development under the provisions of the Draft The Hills Local Environmental Plan 2010.

The site is subject to a variety of maximum building heights, including 50 metres, 30 metres, 25 metres and 17 metres. The building height of the development does not exceed the maximum building height applicable to the site pursuant to Baulkham Hills

Local Environmental Plan 2005. The maximum building heights applicable to the site remain unchanged under the Draft The Hills Local Environmental Plan 2010.

Clause 62 of Baulkham Hill Local Environmental Plan 2005 – Design excellence in Baulkham Hills

Clause 62(2) provides that:

"development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence"

Clause 62(3) provides matters for consideration in assessing whether a development exhibits design excellence. In accordance with Clause 62(4), the proposed development was the winner of an architectural design competition for the subject site which was consistent with the Design Excellence Guidelines. The design competition jury concluded that the concept plan for the proposed development achieves "Design Excellence" as prescribed by Baulkham Hills Local Environmental Plan 2005.

The proposed development is generally consistent with the winning concept plan of the design competition and as such, it is considered that the proposed development continues to achieve 'design excellence' as identified by the design competition jury.

Conclusion

Having regard to the matters for consideration identified in Clause 62(3) of Baulkham Hill Local Environmental Plan, the Design Competition Jury Meeting held on 3 February 2011 concluded that the proposed development achieved 'Design Excellence' and awarded the concept plan a floor space ratio bonus of 10% in accordance with Clause 62(6).

The proposed development complies with the maximum building height permissible on the site pursuant to Baulkham Hills Local Environmental Plan 2005 and complies with the maximum permissible floor space ratio on the site of 2.97:1 (noting the floor space ratio bonus of 10% awarded to the proposed development pursuant to Clause 62(6)).

The proposed development is generally consistent with the concept plan which was the winner of the Design Competition for the site and as such it is considered that the proposed development achieves "Design Excellence".

Notwithstanding the above, it is noted that the decision of the Jury will not fetter the discretion of the consent authority in its determination of any subsequent development application as set out under the Director Generals Design Excellence Guidelines for these types of Design Competitions.

Though the design competition has ended, the applicant is still required to achieve compliance with relevant Council controls or provide sufficient justification for any variations where compliance cannot be achieved'.

4. Compliance with DCP Part E Section 24 – Target Site – Corner of Windsor Road and Seven Hills Road, Baulkham Hills

As outlined in Section 3 above, the proposed development is generally consistent with the concept plan which was the winner of the Design Competition.

Notwithstanding this, the proposal has been assessed having regard to the requirements of the site specific Target Site DCP as follows:

DCP Provision	Required	Provided	Satisfactory
Visual Impact (Development Framework)	The proposed development must provide a gateway landmark by placing a strong visual element of 14 storeys generally at the apex of the corner.	The proposal provides an appropriate gateway element.	Yes
Urban Structure (Development Framework)	The proposed development must: • Provide an appropriate transition in form to the future development along Yattenden Crescent and allow solar access and privacy to that development in accordance with Council's standards. • Provide afternoon sunlight to "rear" and plaza areas of development. • Provide efficient access to basement parking levels. • Provide a stepped street wall along Windsor Road that reflects the slope of the topography. • Consist of the development of Site 1 and 2 in a coordinated manner such that each can function independently of the other unless they are amalgamated prior to development.	The proposal provides appropriate relief and transitions to both Yattenden Crescent and Windsor Road. Site 2 can be independently developed separate to Site 1.	Yes
Heritage (Development Framework)	The proposed development must demonstrate that the massing and roof form of the building opposite the Bull and Bush Hotel is broken up and modulated by openings and lower scale, lighter building elements so as to respect the scale and curtilage of the Bull and Bush Hotel.	Council's Forward Planning section has reviewed the proposal and have raised no objection to the proposed built form of the development from a heritage perspective.	Yes
Land Use and Density (Development Framework)	The proposed development must: • Ensure a mix of uses that will provide commercial and social activity throughout the day and into the evening in a manner compatible with the residential uses and complimentary to the remainder of the town centre. • Take advantage of the site's position on the south end of the town centre to "commence" the revitalisation of	The proposed design of the development will ensure on-going activity and assist in the revitalisation of the precinct. The design is considered appropriate for the area.	Yes

	the south end. • Provide a multi unit development comprising a range of residential unit types. • Provide a public plaza on the podium allowing for sunlight to open space and restaurant areas. • Use buildings to provide acoustic buffering from road noise to the podium plaza public open space. • Position residential units in the upper levels of the development away from road noise by elevation.		
Access (Development Framework)	The proposed development must: • Provide improved pedestrian access along the street frontage as well as through site links. • Provide a logical separation of uses within the building related to street level access, basement supermarket, plaza activity, lunchtime visitors and after hours amenity of residents in upper levels. • Provide convenient pedestrian access to shopping / restaurants for local Yattenden Crescent residents. • Provide commercial deliveries and commercial waste collection vehicle entry to Site 1 from Windsor Road only. • Provide vehicular access to and from Yattenden Crescent for residents and persons accessing retail and employment within the site. • Provide vehicular access from Yattenden Crescent for vehicles collecting residential waste. • Provide commercial and waste collection vehicle and residential vehicle entry from Seven Hills Road to Site 2 for off street collections and deliveries unless Site 2 is amalgamated with Site 1, in which case access for these vehicles must be from Windsor Road. • Provide access to site 1 for residential vehicles from Windsor Road.	The proposal provides appropriate vehicle and pedestrian access to the existing road network. The Council pathway located along the western boundary of the site which will provide pedestrian access to/from Yattenden Crescent. A delivery and garbage dock area is provided with access from Windsor Road. Vehicle access is also available from Yattenden Crescent and Seven Hill Road.	Yes
Landscape and Character (Development	The proposed development must: • Provide deep soil and planting appropriate for the	The proposed landscape works are satisfactory	Yes

Framework)	Yattenden Crescent frontage. • Provide landscaping to the podium that is appropriate for the public usage of the space.	and will assist in screening the development.	
Design Principles	1. Lower buildings as scale transition to existing and future context. 2. Slender tower to provide landmark at intersection. 3. Scale transition and modulation to corner element. 4. Height aligned with future context. 5. Recess to articulate the tower & respond to heritage item opposite. 6. 2-3 storey breezeway access to plaza aligned with Old Northern Road. 7. Deep soil planting to Yattenden Crescent. 8. Publicly accessible plaza with active uses. 9. Provide adequate separation between buildings. 10. Landscaped rooftops and plaza. 11. Continuous built edge as noise buffer. 12. Building form steps up slope along Windsor Road. 13. Residential uses concentrated in upper levels to avoid noise and privacy issues. 14. Development on Sites 1 and 2 is to be designed and constructed in a compatible, integrated manner including access to the plaza level, built form and materials and vehicular access from Seven Hills Road.	1. Scale transition provided. 2. Tower provided. 3. Corner element satisfactory. 4. Height in context. 5. Appropriate response to heritage item. 6. Appropriate access provided. 7. Deep soil planting provided. 8. Publicly accessible plaza provided. 9. Appropriate separation provided. 10. Landscaped rooftops and plaza provided. 11. Noise buffer provided. 12. Building form stepped. 13. Residential uses in upper levels. 14. NA as site 2 is not subject to the DA.	Yes
Development Controls			
6.1 Building and Ceiling Heights	(a) Maximum building heights above the podium level shall be in accordance with the building heights shown in Figure 10. (b) The height of the podium when viewed from Yattenden Crescent shall be no more than 3 storeys. (c) The ceiling height of the ground floor at the podium level shall be a minimum of 3.3m to promote flexibility in use. (d) The public plaza (podium) level of the podium will be at the level of Seven Hills Road.	(a), (f) and (g), the height exceeds the DCP requirements. (b) Height when viewed from Yattenden Crescent is 2 storey to the landscaped podium. (c) The ceiling height complies.	No, however the proposed height is considered appropriate for an identified landmark site. The height is also satisfactory in regard to the LEP 2005 and Draft LEP 2010.

	(e) The floor level of any residential room must be no lower than 1 metre below natural ground level. (f) On Site 1 the frontage of the building facing the western boundary should not exceed six storeys as measured above natural ground level, in accordance with Figures 20 and 21. The upper two storeys must be set back in accordance with Figures 20 and 21 (Level 3 and 4 Setbacks) to reduce perceived bulk and scale. (g) On Site 1 the building street frontage to Yattenden Crescent, should not exceed six storeys above natural ground level. Levels above the podium are to be set back in accordance with Figures 19 and 20 (Level 2 and 3 Setbacks) to reduce perceived bulk and scale. (h) The controls in (f) and (g) do not apply to any portion of the building that is a lift shaft, lift well or lift overrun.	(d) The plaza is at grade with Seven Hills Road. (e) The floor levels are not below natural ground level. (h) The roof top plant is satisfactory.	
6.2 Density and FSR	The following FSRs are based on the current lot boundaries. The FSR for Sites 1 and 2 are as follows: - A. Site 1 - 2.7:1 B. Site 2 - 2.2:1	The FSR permitted under Draft LEP 2010 is 2.97:1. This is consistent with the FSR incentive permitted by the Design Competition.	Yes
6.3 Coordination of Development	(a) Site 1 consists of Lot 21 DP 588810, No 2 Seven Hills Road, Lot 1 DP 619055, Nos 346 - 350 Windsor Road, Lot 18 DP 659904, No. 344 Windsor Road, and Lot 9 DP 28197, No. 27 Yattenden Crescent. Site 2 consists of Lots 2, 3 and 4 DP 216713, Nos 6 - 8 Seven Hills Road and Lot 22 DP 588810, No 4 Seven Hills Road and benefits from an existing right of way. (b) Development on the site must demonstrate that in the development of either site, that Site 1 and 2 will be compatible in design and function, particularly with regard to the uses of the podium and vehicular and pedestrian access.	The proposal is for development of Site 1 only. The connection of Site 1 and Site 2 in the future can be achieved through the basement level. There is also adequate pedestrian connection points.	Yes

	(c) Development of either site must not restrict or adversely impact upon the ability of the other site to function or develop to its envisaged potential.		
6.4 Distribution of Uses	a) The distribution of uses within the development shall be generally in accordance with Figure 14. b) Active frontages are to be provided within the plaza and arcade areas, and ground, first and second levels fronting Windsor and Seven Hills Roads. c) A variety of uses are to be incorporated into the site to encourage an active and vibrant pedestrian plaza. d) The supermarket shall be easily accessible from the plaza and basement parking areas, and designed so that it supports the activation and viability of the uses located within the plaza. e) Commercial and retail uses on site shall be easily accessible from the plaza and basement parking areas. f) The Yattenden Crescent frontage of the development shall be activated with residential uses and amenities and commercial / retail uses wherever possible to minimise the presentation of basement parking to the street.	a) The distribution of uses is generally in accordance with the DCP. b) Active frontages are provided. c) The proposal includes a supermarket and varying shops sizes to encourage diversity. d) Travelators are provided to give access to the supermarket. e) Travelators are provided to give access to the commercial/retail areas. f) Basement access will be visible from Yattenden Crescent however residential units are located on this frontage and the façade is considered satisfactory.	Yes
6.5 Setbacks	a) Building setbacks shall be in accordance with the setbacks shown in Figures 15 – 24.	Buildings A and C comply with the building setbacks however variations required to Buildings B and D.	No, however the proposed setbacks are considered appropriate for the site given the adjoining land uses.
6.6 Building Separation	The minimum separation between buildings shall comply with the requirements of SEPP65 and enable the provision of a	Satisfactory separation provided between buildings.	Yes

	central plaza as illustrated in Figures 15 - 24.		
6.7 Building Depth	Building depth shall be in accordance with setback dimensions shown on Figures 15 - 24.	Satisfactory building depth provided.	Yes
6.8 Building Articulation	a) Facades are to be designed with a minimum 500mm in depth of articulation measured either horizontally or vertically, to limit the expanse of flat surfaces. b) Columns, beams, floor slabs, balconies, window openings and fenestration, doors, balustrades, roof forms and parapets, should be used to modulate the façade with a high quality architectural resolution and use of materials and finishes. c) Facades are to be composed with an appropriate scale and proportion, which respond to building use and the desired character by: • Expressing the internal layout of the building, for example, vertical bays or its structure; • Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays; • Selecting balcony types which respond to the street context, building orientation and residential amenity. Cantilevered partially recessed, or wholly recessed will all create difference façade profiles; • Using a variety of window types to express the various elements of new buildings; and • Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and fences. Recessed balconies and deep windows may be used to create articulation and define shadows, thereby adding visual depth to the façade. d) Facade design is to reflect the orientation of the site using elements such as sun shading as environmental controls. e) Building services such as drainage pipes, lift towers, air conditioners, vents etc are to be	The design and external appearance of the building is considered satisfactory and is in keeping with the desired future character of the area. The proposal uses a variety of materials, finishes and colours to bring interest to the façade. Direct views into the plaza area are provided to bring interest to the corner.	Yes

	integrated into the design of the building to minimise their prominence. f) A breezeway with extended ceiling height of 2-3 storeys shall be provided at the corner of Seven Hills Road and Windsor Road, aligned with Old Northern Road providing a direct line of sight into the plaza.		
6.9 Unit Layout and Design	a) A minimum of 10% of the residential component of the development is to comprise studio or 1 bedroom apartments. b) A minimum of 10% of the residential component of the development is to comprise 3 bedroom apartments. c) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following: 1 bedroom unit 75m^2 2 bedroom unit (type 1) 95m^2 2 bedroom unit (type 2) 110m^2 3 bedroom unit (type 1) 115m^2 3 bedroom unit (type 2) 135m^2 d) 2 bedroom units at Type 1 size shall not exceed 50% of the total of two bedroom units. e) 3 bedroom units at Type 1 size shall not exceed 50% of the total of three bedroom units. f) Unit layouts that achieve the above are required to comply with SEPP 65 and the Residential Flat Design Guidelines.	a) 29 x 1 bedroom units are proposed which is 12.3%. b) 30 x 3 bedroom units are proposed which is 12.8%. c) The proposed unit sizes are: 1 br – 53-80m^2 2br T1 – 82-101m^2 2br T2 – 110m^2 3br T1–120-123m^2 3br T2 – 135-164m^2 d) There are 122 x 2 bedroom Type 1 units which is 70.1% of the total 2 bedroom units. e) There are 10 x 3 bedroom type 1 units which is 55.5% of the total 3 bedroom units. f) The proposal is satisfactory with respect to SEPP 65 and the RFDC in respect to the minimum unit sizes in the Rules of Thumb. See comments below.	No, however the proposed unit sizes provides a range for future residents.
6.10 Pedestrian Access	a) Pedestrian access to the site shall be provided in accordance with Figure 25 including the provision of a publicly accessible link from Yattenden Crescent to Windsor Road.	a) Access from Yattenden Crescent and from the main roads (2 access points provided not 3) differs from Figure	Yes

		25 however is appropriate.	
	b) Pedestrian entries to residential buildings shall be designed to be clearly differentiated from entries to public buildings.	b) Pedestrian entries are clearly defined.	
	c) Pedestrian entries to residential buildings shall be designed to allow safe and secure access for residents.	c) Pedestrian entries will allow safe and secure access.	
	d) Convenient access from the podium to lower levels is to be provided by lift and a travelator with a light well.	d) A lift and travelator are provided to the retail parking spaces from the podium level, and lifts from the residential towers to the resident parking.	
6.11 Vehicular Access and Parking	Parking is to be provided in the development at the following rates: 1 bedroom unit 1 space per unit 2 bedroom unit (smaller sized 95-109m2) 1.5 spaces per unit 2 bedroom unit (std size 110m2 +) 2 spaces per unit 3 bedroom unit 2 spaces per unit Visitor Parking 1 space per 5 units Commercial 2.2 spaces per 100m^2 GLFA Retail 4.5 spaces per 100m^2 GLFA	653 spaces are required with 621 spaces provided.	No, however the proposed number of parking spaces is considered adequate given the site location, access to public transport and the proximity to the Baulkham Hills Town Centre.
	Provide vehicular access points and traffic arrangements in accordance with the RTA requirements at the following locations: (a) *Windsor Road Access and Deceleration Lane* A deceleration lane along Windsor Road northbound is required fronting Windsor Road immediately south of the target site's southern boundary. This deceleration lane is to provide access to an 'entry only' general vehicle access driveway which in turn would provide access to the basement parking areas. A second driveway immediately north of the general vehicle	RMS have raised no objection to the proposal and have provided recommended conditions of consent. The required road works and access points have been generally provided in accordance with the DCP requirements. No objection is raised to the proposed access to the site	

	driveway is to be provided for entry and exit access for service and commercial waste vehicles. Windsor Road is to provide the only service vehicle access for the site when it is amalgamated. (b) *Seven Hills Road Access* The existing left in / left out driveway is to be retained in Seven Hills Road with no right turn movements permitted out of the site. This driveway is to provide access to the basement parking areas of the target site. (c) *Yattenden Crescent Access* A new entry / exit driveway is to be provided in Yattenden Crescent. This access is to provide general, passenger and residential garbage vehicle access only to the basement parking areas. (d) *Vehicle Access Generally* Each vehicular entry to the site may allow both residential and non residential passenger vehicles. All residential parking will be secured and segregated from non residential parking. Maximum use of any visitor spaces and the like should be considered with access to such spaces.	from Council's Traffic Engineer or from the RMS.	
6.12.1 Open Space and Communal Resident Facilities	a) A publicly accessible plaza is to be provided as shown in Figure 27. The plaza shall be accessible from Seven Hills Road, Windsor Road and Yattenden Crescent. b) The plaza shall be provided with suitable landscaping and be architecturally designed to create a pleasant and active environment.	a) A public plaza is provided which is accessible from all roads. b) Appropriate landscaping will be undertaken in the plaza.	Yes
6.12.2 Private Open Space and Communal Facilities	a) Private open space shall be provided for all residential units. At least one balcony or terrace space per unit shall have a minimum area of $10m^2$ and a minimum depth of 2.5m. b) Residential communal outdoor open space shall be provided on rooftops generally in accordance with Figure 27. The total of such shall be equivalent to the rate of $2m^2$ per dwelling. c) The design and location of common open space is to ensure	a) Satisfactory private open space provided for units. b) Satisfactory rooftop open space is provided. c) Privacy is maintained from	Yes

	privacy to nearby units and adjacent properties is maintained. d) The orientation and location of common open space should maximise solar access during winter and provide shade in summer. e) Common open space areas must be sufficient in size to enable them to be used for passive recreational activities, or be capable of growing substantial vegetation to be provided in roof gardens designed to provide for a range of appropriate recreational uses. f) All residential communal open spaces must be accessible by a residential lift. g) A gym that is accessible to all residents shall be provided on the site. h) The placement of any gym or swimming pool is to give priority to the minimisation of noise and disturbance to residents and neighbours.	common open space to units. d) Adequate solar access is provided to common open space. e) Common open space areas are an appropriate size. f) All common open space areas are accessible by lift. g) A gym is provided. h) The gym and swimming pool are appropriately located.	
6.13 Public Improvement Roadworks	(a) The following public roadwork improvements shall be provided prior to the completion and occupation of the development: - (i) Widening of the carriageway of Yattenden Crescent on the northern side (from the development site up to and including No. 45 Yattenden Crescent) by 1.7m. (ii) A roundabout at the entrance to the development site on Yattenden Crescent. (iii) A 1.5m wide concrete footpath from the development site to Arthur Street on the northern side of Yattenden Crescent and along the eastern side of Arthur Street to Seven Hills Road. (iv) An extension of the median island in Seven Hills Road to restrict the access to left-in-left out.	(i) Yattenden Crescent will be widened by 2m. (ii) A roundabout will be provided at the Yattenden Crescent entry. (iii) A condition of consent has been recommended regarding footpath construction on Yattenden Crescent. (iv) A condition of consent has been recommended regarding an	Yes

		extension to the median island.	
	(v) The design of the development shall include the provision of a footprint for the pedestrian bridge at a location and appropriate elevation that meets the requirements of the RTA and provides convenient access for pedestrians travelling through the subject site, and from the street.	(v) The footbridge is not wholly attributed to the site and is no longer a requirement for the site. However the applicant has provided a location for a future footbridge if required.	
6.14 Solar Access and Overshadowing	(a) To ensure that daylight access is provided to all habitable rooms and encouraged in open spaces. (b) Buildings must be designed to ensure that adjoining residential buildings (including those on Yattenden Crescent), and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June. (c) Orient and design living areas within buildings to maximise access to direct sunlight where possible. Ideally, face the living areas up to 30 degrees east and 20 degrees west of true north. (d) Shading devices shall be incorporated into the design of the development including eaves, verandahs. pergolas, awnings , plantings, blade walls and louvres (horizontal for north facing and vertical for east and west facing windows) . (e) Rooftop residential communal open space areas must receive at least four hours of sunlight between 9am and 3 pm on 21 June. (f) The plaza area is to receive at least three hours of sunlight between 11am and 3 pm on 21 June.	a) Satisfactory solar access is provided to habitable rooms. b) Variation required to solar access No. 19 Yattenden Crescent. c) Living areas are designed and orientated in a satisfactory manner. d) The design utilises screening, awnings, blade walls and louvers. e) Satisfactory solar access provided to roof areas. f) Solar access to the plaza is approx. 2.5 hours.	No, however the solar access is considered reasonable to both the adjoining residential property and the plaza.
6.15 Privacy – Visual and Acoustic	(a) Minimise direct overlooking of main internal living areas and private open space of dwellings both within and between buildings through building design, window locations and sizes, landscaping and screening	The proposed residential units and retail units have been designed to provide an appropriate level	Yes

	devices. (b) Consider the location of potential noise sources within the development such as common open space, the plaza, service areas, driveways and road frontages, and provide appropriate measures to protect acoustic privacy such as careful location of noise sensitive rooms (bedrooms, main living areas) and double glazed windows. (c) Dwellings that adjoin arterial roads are to be designed to acceptable internal noise levels, based on AS 3671- Road Traffic Noise Intrusion Guidelines. (d) Where acoustic treatment such as double glazing is proposed, mechanical ventilation shall be provided in accordance with the requirements of AS 1668.2:Mechanical Ventilation for Acceptable Indoor Air Quality". (e) -Air conditioning plant and equipment is to be located and screened so as to avoid a negative visual impact on the building appearance when viewed from public space including the on-site plaza. A centralised system is required. (f) Conflicts between noise, outlook and views are to be resolved by using design measures such as double glazing, operable screens to balconies and privacy walls where they do not conflict with streetscape or other amenity requirements. (g) Developments are to be designed to minimise noise transmission between apartments by locating similar uses next to each other and by using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas and minimising the amount of party (shared) walls with other apartments. (h) The buildings shall be designed to minimise noise from known noise sources at any time and as far as possible minimise noise entering open windows and doors.	of visual privacy to the units. Acoustic privacy has been reviewed by Council's Health and Environment Protection Section who have raised no objection and recommended relevant conditions.	

6.16 Safety by Design	(a) The safety and security of the public domain/roads/open space network is enhanced by increased activity and surveillance provided by: • Retail and commercial uses at ground level shall address the internal plaza area and Windsor and Seven Hills Roads to provide passive surveillance, encourage movement and increase safety; • Kitchens and living rooms, frequently with balconies, shall be located at the front of the apartments, overlooking all public areas and communal courtyards to provide passive surveillance, increase safety and add amenity; and • Provide sufficient lighting in public and community areas to enhance security and permeability.	The proposal was referred to Castle Hill Police who have reviewed the proposal and imposed relevant conditions.	Yes
6.17 Landscaping	(a) Landscape design is to relate to the scale of the development and should consist of both softscape (trees, shrubs, groundcovers and grass) and hardscape elements. (b) Vegetation adjacent to Yattenden Crescent is to be retained and supplemented. (c) Landscaping shall be provided on the podium level. (d) Deep soil planting shall be provided to the Yattenden Crescent frontage and along the western boundary of the site as shown on Figure 27. (e) Street trees shall be provided in accordance with Council's guidelines. (f) Indigenous species are to be used to maintain a strong natural theme for the neighbourhood, owing to their low maintenance characteristics, relative fast growth, aesthetic appeal and suitability to the natural habitat. (g) Landscaping is to be provided in accordance with Part D Section 3 – Landscaping of this DCP. (h) The landscape design shall take into consideration the safety of residents and permit natural surveillance of common areas and pathways.	Appropriate landscape works are proposed for the site. The landscape works will result in a suitable streetscape outcome for the form of development.	Yes

6.18 Water Sensitive Urban Design	(a) The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to the following: - *On-site Stormwater Detention Handbook, Version 4 2005, UPRCT;* - *Australian Runoff Quality, Engineers Australia, 2006;* - *Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS.* are required for all new commercial and residential development, or where the increase in impervious area over a site is greater than 150 square metres. Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.	WSUD measures to be utilised during construction and post construction include rainwater tanks, bio swales and filters.	Yes

a. Height

The DCP limits height so that maximum building heights above the podium level shall be in accordance with the building heights shown in Figure 10. Building A is limited to 14 storeys. The DCP also requires that the frontage of the building facing the western boundary (proposed Building D) should not exceed six storeys as measured above natural ground level, in accordance with Figures 20 and 21. The upper two storeys must be set back in accordance with Figures 20 and 21 (Level 3 and 4 Setbacks) to reduce perceived bulk and scale. In addition, on Site 1 the building street frontage to Yattenden Crescent, should not exceed six storeys above natural ground level. Levels above the podium are to be set back in accordance with Figures 19 and 20 (Level 2 and 3 Setbacks) to reduce perceived bulk and scale.

The development application seeks a variation to the proposed height in storeys shown in the DCP.

Figure 10 from the DCP which shows the proposed height in storeys is below:

Figure 10 Proposed height in storeys

Building A located at the corner of Windsor Road and Seven Hills Road is a maximum 15 storeys.

Building B has a height of nine storeys.

The building fronting Yattenden Crescent (Building C) has a height of seven storeys (this includes the basement level where it extrudes more than one metre from natural ground level).

The building along the western boundary (Building D) has a total height of six storeys immediately adjacent to the boundary and an additional three storeys set back from the boundary.

The proposed height is consistent with the Design Competition.

The applicant has submitted the following as justification:

While the proposed development does not fully comply with the maximum building heights of the DCP, the proposed development complies with the maximum building height provisions of BHLEP. The built form is in the same locations as required. The proposal has one additional storey on Building A however this is consistent with the Design Competition Scheme. Additional overshadowing resulting from the built form is compliant with the daylight compliance provisions of SEPP 65 and complies with the overshadowing controls of the DCP.

The proposed Building D provides a frontage of only 5 storeys, with 4 storeys set back. The 2 additional storeys provide sunlight access in excess of the minimum SEPP 65 standards as they apply to the site, and comply with the overshadowing controls of the DCP.

The frontage of Building C is 6 storeys, with level 2 and 3 setback in compliance with the DCP. An additional 2 setback storeys are proposed above this level within the allowable BHLEP height limit. The 2 additional storeys provide sunlight access in excess of the minimum SEPP 65 standards as they apply to the site, and comply with the overshadowing controls of the DCP.

ADG has provided a height diagram which shows the height of the building in storeys on Sheet DA01 which is attached with this submission. The height plan indicates that the maximum number of storeys is 14 which is located in the same location as that shown in Figure 10 being adjacent to the intersection of Seven Hills Road and Windsor Road. As discussed above the development was the subject of a design competition which sought to increase the yield on the site by increasing heights of the building in other locations on the site. In this regard there is an eleven storey component of the building along the Seven Hills Road frontage which is indicated as eight storeys in the DCP. Similarly towards the south along Windsor Road the height in number of storeys is greater than that shown in Figure 10 however in accordance with the design competition the plans the development still steps down to the south.

It may be noted that at the time of lodgement of the application there were no height limitation under the provisions of LEP 2005. The height is consistent with the provisions of Draft LEP 2010.

Comment:

The objectives of the DCP are as follows:

(i) *To minimise overshadowing of adjoining properties.*

(ii) *To create a landmark building within Baulkham Hills Town Centre.*

(iii) *To vary the height of the building to respond to the topography of the site, and to be compatible with the height of future adjoining development.*

(iv) *To provide adequate clearance at the ground level to all buildings to permit flexibility in the use of ground floor spaces.*

The shadow diagrams submitted indicate that shadow impact will occur to adjoining properties. This is consistent and expected with a development of this scale. The proposal will impact on the properties to the west from 9am until 12 noon on 21st June, with the afternoon not impacted upon. This is considered reasonable as the properties to the west will continue to receive solar access from 12 noon to 3pm which is considered reasonable.

The proposed height of the development will ensure that a landmark development is provided which will be a focal point of the Baulkham Hills area. The development will also assist in revitalising the Town Centre area.

The site slopes from Seven Hills Road and Windsor Road to Yattenden Crescent approximately 13 metres. The slope of the site allows for some additional height to be provided which is in character with the desired future urban form.

The effect of the additional height facing the western and southern boundary is considered appropriate in the urban form. The area is an older area and is one which is expected to face redevelopment and revitalisation of the older housing stock in the coming years.

The streetscape outcome to Yattenden Crescent is considered satisfactory. Whilst the urban form is different from that which currently exists, it is considered that the development meets the 'opportunity' provided in the DCP that states that '*The site is*

suitable for a gateway/landmark building offering district views in all directions, particularly to the south'.

As such the proposed height is considered satisfactory and can be supported.

b. Setbacks

The DCP requires that building setbacks be provided in accordance with the figures in the DCP. The design proposes variations to the Building B to the southern boundary (adjoining No. 340-342 Windsor Road). The DCP requires varying setbacks from the boundaries as follows:

Building B - Southern boundary adjoining No. 340-342 Windsor Road – required setbacks vary from the 6m to 38 metres. The proposed setbacks vary at a number of locations from the DCP, for example the DCP requires the ground floor to have a 12 metre setback whilst a 10 metre setback is proposed, and the Level 3 setback is required to be 28 metres whilst the proposed setback is 15.4 metres.

The applicant has submitted the following justification:

Setbacks to boundaries are generally complied with, except for setbacks to Building B along southern boundary. Length of building increased determined by overshadowing of neighbouring properties as identified within winning competition scheme (refer to SK03). Setbacks along Seven Hills and Windsor Roads on GF to retail increased to provide adequate pedestrian movement around. Complying with the setbacks, the length of Building D correctly measures as 50.33m, not 48m. Depths and heights of all buildings are generally increased in line with SK03 of the winning scheme competition to provide adequate floorspace to meet allowable FSR.

Refer to winning competition scheme SK03 for all increases and justifications of. No built form proposed on GF connecting Buildings C + D to provided visual link through site, as per winning competition scheme. Small balconies on the NW face of Building 0 and SW face of Building A provide articulation as per the winning scheme.

Comment:

The objectives of the DCP are:

(i) To provide setbacks to Windsor Road and Seven Hills Road that indicates the commercial areas of the site.

(ii) To provide setbacks that minimise adverse impacts such as overshadowing and loss of privacy to adjacent residential development.

The proposed setbacks are considered satisfactory given the proposed location and adjoining land uses. In this regard the proposed setbacks provide adequate separation between the adjoining properties. The land to the south fronting Windsor Road is owned by Hills Shopping Town (the applicant) whilst the land at No. 19 Yattenden Crescent is privately owned. However, an additional separation is provided to this site due to the design of the Building B which presents as a 'corner point' when viewed from No. 19 Yattenden Crescent. The land comprising 334-342 Windsor Road and 11- 19 Yattenden Crescent is zoned R4 High Density Residential and is likely to undergo transition in the future.

The design of the development is inset in part and as such when viewed from the south and from Yattenden Crescent will provide variation. In addition, balconies, design features and colours are provided to provide visual interest. The proposal also includes screen landscape planting along the southern boundary which will assist in softening the development at the lower levels.

Accordingly, the proposed setbacks are considered satisfactory.

c. Unit Size and Mix

The DCP requires the following in respect to unit size and mix:

The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

1 bedroom unit	*75m^2*
2 bedroom unit (type 1)	*95m^2*
2 bedroom unit (type 2)	*110m^2*
3 bedroom unit (type 1)	*115m^2*
3 bedroom unit (type 2)	*135m^2*

2 bedroom units at Type 1 size shall not exceed 50% of the total of two bedroom units.

3 bedroom units at Type 1 size shall not exceed 50% of the total of three bedroom units.

The proposed unit sizes are:

1 bedroom – 53-80m^2
2 bedroom Type 1 – 82-101m^2
2 bedroom Type 2 – 110m^2
3 bedroom Type 1–120-123m^2
3 bedroom Type 2 – 135-164m^2

There are 122 x 2 bedroom Type 1 units which is 70.1% of the total 2 bedroom units.

There are 10 x 3 bedroom type 1 units which is 55.5% of the total 3 bedroom units.

The applicant has submitted the following as justification:

There are a range of 1 bedroom units that range in area from between 67m^2 and 80m^2 with the exception of 1x1 bedroom unit which has an area of 53m^2. The majority of the 1 bedroom units are 67m^2 or 68m^2 with 5 units being either 72m^2 or 73m^2 and 1 x 1 bedroom unit being 80m^2. Whilst these unit sizes do not meet the minimum unit size in the DCP, they do significantly exceed the minimum unit sizes for 1 bedroom units in the Residential Flat Design Code (RFDC). The RFDC on page 69 provides a variety of 1 bedroom unit types which range in area between 50m^2 to 63.4m^2.

Although the internal area of 28 of the 29 x 1 bedroom units do not comply with the 75m^2 minimum of the DCP there are a variety of 1 bedroom unit types that provides choice for future purchasers and assists with housing affordability. The 75m^2 minimum unit size provides units sizes that are in some instances 50% greater than the minimum provided in the RFDC. The 1 bedroom units proposed all include an internal furniture layout to demonstrate the 1 bedroom units proposed are very liveable and represent well organised, functional and high quality units.

The two bedroom type 1 units proposed are between the range of 80m^2 to 95m^2, compliant with the DCP. The two bedroom type 2 units are 110m^2 and comply with the DCP.

All 3 bedroom type 1 units are in excess of 120m^2 complying with the DCP and all 3 bedroom type 3 units are in excess of 135m^2.

2 Bedroom Units at Type One size shall not exceed 50% of the total of 2 Bedroom Units. The proposed development provides 121 Type One 2 bedroom units and 52 Type Two 2 bedroom units. There are a total of 173 x 2 bedroom units and accordingly the Type One 2 bedroom units equates to 69.9% of the two bedroom units.

The proposal exceeds the minimum amount of 50% of Type One 2 bedroom units. The 110m^2 units exceeds by 20m^2 the minimum of 90m^2 for a three bedroom unit in the rule of thumb of the RFDC. The development provides 53 Type Two 2 x 110m^2 2 bedroom units which provides ample opportunity for large 2 bedroom units to be sold. We are advised by the proponent that the market demands smaller 2 bedroom units such as the Type One units and accordingly it is proposed to provide 18 more 2 bedroom Type One units than what would be contemplated by the DCP to reflect the market and improve affordability of the units. The non-compliance with this control does not prevent the opportunity for housing choice in the development but better reflects market demands and still provides 52 type two bedroom units with a floor area of 110m^2.

The development proposal provides 70% type 1 two bedroom units and 70% type 1 three bedroom units which exceeds the 50% maximum requirement and accordingly does not comply with THDCP control. It is considered that the unit mix and typology is appropriate for the following reasons:

- *The information provided in this letter and the attached area schedules demonstrates that there is large variety of unit types proposed of varying sizes and configurations. Accordingly the development will cater for a large variety of household types.*
- *The type 1 two bedroom units all exceed the rule of thumb unit size for housing affordability of 70m^2 with the smallest type 1 two bedroom unit being 84m^2.*
- *The architectural plans attached to this letter provide furniture layouts that demonstrate that the 2 bedroom units represent well organised, functional and high quality apartment layouts. Generally the units contain open plan kitchen, dining living areas providing flexibility in the way these units can be furnished and used. It ensures the kitchens obtain good solar access, ventilation and outlook.*
- *We are advised that the market for units in town centre environments is for smaller units. The development still contains 52 x two bedroom type 2 units with an area of 110m^2. The THDCP would require an additional 35 x 110m^2 plus units which are more than the market will demand. The unit mix in the development will cater to singles, couples and families.*
- *The proposal provides a range of 3 bedroom units ranging in area from 120m^2 to 164m^2 which provides housing opportunities or a range of large family types.*
- *In order to comply with the 50% requirement for type 2 three bedroom units it would be necessary to provide an additional 6 x 135m^2 three bedroom units. The smallest three bedroom unit exceeds the housing affordability rule of thumb in the Residential Flat Design Code (RFDC) by 25m^2.*

Accordingly it is requested that Council relax the 50% maximum type 1 unit control for the two and three bedroom units for this development.

One of the one bedroom units is 53m^2 which is less than the 75m^2 minimum unit size in THDCP 2012. However this unit type is a dual aspect unit which obtains in excess of three hours of sunlight and cross ventilation. The RFDC indicates that this form of unit could be a minimum of 50m^2.

Comment:

The objectives of the clause are:

(i) To ensure that individual units are of a size sufficient to meet the needs of residents.
(ii) To ensure the layout of units is efficient and units achieve a high level of residential amenity.
(iii) To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.
(iv) To provide a mix of apartment types and size to accommodate a range of household types and promote affordable housing.

The proposal includes a range of apartment units which will cater for residents. A number of the units, including the 2 bedroom Type 2 and 3 bedroom units exceed the minimum requirements of the DCP.

The proposed units are considered to have a high level of amenity with the units adjoining the Baulkham Hills Town Centre area which provides a broad range of commercial, retail and social facilities. The site is also close to public transport and the M2 link to the City.

The proposal achieves the objectives of the DCP in that the needs of residents will be met through the varied design and layouts provided and the high level of amenity achieved. The unit layouts will provide a satisfactory outcome in regard to natural ventilation and solar access.

The apartments are satisfactory in regard to the minimum unit sizes required by SEPP 65 and are designed to take advantage of view, solar access and cross ventilation. The varied apartment designs will allow a range of choice for future residents.

In this regard, SEPP 65 contains the following minimum apartment sizes:

1 bedroom unit – 50m^2
2 bedroom unit – 70m^2
3 bedroom unit – 95m^2

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings'* states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code. The apartment sizes all exceed the minimum requirements of the SEPP.

As outlined in the history, a report was considered at Council's Ordinary Meeting on 08 July 2014 regarding unit size and mix for apartment buildings. The report recommended amending the relevant DCPs to provide criteria for a mix of unit sizes and layout. It was resolved that:

The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be publicly exhibited.

The recommended controls are as follows:

Apartment Size Category	Apartment Size	Source
Type 1		
1 bedroom	50m²	Affordable Housing (SEPP 65)
2 bedroom	70m²	
3 or more bedrooms	95m²	
Type 2		
1 bedroom	65m²	Mid-Point
2 bedroom	90m²	
3 or more bedrooms	120m²	
Type 3		
1 bedroom	75m²	The Hills DCP 2012
2 bedroom	110m²	
3 or more bedrooms	135m²	

- Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- All remaining apartments are to comply with the Type 3 apartment sizes.
- No more than 25% of the dwelling yield is to comprise either studio or one (1) bedroom apartments; and
- No less than 10% of the dwelling yield is to comprise apartments with three (3) or more bedrooms.

Council resolved that the amendments be publicly exhibited.

An assessment of the proposal against the draft controls finds that 49 of the 233 units (21%) are the type 1 apartment size category, 120 of the 233 units (51.5%) are the type 2 apartment size category and 64 of the 233 units (27.5%) are the type 3 apartment size category. Of the proposed units, 12% are one bedroom.

The proposed apartment sizes are considered satisfactory as they arise from the Design Competition and the design pre-dates this resolution.

d. Parking

The proposed development requires 653 spaces with 621 spaces provided. This is a shortfall of 32 spaces. The following parking is required for the development:

	Rate	**Spaces Required**
1 bedroom unit: 29 units	1 space per unit	29
2 bedroom unit (smaller sized 95-109m2): 122 units	1.5 spaces per unit	183
2 bedroom unit (std size 110m^2 +): 52 units	2 spaces per unit	104
3 bedroom unit: 30 units	2 spaces per unit	60
Visitor Parking 1 space per 5 units		47

Commercial 2.2 spaces per 100m^2 GLFA	NA	-
Retail 4.5 spaces per 100m^2 GLFA	5110m^2	230
Total Spaces Required: 653 spaces		
Total Spaces Provided: 621 spaces		

The applicant has submitted the following justification:

As Council is aware, there have been a number of amendments that have occurred to the architectural plans during the assessment process that are of a consequence of responding to issues raised particularly by the RMS and to satisfy Council's civil engineering requirements. These amendments have resulted in the number of units and number of car parking spaces being revised compared to the dwelling yield and car parking numbers originally proposed in the development application as lodged.

As was confirmed in the latest architectural plans 1024 DA Issue J, June 2014, the total number of residential units is 233 with the following breakdown:

1 bedroom units 29 units
2 bedroom units 174 units
3 bedroom units 30 units

The total number of car parking spaces proposed is 621 parking spaces.
DFP agrees with Councils parking compliance table that was attached to your email dated 19 June 2014

As Council is aware, the subject site and subsequent development application was the subject to a design competition process which afforded greater development yields to the winning scheme. Attached to this letter is an extract of the design competition car parking assessment which indicates that 2 bedroom units should be provided with a maximum of 1.5 car parking spaces per unit. This varies from the Table provided above and Council's DCP, which requires 2 spaces per 2 bedroom units where the 2 bedroom unit is larger than 110m2. The variation between providing smaller 2 bedroom units with 1.5 parking spaces per unit and providing the 52 larger 2 bedroom units with 2 car parking spaces results in the 22 car parking space difference between what is proposed and what the DCP would otherwise require.

A Traffic report was prepared by Traffix and was submitted with the development application which provided an assessment of the car parking provided for the scheme. The Traffic report was consistent with the design competition car parking parameters being that all 2 bedroom units would be provided with 1.5 parking spaces.

The RTA's Guideline to Traffic Generating Developments indicates for Metropolitan Sub-Regional Centres that 0.9 spaces be provided per 2 bedroom unit for higher density residential flat buildings which contain 20 or more dwellings. The proposal provides more car parking spaces than the RTA guideline.

Similarly, the proposal also complies with the RTA's Guide to Traffic Generating Development for medium density residential flat buildings where the recommended minimum number of off-street resident car parking spaces is 1 space per unit, plus an additional 1 space per each 5 x 2 bedroom units or part thereof, also an additional 1 space per 2 x 3 or more bedroom units or part thereof is recommended.
This rate equates to 1.2 parking spaces per 2 bedroom units.
It is considered that the proposed car parking rate is acceptable given that the subject site is in the Baulkham Hills Town Centre and is adjacent to the M2 bus to the City and regular bus services to both Parramatta and Seven Hills Railway stations. Once the north west

railway line is commissioned, it is anticipated that bus services will be available to the Castle Hill Railway station.

DFP was not involved in the design competition process, however it is evident that the winning competition included 2 bedroom units with 1.5 spaces per unit and accordingly the development application is consistent with the design competition scheme.
It is considered that the proposal provides a satisfactory number of car parking spaces for the following reasons:

- *The number of car parking spaces provided is in excess of the RTA's Guidelines for Traffic Generating Development.*

- *The development scheme is consistent with the car parking provision included in the winning design competition scheme.*

- *The subject site is conveniently located to public transport options and the retail and commercial services within the Baulkham Hills Town Centre.*

Comment:

The relevant objective of the DCP is:

To ensure that all car parking demands generated by the development are accommodated on the site.

The site is located close to public transport with a bus service located opposite on Windsor Road. The site is also located close to the M2 and M7 transport corridors. As such this site is considered to be highly accessible.

The proposed development includes shops which will cater for the future residents. The site is also located close to Stockland Mall and other shops and commercial uses in the Town Centre. The general area also contains a variety of community uses and broader uses such as the Baulkham Hills Bowling Club and 'Bull and Bush' Inn which provide social opportunities.

The proposed mix of uses will allow an informal 'dual use' of parking spaces given the combination of residential and retail activities on the site. In this regard it is likely that customers to the retail activities will reside on site, as such reducing the need for retail parking.

In order to ensure that adequate parking spaces are available for retail customers visiting the site, a condition has been recommended which specifies the number of spaces required to be provided for each component of the use (See Condition 3).

e. Solar Access to Yattenden Crescent

The DCP requires that the proposed buildings are to be designed to ensure that adjoining residential buildings (including those on Yattenden Crescent), and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.

The proposal will have an impact on solar access to the property at 19 Yattenden Crescent. Based on aerial photographs, the existing dwelling has an area of approximately 125m^2. The site area is 727m^2. This results in a total 'yard' area of 602m^2 including both the front and rear yard. The applicant has provided figures based on a yard area of 587m^2 as follows:

Time	Area in Shadow	Percentage
9am	48m^2	8%

10am	150m^2	25%
11am	239m^2	41%
12 noon	289m^2	49%
12.30pm	363m^2	62%
1pm	569m^2	97%
2pm	610m^2	100%
3pm	610m^2	100%

Comment:

The objectives of the DCP are:

(i) To orient the development in a way that best allows for appropriate solar access and shading, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.

(ii) To maximise solar access to internal living areas and open space on the Target Site and to adjoining sites on 21 June.

(iii) To enforce the provisions of SEPP 65- Residential Flat Building Design Code in relation to all adjoining developments, including the requirements for daylight access.

(iv) To provide adequate shading to internal areas and private open space during summer.

The property at No. 19 Yattenden Crescent directly adjoins the subject site and is located to the south. The above table demonstrates that the solar access available to the private open space area is less than 4 hours. The solar access during the morning period is reasonable between 9am and 12 noon, however solar access decreases in the afternoon period.

Whilst the proposal does not meet the required 4 hours solar access, the solar access provided is considered reasonable given the location of the site in relation to the proposed development, the site specific DCP which allows a height and setbacks which could potentially create a shadow impact, and the southern location of the residential properties on Yattenden Crescent.

On the basis of the above, the proposal solar access is considered satisfactory.

f. Solar Access to the Plaza

The DCP requires that the plaza area is to receive at least three hours of sunlight between 11am and 3 pm on 21 June. The proposed plaza achieves approximately 2.5 hours of solar access.

The applicant has submitted the following justification:

Both the DCP envelope and proposal provides 2½ hours of direct sun to the plaza on 21 June. The difference between the proposal (11 storeys to the lower section of Building A) v's the DCP envelope (8 storeys to the lower section) is overlaid on DA28. The proposed 11 storeys to part of Building A is as per the winning competition scheme to fulfil the allowable FSR. (the DCP massing is insufficient: refer SK03 of competition)

Comment:

The objectives of the DCP are:

(i) To orient the development in a way that best allows for appropriate solar access and shading, to ensure energy efficient outcomes in accordance with Council's ESD objective 5.

(ii) To maximise solar access to internal living areas and open space on the Target Site and to adjoining sites on 21 June.

(i) To enforce the provisions of SEPP 65- Residential Flat Building Design Code in relation to all adjoining developments, including the requirements for daylight access.

(ii) To provide adequate shading to internal areas and private open space during summer.

The proposed sun allocation to the plaza area is reasonable given the layout and design of the proposal which is consistent with the DCP requirements. The plaza is a centrally located feature within the design and due to the height of the surrounding development some shadow impact will occur. The solar access provided to the plaza is considered appropriate for the form of the development and will provide reasonable levels of amenity for residents and customers of the centre.

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

A Design Verification Statement has been prepared. This statement has addressed the ten (10) matters for consideration under SEPP 65. The relevant rules of thumb of the Residential Flat Design Code are addressed below:

Primary Controls Part 1 – Local Context	**Guideline**	**Compliance**
Building Height	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.	Compliance with FSR provided. The height exceeds the DCP but is satisfactory. The submitted design is consistent with the Design Competition – see Section 3.
Building Depth	In general, an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day light and natural ventilation are to be achieved.	Proposed depth of some sections of the residential apartment buildings will exceed 18m. The proposal has been designed with sufficient articulation and stepping across all building facades. The proposal allows for sufficient day lighting and solar access and through the use of roof top gardens. Natural ventilation will occur throughout the site and accordingly satisfy the aim of the building depth control.
Building Separation	Design and test building separation controls in plan and section.	Adequate separation is provided between units

	9 storeys and above: 24m between habitable rooms/balconies 18m between habitable rooms/balconies and non habitable rooms 12m between non habitable rooms. 5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms Up to 4 storey: 12m between habitable rooms/balconies 9m between habitable/balconies and non-habitable rooms 6m between non-habitable	across the piazza area which allows for appropriate levels of acoustic privacy and limits views between units.
Street Setbacks	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Test street setbacks with building envelopes and street sections. Test controls for their impact on the scale, proportion and shape of building facades.	See compliance table in Section 4. Buildings are well articulated and in proportion with respect to the locality of the development.
Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	See compliance table in Section 4. Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.
Floor Space ratio	Test the desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.	The proposal satisfies the required floor space ratio of 2.97:1.
Part 2 – Site Design **Site Configuration**		

Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	31.1% deep soil zone is provided. The development has adequate stormwater detention tanks and rainwater tanks below ground to cater for run-off.
Open Space	The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brownfield sites may have potential for more than 30 percent.	35% of common open space is provided. A combination of public open space and communal open space within the developable portion of the site are designed for with facilities.
Planting on structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: Large trees such as figs (canopy diameter of up to 16m at maturity) – minimum soil volume 150 cubic metres – minimum soil depth 1.3m – minimum soil area 10mx 10m area or equivalent. Medium trees (8m canopy diameter at maturity) – minimum soil volume 35 cubic metres – minimum soil depth 1m – approximate soil area 6m x 6m or equivalent. Small trees (4m canopy diameter at maturity) – minimum soil volume 9 cubic metres – minimum soil depth 800mm – approximate soil area 3.5m x 3.5m or equivalent. Shrubs – minimum soil depths 500-600mm. Ground cover – minimum soil depths 300- 450mm. Turf – minimum soil depths 100-300mm.	Adequate site landscaping is provided.

	Any subsurface drainage requirements are in addition to the minimum soil depths.	
Site Amenity		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	Risk assessment carried out and Police have assessed the proposal and made recommendations. See Section 8.
Visual privacy	Refer to building separation minimum standard.	See above.
Site Access		
Pedestrian access	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development	Ground level entrances provided and lift access to each floor is available from all basement levels. Accessibility report submitted and satisfactory. All units are accessible by lift.
Vehicle access	Generally limit the width of driveways to a max. of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Adequate vehicle entry points are provided. In accordance with Australian Standards which will not conflict with pedestrian access.
Part 3 – Building Design		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8m from a window. The back of a kitchen should be no more than 8m from a window. Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day light and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	The single aspect units have a 8.5m depth however they achieve appropriate daylight access and ventilation and are therefore satisfactory. Satisfactory kitchen locations. Satisfactory day light and natural ventilation provided.
Apartment mix	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide,	A variety of unit sizes has been provided. The proposed unit sizes are:

	the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability) • 1 bedroom apartment 50 m^2 • 2 bedroom apartment 70m^2 • 3 bedroom apartment 95m^2	1 bedroom – 53-80m^2 2 bedroom Type 1 – 82-101m^2 2 bedroom Type 2 – 110m^2 3 bedroom Type 1–120-123m^2 3 bedroom Type 2 – 135-164m^2 Some balconies are less than the area specified in the RFDC.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Provided.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Provided.
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Satisfactory ground floor layouts provided.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).	Proposal designed to maximise residential amenity.
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: studio apartments 6m^3;	All units are provided with appropriate storage areas.

	one-bedroom apartments 6m^3; two-bedroom apartments 8m^3; three plus bedroom apartments 10m^3	
Building Amenity		
Daylight Access	Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable. Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	63% of units receive 3 hours and 71% of units receive 2 hours of sunlight. Northern orientation has been maximised. Given the location and specific development criteria for the target site in regard to FSR and design, the 2 hour criteria is considered appropriate for the site.
Natural Ventilation	Building depths, which support natural ventilation typically range from 10m to 18m. Sixty percent (60%) of residential units should be naturally cross-ventilated.	Generally unit depths are less than 18m however maximum building depth is 21m. The proposed depths are satisfactory as the development is of a scale that is consistent with the desired existing and future context. 69% of units are cross ventilated.
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW Waste Board.	Satisfactory waste management details provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Satisfactory.

The subject Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

(i) Context

The development responds and reflect the context into which it is placed. The site is located at the corner of two major roads and is close to public transport. The site has been the subject of a design competition and will form the basis of the revitalisation of the Baulkham Hills precinct. The precinct is presently dominated by one and two storey residential dwellings, two-storey townhouses and apartment developments. The context is likely to change over the coming years as further development occurs in Baulkham Hills.

(ii) Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal complies with floor space requirements. The proposal responds to the existing topography of the site within its context. The height generally ensures that the development responds to the desired future scale and character of the site. The proposed development adopts the principles found within the Development Control Plan provisions by generally maintaining the development height within the Draft LEP.

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

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

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

(iii) Built Form

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

(iv) Density

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

(v) Resources, Energy and Water Efficiency

The demolition and building construction phase will utilise appropriate waste management controls. The design achieves natural ventilation and insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

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

(vi) Landscape

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

(vii) Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) Safety and Security

The development has been designed with safety and security concerns in mind. The common open spaces and public plaza are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations (See Condition 31).

(ix) Social Dimensions

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

(x) Aesthetics

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

a. Unit and Balcony Size

The Residential Flat Design Code (RFDC) contains a unit typology table which specifies unit types and the minimum required internal and external floor area. The following variations have been identified to the external areas:

Proposed Development Unit Type	RFDC Apartment Type	RFDC Required Internal Area	Proposed Internal Area	RFDC Required External Area	Proposed External Area

2 bedroom: Building A1	3.06 2 bedroom cross through	89m^2	110m^2	21m^2	17m^2
2 bedroom: Building A4	3.06 2 bedroom cross through	89m^2	95m^2	21m^2	13m^2
3 bedroom: Building B7	3.09 3 bedroom	124m^2	155m^2	24m^2	19m^2
3 bedroom dual aspect: Building B8	3.09 3 bedroom	124m^2	120m^2	24m^2	19m^2
3 bedroom: Building D2	3.09 3 bedroom	124m^2	121m^2	24m^2	16m^2
3 bedroom: Building D7	3.09 3 bedroom dual aspect	124m^2	123m^2	24m^2	11m^2
2 bedroom: Building D11	3.06 2 bedroom cross through	89m^2	86m^2	21m^2	18m^2

The applicant has submitted the following as justification:

DFP prepared a letter dated 11 December 2013 which provided a table which assessed the proposed units against the table on page 69 of the RFDC. The table indicated that there were only small variations between the examples on Page 69 of the RFDC and the development proposal for balcony sizes and unit sizes.

The variations in relation to balcony sizes are as follows;
2 Bedroom Units - Unit type A1, A4, D11 have balconies of 17m^2, 13m^2 and 18m^2. Page 69 of the RFDC provides an example of a 21m^2 balcony.

3 Bedroom Units - Unit type B7, B8, D2, D7 are 3 bedroom units with balcony sizes of 19m^2, 16m^2 and 11m^2 respectively. Page 69 of the RFDC provides an example of a 24m^2 balcony for 3 bedroom units.

On page 72 of the RFDC detail is provided in relation to balcony requirements. Clause 03.16.B states "a 2.4m balcony is needed for a table and four chairs." The proposed units balconies have a minimum depth of 2.4m and range in area from 11m^2 to 19m^2 which allows a table and 4 chairs to be accommodated.

It is therefore considered that the proposed balconies with a minimum dimension of 2.4m provides good opportunities for tables and chairs to be accommodated on the balcony. The practical size of the balcony encourages residents to utilise these spaces to enjoy the sunlight.

The variation in relation to unit sizes is as follows:

- *Unit type B8 3 bedroom dual aspect unit is provided with a floor area of 120m^2 whereas Page 69 of the RFDC provides an example of a 124m^2 unit.*
- *Unit type D2 3 bedroom corner unit is provided with a floor area of 121m^2 where page 69 of the RFDC provides an example of a 124m^2 unit.*
- *Unit type D7 3 bedroom unit is provided with a floor area of 123m^2 where page 69 of the RFDC provides an example of a 124m^2 unit.*
- *Unit type D11 2 bedroom cross flow unit is provided with a floor area of 86m^2 where page 69 of the RFDC provides an example of an 89m^2 unit.*

The variation in unit sizes is very small and are all within 4m^2 of the RFDC examples on Page 69. This variation is negligible in the context of the floor plate of the unit and would not be perceptible. The units have open plan living dining and kitchens that assist with ventilation and sunlight penetration.

All the units listed above are either corner units or dual aspect and accordingly have good ventilation opportunities.

As shown on the front cover page of the architectural plans the proposal complies with the RFDC requirement for solar access and ventilation in high density areas of 71% of the units receiving 2 hours of sunlight at the winter solstice and 68% of the units are cross ventilated.

It is therefore considered that this submission has addressed the Rule of Thumb on Page 69 of the RFDC that the abovementioned units are provided with adequate solar access and ventilation.

Comment:

The RFDC 'Rules of Thumb' states that '*Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylighting and natural ventilation can be achieved, particularly in relation to habitable rooms'*.

The proposal provides a range of unit sizes to cater for a variety of future residents. The proposal achieves satisfactory solar access and daylight to the units and meets the required ventilation requirements.

The proposed variations to unit and balcony sizes are considered to be minor. The proposal continues to meet the minimum floor areas specified in the Rules of Thumb. In the cases of the variation to the balcony areas where the unit area complies, the units exceed the RFDC unit area requirements. In this respect the A1 2 bedroom unit has an additional floor area of 21m^2, the A4 2 bedroom unit has an additional area of 6m^2 and the B7 3 bedroom has an additional area of 31m^2. This allows additional internal area for passive recreation.

The internal unit areas which do not comply are 1m^2, 3m^2 and 4m^2 below the area specified in the unit type table however exceed the minimum floor area specified in the Rule of Thumb. The unit areas reflect a well-designed and useable unit layout.

The proposed units have been designed to have regard to the views across the surrounding suburbs and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in proximity to Yattenden Oval, Railway Street Reserve and Conie Avenue Reserve.

As such the reduced sizes of the unit areas can be accommodated by common open spaces provided within the development and open space in close proximity to the site.

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings'* states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code. The apartment sizes all exceed the minimum requirements of the SEPP.

As such the proposal is considered satisfactory and can be supported.

7. Impact on Remaining Retail Properties fronting Seven Hills Road and Right-of-Way

The development site 'wraps around' four existing retail properties fronting Seven Hills Road (See Attachment 1). The DCP has identified that these sites ('Site 2') can be developed separately and states as follows:

The Target Site consists of Sites 1 & 2, determined on the pattern of ownership. Site 2 consists of Nos. 4 - 8 Seven Hills Road and also benefits from the right of way over No. 2 Seven Hills Road. Site 1 consists of all other land in the Target Site.

A submission was received from the one of the property owners in Site 2 who raised the following concerns (summarised):

a. Impact on the existing right of way over 2 Seven Hills Road which gives access to the rear of the shops and to the parking area.

b. Excavation may cause subsidence of the existing shops.

c. Impact on existing shops during the construction period, including from trucks, noise and dust.

d. Comment that the development would have been 'enhanced' by the incorporation of the existing shops into the development site.

Comment:

The DCP envisages that Sites 1 and 2 may be developed as separate sites. The following development controls are included in the DCP:

(a) Site 1 consists of Lot 21 DP 588810, No 2 Seven Hills Road, Lot 1 DP 619055, Nos 346 - 350 Windsor Road, Lot 18 DP 659904, No. 344 Windsor Road, and Lot 9 DP 28197, No. 27 Yattenden Crescent. Site 2 consists of Lots 2, 3 and 4 DP 216713, Nos 6 - 8 Seven Hills Road and Lot 22 DP 588810, No 4 Seven Hills Road and benefits from an existing right of way.

(b) Development on the site must demonstrate that in the development of either site, that Site 1 and 2 will be compatible in design and function, particularly with regard to the uses of the podium and vehicular and pedestrian access.

(c) Development either site must not restrict or adversely impact upon the ability of the other site to function or develop to its envisaged potential.

The Deposited Plan shows that an existing right-of-way (ROW) benefitting the properties at Nos. 2-8 Seven Hills Road exists over No. 2 Seven Hills Road. The right-of-carriageway provides vehicles access down the existing access driveway from Seven Hills Road to the rear of the shops and allows access into rear storage/loading areas and the lower ground floor. The Deposited Plan does not allow for a legal use of the main carparking area.

The applicant was requested to address the orderly development of the site given the non-inclusion of Site 2 into the applicant and advised that Site 2 is not included in the DA as the site is under separate ownership and the applicant was not able to purchase the site. The applicant comments that the DCP has divided the key site into two separate development areas in recognition of this fact. The applicant also stated that there is an easement which allows access to Site 2 and that vehicle access to the right-of-way is preserved. Upon development of Site 2, the right-of-way can be extinguished and this area used for common open space.

Council's Engineer has reviewed the proposal in regard to the ROW and has raised no objection to the proposal in respect to maintaining access. A condition has been recommended to ensure that access along the ROW is maintained at all times during the construction period and on-going and that the levels of the ROW are maintained (See Condition 29).

In regard to the concerns regarding subsidence, a condition of consent has been recommended which requires that earthworks are carried out in a manner to not cause impact to adjoining public and private assets (See Conditions 37, 56 and 92).

It is acknowledged that there will be some disruption to the existing shops due to the adjoining construction. This includes a limitation on parking given that carparking area to the rear of the existing shops will be no longer be available for use. In respect to the amenity impacts from truck access, dust and noise, conditions of consent have been recommended in regard to noise and dust impacts during the construction period (See Conditions 75, 76, 77 and 78). Hoarding will also be required around the development site to limit visual impact and protection from dust impact. In regard to truck access, trucks will be accessing the site during the construction period as expected with a development of this nature.

8. Public Authority Comments

The proposal was referred to the RMS and Castle Hill Police for review and comment.

a. RMS Comments

The proposal was referred to RMS under the provisions of SEPP Infrastructure 2007 as the proposal provides more than 200 car parking spaces. The proposal also includes direct access to the site from Windsor Road, and access to/from Windsor Road and Seven Hills Road which is in close proximity to the traffic signals.

The RMS raised no objection to the proposal subject to the following requirements (summarised):

i. The deceleration lane on Windsor Road is to be designed to meet RMS requirements.

ii. Any realignment required to the boundary to facilitate the construction of the deceleration lane/footway is to be dedicated at no cost to RMS.

iii. The existing median on Seven Hills Road is to be extended to restrict site access to left in/left out.

iv. The developer is responsible for all public utility adjustment and signage relocation works.

v. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment.

vi. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Windsor Road or Seven Hills Road in the vicinity of the site.

vii. A Road Occupancy License should be obtained for any works that may impact on traffic flows on Windsor Road or Seven Hills Road during construction activities.

vii. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and RMS for determination prior to the issue of a construction certificate.

viii. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

ix. Should the post development storm water discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the RMS for approval, prior to the commencement of works.

x. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

xi. The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable materials and comply with requirements of Clause 102 - (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

xii. All vehicles are to enter and leave the site in a forward direction.

xiii. The required sight lines to pedestrians or other vehicles in or around the car park or entrance are not to be compromised by landscaping, signage, fencing or display materials. The marked pedestrian crossing across the driveway on Windsor Road shall be removed.

xiv. All works, including the relocation of any directional signs associated with the proposed development are to be at no cost to the RMS.

A condition has been recommended with RMS requirements (See Condition 30).

b. Police Comments

The proposal was referred to the Castle Hill Police in accordance with council's Protocol between the Police and Council. The following comments were provided:

i. Natural surveillance of the publicly accessible areas and common areas is to be maintained. Physical barriers are to be used where appropriate to secure the property from trespassers.

ii. Landscape areas are to be maintained at all times in order to minimise concealment and entrapment opportunities. Only low level planting is permitted near residential pathways.

iii. Bicycle parking spaces for public use is to be visible where possible. The residential bicycle storage area is to be a lockable.

iv. Lighting for all areas is required to meet minimum Australian Standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, carpark and access

driveways. Transition lighting is to be used to reduce vision impairment ie: when walking from dark to light places.

v. CCTV is required to be installed to monitor the common open space areas, access/exit driveways, entrances to the residential unit blocks and the loading docks. The CCTV cameras installed are required to be able to zoom in on a person of interest without loss of focus.

vi. If the triangular stairwell is enclosed at any time, vandal resistant mirrors are to be installed to prevent blind spots.

vii. Physical and symbolic barriers are to be used throughout the Town Centre to make it clear where people are permitted to go or not go.

viii. All areas are to be maintained at all times, including the rapid repair of vandalism and graffiti, the replacement of pedestrian lighting and general site cleanliness.

ix. The design of the security shutter doors to the carparking areas is to include a solid area near the manual door release to reduce opportunity for unauthorised access. Security shutter doors are to be strong and have a good quality locking device.

x. The developer is to consider installing alarms systems in the garages/storages areas which are connected to the relevant unit.

xi. Police recommend separate shutters restricting access to each of the basement levels and the use of an intercom system as well as a swipe card system to restrict both pedestrian and vehicle access. It is also recommended that all residents are allocated visitor access cards to provide temporary activation of security shutters to the basement areas and lobbies by authorised visitors.

xii. Access is to be restricted to the pool and gym area.

xiii. The final design is to ensure that outer ledges on balconies do not provide anchor points for ropes to limit the potential for unauthorised access.

xiv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

A condition has been recommended with Police requirements (See Condition 31).

9. Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners. There was one submission received in support of the proposal, five separate submissions and a petition signed by 27 persons received in objection.

The submission received in support of the proposal stated as follows:

- Strongly supports the proposed development;
- The proposed development would reinvigorate the area, promoting investment in the surrounding retail precinct and a general upgrading of the surroundings; and
- The development can only be beneficial to the area.

ISSUE	COMMENT	OUTCOME
Increase in traffic and delays, particularly during peak periods.	The proposed development will contribute to traffic flow in the area, however road works included in the proposal will assist. In addition, the future signalisation of the Arthur Street/Seven Hills Road intersection will improve traffic access for residents.	Issue addressed.

The intersection of Windsor Road and Seven Hills Road is already at capacity and is operating in an unsatisfactory manner.	Council's Principal Traffic and Transport Co-ordinator has reviewed the proposal and raises no objection to the traffic generated by the development in relation to this intersection.	Issue addressed.
Difficulty accessing properties due to central median strip and delays with current traffic situation.	The central median strip on both Windsor Road and Seven Hills Road ensure safety and traffic separation. It is acknowledged this may result in longer trips for residents to access properties.	Issue addressed.
Current parking impacts in Yattenden Crescent from commuter parking. Access to the site from Yattenden Crescent will exacerbate this situation.	It is acknowledged that commuter carparking currently occurs in Yattenden Crescent which impacts on traffic flow. The proposed works to widen Yattenden Crescent will assist in traffic flow. Council staff are currently investigating additional commuter parking areas in Torrs Street and in close proximity to Railway Street. Adequate resident and retail/commercial parking is provided in the development in accordance with the DCP.	Issue addressed.
Additional traffic on Yattenden Crescent will create further noise, increase in vehicle emissions, impact on local/public health, discomfort and danger to existing residents. This will impact on property owners and decrease their enjoyment and comfort.	The increase in traffic on Yattenden Crescent and resultant increases in emissions are considered reasonable. The site is identified for a higher form of development and will not unreasonably impact on public health or create an unsafe environment.	Issue addressed.
Additional traffic in Yattenden Crescent which is passing private residences.	The proposed increase in traffic on Yattenden Crescent is 385% however this is 35% of the environmental capacity of the road. The proposal has been reviewed by Council's Principal Traffic and Transport Co-ordinator and no objection has been raised to proposed traffic generation.	Issue addressed.
The current access to the existing shops does not enter residential streets.	The proposal will provide access to Windsor Road, Seven Hills Road and Yattenden Crescent in accordance with the DCP requirements. It is acknowledged that the current vehicle access to the existing shops are from Windsor Road and Seven Hills Road.	Issue addressed.
Request that vehicle access to the site not be from Yattenden Crescent.	The proposal will provide access to Windsor Road, Seven Hills Road and Yattenden Crescent in accordance with the DCP requirements.	Issue addressed.
Construction work and associated parking will result in commuter parking impacting on other streets.	It is acknowledged that construction parking will occur in Yattenden Crescent given the limitation of vehicle access due to frontage to two classified roads which will displace the commuter parking. This impact will occur for the period of the construction works.	Issue addressed.
Impact from large trucks	Heavy vehicles will be required for the	Issue

required to build the development.	construction works. This impact will occur for the period of the construction works.	addressed.
Need for traffic lights at Arthur Street intersection with Seven Hills Road as this is a 'black spot'.	The applicant is required to provide a monetary contribution for the signalisation of the intersection. It is proposed that the signalisation will occur in the 2014/2015 financial year.	Condition imposed – see Condition 33.
Increased traffic and parking on Yattenden Crescent by potentially more than 500 vehicles and hundreds of customers parking on the road. The traffic will increase by 200% or more.	The proposed increase in traffic on Yattenden Crescent is 385% however this is 35% of the environmental capacity of the road. The proposal has been reviewed by Council's Principal Traffic and Transport Co-ordinator and no objection has been raised to proposed traffic generation.	Issue addressed.
Impact on access to Yattenden Crescent by emergency vehicles.	Yattenden Crescent will continue to be a trafficable public road and will be available for access by emergency vehicles.	Issue addressed.
Council will be held liable if the traffic hazard results in death or injury to a local resident.	Should a traffic incident occur this is a matter for the Police.	Issue addressed.
Increase in noise in the area due to increased population.	The proposed development, when completed, is unlikely to create an unreasonable noise impact. Should noise impacts occur and a complaint be received, the matter will be investigated at that time.	
The development 'does not comply with the current community architecture' due to its height and visual impact.	The subject site has been identified as a Target Site and is subject to site specific development controls and a Design Excellence Competition. The proposed height and external design is considered satisfactory.	Issue addressed.
Impact on the remaining retail properties fronting Seven Hills Road which are not part of the development site.	These matters have been addressed in Section 7.	Issue addressed.
Shadow impact to adjoining residential properties. This will impact on outdoor use of yards and will impact on the ecosystem of flora and fauna.	The proposed shadow impact to adjoining residential properties has been reviewed and is reasonable.	Issue addressed.
Request that the height of the proposal be reconsidered.	The proposed height is generally consistent with the Design Competition. At the time of lodgement of the application LEP 2005 was in force which contained no height limitations. The proposed height exceeds the DCP control and this has been addressed in Section 4 above and is considered satisfactory.	Issue addressed.
Size and height of the proposal is excessive and is larger than other surrounding development.	The proposed height is generally consistent with the Design Competition and achieves the DCP requirements for a 'landmark' development in this location. It is acknowledged that the size and height exceeds the current development form in	Issue addressed.

	Baulkham Hills however is considered reasonable.	
Loss of privacy.	The proposal will result in additional opportunity for privacy impacts given the height and balcony areas provided, however these impacts are considered reasonable.	Issue addressed.
Devaluation of properties. Council will be held liable if this occurs.	There has been no evidence submitted to indicate that devaluation of properties will occur. This is not a planning consideration.	Issue addressed.

TRAFFIC MANAGEMENT COMMENTS

a. Existing Traffic Environment

This application proposes construct a mixed use facility at 346-350 Windsor Road, Baulkham Hills comprising 29 x 1 bed, 174 x 2 bed, 30 x 3 bed apartments with 5013m^2 of commercial including a 1900m^2 supermarket, 1185m^2 bulky goods and 388m^2 retail floor space. Vehicular access is split into heavy and light vehicles with all heavy vehicle access apart from residential waste collection proposed from Windsor Road via an RMS approved left in left out slip lane arrangement and light vehicles proposed to enter and exit via Seven Hills Road/Arthur Street and Yattenden Crescent.

The existing retail use of the site currently generates around 125 peak hour vehicle trips via the existing 11.0m wide two way driveway on Windsor Road and a 7.0m wide two way driveway on Seven Hills Road. The site also comprises a single residential property currently having access onto Yattenden Crescent.

A traffic report was initially prepared by Traffix in 2011 and is still considered relevant as the residential unit numbers and mix is principally the same (1 less two bedroom unit total of 233 instead of 234) with only a minor reduction in specialty retail floorspace from 5110m^2 to 5013m^2. A second more recent traffic report has also been prepared by Thompson Stanbury Associates, however this report concentrates mainly on the proposed access arrangements off Windsor Road.

Existing Traffic Environment

	Location	Traffic Volumes (vehicles)		
		AM Peak Hour	PM Peak Hour	Daily
Subject Street	Yattenden Crescent, east	28	28	280
Subject Street	Yattenden Crescent, west	28	28	280
Subject Street	Arthur Street	233	233	2330
Arterial Road	Seven Hills Road, west of Windsor Road	-	-	24,750*
Arterial Road	Windsor Road south of Seven Hills Road	-	-	47,589*

* RTA AADT figure for 2002

Existing Development - Traffic Generation

Traffic Study Submitted	Traffix
Existing Description	Retail/Commercial
Development Traffic Generation - PM Peak Hour - Daily	 125 vehicles/hour 1250 vehicles/day

Proposed Development - Traffic Generation

Traffic Study Submitted	Traffix
Proposed Description	Residential/Retail/Commercial
Development Traffic Generation - PM Peak Hour - Daily	 360 vehicles/hour 3600 vehicles/day
Net additional traffic distributed to road network - PM Peak Hour - Daily	 235 vehicles/hour 2350 vehicles/day

Cumulative Impact in Locality

Traffic Movements	**Environmental Capacity**	**Existing**	**Proposed Increase**	**% Increase**	**Traffic Outcome Compared to EC**
Yattenden Crescent					
Vehicle Movements Peak Hour	305	28	80	385%	35%
Vehicles Per Day	3050	280	800	385%	35%
Arthur Street					
Vehicle Movements Peak Hour	305	233	80	34%	103%
Vehicles Per Day	3050	2330	800	34%	103%

Whilst the overall increase in the traffic volume in Yattenden Crescent is significant compared to the existing use, the environmental deficiency index remains within acceptable limits and the improved traffic facilities identified when implemented will mitigate any adverse effects of the increase.

b. Proposed Development - Traffic Generation

The traffic report identifies that the residential component of the proposed development, based RTA Guidelines for high density residential of 0.29 trips/unit will generate a maximum of 67 peak hour trips (233 X 0.29) in the AM peak hour comprising of 13 vehicles arriving and 54 departing the site and the reverse applying in the PM with 54 arriving and 13 departing.

The Traffix traffic report has presented valid arguments for minor discounting of the RMS guideline rates of the non-residential components due to the combined trip nature of the proposal. The total trip generation for the previous 5,110m^2 of non-residential equates to 363vehicles/hour (203 in and 160 out) in the PM peak. As a result of the slight reduction in the specialty retail floorspace by 97m^2 for a combined total of 5013m^2 the expected PM peak generation will now be reduced to 360 vehicles/hour (201 in and 159 out). The existing retail developments on the site generates 125 vehicles/hour in PM peak resulting in an overall net increase required to be distributed to the road network of 235 vehicles/hour (134 in and 101 out).

The proposed development has multi vehicle access therefore the consultant has assigned the trip distribution as follows:-

Arrivals

- 60% from the south via Windsor Road
- 20% from the north via Old Northern Road
- 20% from the west via Seven Hills Road/Arthur Street

Departures

- 60% to the north or west via Seven Hills Road
- 30% to the north via Arthur Street-Seven Hills Road-Windsor Road/Old Northern Road
- 10% to the south via Yattenden Crescent and Arthur Street

As the driveway off Windsor Road is limited to heavy vehicles access only, 80% of the arriving 134 vehicles/hour (107 vehicles/hour) in the PM peak will utilize the left in/left out Seven Hills Road driveway access. The remaining 20% (27 vehicles/hour) of arriving vehicles approaching from the west will utilize Arthur Street/Yattenden Crescent access. Of the 101 vehicles/hour departing the site the majority 80% (80 vehicles/hour) will be required to use the Yattenden Crescent/Arthur Street access due to the left turn only restriction of the Seven Hills Road driveway.

c. Cumulative Impact in Locality – Windsor Rd/Arthur St/Yattenden Cres

There are no Environmental Capacity (EC) calculations undertaken for Windsor Road due to the classification as a State Arterial road. The additional traffic expected to be generated from the proposed development will not significantly alter the service levels of nearby signalized intersections or the operation of the surrounding state road network. Refer comments below concerning infrastructure improvements required in Windsor Road, Seven Hills Road, Arthur Street and Yattenden Crescent.

d. Traffic egress/ingress to arterial/sub-arterial roads

The only direct vehicular access to a State Arterial is via Windsor Road. This access is restricted to heavy vehicles only and is left in/left out by virtue of a central concrete median. A substantial left turn deceleration/acceleration is also proposed that will minimize the impact of slowing vehicles on through traffic in Windsor Road

At present the driveway access onto Seven Hills Road permits right turn movements both into and out of the site. Part of this proposal provides for an extension of the existing concrete island to restrict movements to left in/left out only.

e. Sight distance and other safety issues

The available sight distance for vehicles entering and leaving the site via the proposed Windsor Road and Seven Hills Road access is within acceptable limits for the anticipated traffic speeds. Yattenden Crescent is a relatively narrow 7.8m wide local residential street that sustains reasonably high levels of demand for commuter parking. Existing traffic flows are relatively low however is restricted to one direction at a time when vehicles are parked on both sides of the road. As referred in the traffic consultant's report the applicant proposes to construct a roundabout at the Yattenden Crescent access and widen the carriageway of Yattenden Crescent by 1.7m to maintain acceptable accessibility standards.

These concessions would appear to be as a result of previous communication between Council's Manager Traffic and Transport and the applicant in 2008. Part of this communication is referred below:-

"The proposed development represents a significant increase in traffic volume in Yattenden Crescent but the environmental deficiency index remains within the acceptable limit (<1). However, according to Council's analysis on the environmental capacity for residential streets, when the environmental deficiency index (EDI) is within 0.65 – 1

range, traffic calming measures are required to increase the environmental capacity of the local road. The impact on Arthur St is a concern but the provision of the traffic facilities listed below will substantially mitigate the issue. The following traffic facilities are therefore recommended:

1. *provision of a roundabout at the intersection of Yattenden Crescent and Arthur St*
2. *provision of Traffic Control Signals (TCS) at Arthur Street and Seven Hills Road*
3. *access control (roundabout) in Yattenden Crescent at the driveway entrance to the development*
4. *widening of Yattenden Crescent from 7.8m to 9.5m along its full length*
5. *pedestrian safety and the local amenity must be improved with the provision of concrete footpath along the full length of the northern side of Yattenden Crescent and the eastern side of Arthur St to Seven Hills Rd, with appropriate pedestrian crossing facilities.*

Point 4 above is justified because Yattenden Cres would be re-categorized from local road to a collector road in Council's road hierarchy due to the higher traffic volumes. The minimum width for a collector road would be 9.5m. This width would provide satisfactory access for both the proposed development and the existing residences, however all parking would be removed along the full length of the northern side of Yattenden Cres. It should be noted that the land on the northern side of the road is zoned 2(a)2 while the land on the southern side is 2(b). This restriction would still permit parking along the full length of the southern side of Yattenden Cres together with a traveling lane in each direction.

The additional 1.7m of road pavement should be built along the northern side of Yattenden Cres to minimize costs associated with power pole relocation on the southern side of the road. However this widening will result in a residual footpath reservation of approximately 2m. Council's standard footpath reservation width is 3.5m and the shortfall of 1.5m should be a requirement for future road dedication as development of the 2(a)2 zone occurs. In the interim, the 2m footpath reservation would be full width concrete at the cost of the proposed development."

The intersection of Seven Hills Road and Arthur Street will be signalized as part of Council's 2014/2015 Capital Works Program.

f. Recommendations

When having regard to the above there are no objections to the proposal in terms of traffic impact provided the following improvements are listed for inclusion as conditions of consent:-

1. The applicant to enter into a Works Authorisation Deed (WAD) with the RMS to enable the construction of a left turn deceleration/acceleration lane in Windsor Road in accordance with the details provided in the Thompson Stanbury report and extending the existing concrete median island in Seven Hills Road to restrict access to left in/left out only.

2. The applicant to enter into a WAD with Council to enable the construction of a roundabout in Yattenden Crescent at the proposed access driveway and widening the carriageway on the northern and eastern side of Yattenden Crescent between Arthur Street and Charles Street by 1.7m.

3. The provision of a 2.0m wide full width concrete footpath along the full length of the northern and eastern side of Yattenden Crescent between Arthur Street and Charles Street and extending along the eastern side of Arthur Street between Yattenden Crescent and Seven Hills Road.

4. Payment of the appropriate Section 94 Contributions towards the cost of the traffic signals at the intersection of Arthur Street/Seven Hills Rd and the roundabout at the intersection of Arthur Street/Yattenden Crescent.

See Conditions 30, 33 and 43.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HERITAGE COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to the DCP Part E Section 24 – Target Site – Corner of Windsor Road and Seven Hills Road, Baulkham Hills in respect to height, setbacks, unit size and mix and solar access. In addition, variations are also proposed SEPP 65 – Design of Residential Flat Buildings in relation to unit and balcony area.

The proposal has been the subject of a Design Competition. The design is consistent with the Design Competition.

The issue raised within the submissions have been reviewed and addressed within the report. The issues raised do not warrant refusal of the application.

The proposal is satisfactory and is recommended for approval.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of units sizes and layouts within the Baulkham Hills Town Centre location.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA00 Issue J	Drawing List, Context and Summary	June 2014
DA01 Issue A	Site Analysis and Demolition Plan	November 2011
DA02 Issue F	Site, Roof and Height Plan	February 2014
DA03 Issue F	Ground Floor Plan	February 2014
DA04 Issue E	Level 01 Plan	November 2013
DA05 Issue E	Level 02 Plan	November 2013
DA06 Issue E	Level 03 Plan	November 2013
DA07 Issue E	Level 04 Plan	November 2013
DA08 Issue E	Level 05 Plan	November 2013
DA09 Issue E	Level 06 Plan	November 2013
DA10 Issue E	Level 07 Plan	November 2013
DA11 Issue E	Level 08-10 Typical Plan	November 2013
DA12 Issue E	Level 011-14 Typical Plan	November 2013
DA13 Issue F	Lower Ground Floor Plan	February 2014
DA14 Issue G	Basement 01 Plan	February 2014
DA15 Issue G	Basement 02 Plan	February 2014
DA16 Issue H	Basement 03 Plan	April 2014
DA17 Issue G	Basement 04 Plan	February 2014
DA18 Issue H	Basement 05 Plan	February 2014
DA19 Issue E	Sections A + B	November 2013
DA20 Issue E	Sections C + D	November 2013
DA21 Issue E	Section E + Windsor Road Elevation	November 2013
DA22 Issue G	Seven Hills Road + West Elevation	April 2014
DA23 Issue E	South East Elevation + External Finishes	November 2013
DA24 Issue C	Shadow Diagrams: 21st June	February 2013
DA25 Issue B	Shadow Diagrams: 21st December	October 2012
DA27 Issue B	Setback Plans	February 2013
LS01-DA	Landscape Plan Ground Floor	07/03/13 Issue B
LS02-DA	Landscape Plan Roof Levels	16/12/11 Issue A

5776/02	Plan showing Details and Levels Sheet 1 of 7 Sheets	24/1/02
5776/02	Plan showing Details and Levels Sheet 5 of 7 Sheets	24/1/02
5776/02	Plan showing Details and Levels Sheet 6 of 7 Sheets	24/1/02
5776/02	Plan showing Details and Levels Sheet 7 of 7 Sheets	24/1/02
---	Photomontages (4 Sheets)	Lodged with Council 05/06/2012

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

2. Floor Area
The floor area of the retail component is limited to a gross leaseable floor area of 5110m^2.

3. Parking Spaces
The provision and maintenance thereafter of the following parking spaces on the subject site:

- 225 retail spaces;
- 350 resident spaces;
- 46 visitor spaces;
- 14 bicycle spaces;
- 6 retail loading bays; and
- 13 motor cycle spaces.

4. No Dual Key Units
No dual key units are permitted within the development.

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

6. Separate application for signs
A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

7. 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.

8. 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.

9. Tree Removal
Approval is granted for the removal of trees as shown Landscape Plan Ground Floor prepared by Melissa Wilson Landscape Architects dated 7/03/2013.

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

10. Separate Application for Strata Subdivision
A separate application must be submitted for any proposed strata titled subdivision of the approved development.

11. 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.

12. 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.

13. Vehicular Access and Parking

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

a) AS/ NZS 2890.1:2004

b) AS/ NZS 2890.6:2009

c) AS 2890.2:2002

d) DCP Part C Section 1 – Parking

e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.

iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.

iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

14. Gutter and Footpath Crossing Application

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

15. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisor's 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.

16. 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.

17. Street Trees

Street trees and tree guards must be provided for the section of Yattenden Crescent fronting the development site. The location of street trees must compliment driveway

locations. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

18. Road Opening Permit

Should the development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate 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.

19. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

20. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by SL Consulting Australia Pty Ltd, referenced as 610.07939.05605-R1, dated 6 December 2011 and submitted as part of the Development Application are to be implemented as part of this approval.

21. Adherence to 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. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

22. Garbage Storage Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

23. Waste Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

i) provided with a hose tap connected to the water supply;
ii) paved with impervious floor materials;
iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

24. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area on site at all times, prior to its reuse on site or being sent off site. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved off site must be transported to a place that can lawfully be used as a waste facility or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timber, masonry products, clean waste plasterboard and mixed plastics and cardboard. This can be achieved by source separation on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

25. Surplus Excavated Material

The disposal of surplus excavated material, other than to facilities that can lawfully receive such waste, is not permitted without formal approval from Council prior to the commencement of works on site. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Receipts of excavation material tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

26. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days prior to occupancy of the development. The service is to be arranged by telephoning Council on (02) 9843 0310. All requirements of Council's waste collection service must be complied with at all times.

27. Domestic Waste Management

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 49 x 660ltr bulk garbage bins collected weekly and 117 x 240ltr recycling bins collected fortnightly.

28. Property Numbering

The responsibility for property numbering is vested solely in Council.

The primary property address Proposed **Common Property** for this development is: -

2 Seven Hills Road Baulkham Hills

Retail Numbering (Due to individual retail space size that has not been determined)

Building A in the 300 series numbering / 2 Seven Hills Road Baulkham Hills

Building B in the 400 series numbering / 2 Seven Hills Road Baulkham Hills

Building C in the 500 series numbering / 2 Seven Hills Road Baulkham Hills

Building D in the 600 series numbering / 2 Seven Hills Road Baulkham Hills

Street and Postal addresses - Residential

Building A - Units 1-84/2 Seven Hills Road Baulkham Hills

Building B – Units 85-145/344 Windsor Road, Baulkham Hills NSW 2153

Building C – Units 146-182/27 Yattenden Crescent Baulkham Hills NSW 2153

Building D – Units 183-233/27 Yattenden Crescent Baulkham Hills NSW 2153

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

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

29. Design Levels – Right of Carriageway

The existing levels of the driveway from Seven Hills Road must be maintained throughout all phases of the development to ensure the right of way benefiting the adjoining properties to the north west of the development site is accessible.

30. RMS Requirements

The following is required by the RMS, unless otherwise agreed by the RMS and Council in writing:

a. The proposed deceleration lane along Windsor Road shall be designed to meet RMS's requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by Council and commencement of road works.

   The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that WAD will need to be executed prior to RMS's assessment of the detailed civil design plans.

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

b. Any realignment of boundary to facilitate the construction of deceleration lane/footway must be dedicated as road at no cost to RMS.

c. The existing median on Seven Hills Road shall be extended to restrict site access to left in/left out movements only.

d. The developer shall be responsible for all public utility adjustment and signage relocation works necessitated by the above works.

e. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001 .

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

   The report and any enquiries should be forwarded to:
   Project Engineer, External Works
   Sydney Asset Management
   Roads and Maritime Services
   PO Box 973 Parramatta CBD 2124.
   Telephone 8848 2114
   Fax 8849 2766

   If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

f. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Windsor Road or Seven Hills Road in the vicinity of the site.

g. A Road Occupancy License should be obtained from TMC for any works that may impact on traffic flows on Windsor Road or Seven Hills Road during construction activities.

h. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and RMS for determination prior to the issue of a construction certificate.

i. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

j. Should the post development storm water discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the RMS for approval, prior to the commencement of works.

Details should be forwarded to:
Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

k. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

l. The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable materials and comply with requirements of Clause 102 - (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

m. All vehicles are to enter and leave the site in a forward direction.

n. The required sight lines to pedestrians or other vehicles in or around the car park or entrance are not to be compromised by landscaping, signage, fencing or display materials. The marked pedestrian crossing across the driveway on Windsor Road shall be removed.

o. All works, including the relocation of any directional signs associated with the proposed development are to be at no cost to the RMS.

31. NSW Police Service Requirements

The following conditions are required by the NSW Police Service or as otherwise agreed by the NSW Police and Council in writing:

i. Natural surveillance of the publicly accessible areas and common areas is to be maintained. Physical barriers are to be used where appropriate to secure the property from trespassers.

ii. Landscape areas are to be maintained at all times in order to minimise concealment and entrapment opportunities. Only low level planting is permitted near residential pathways.

iii. Bicycle parking spaces for public use is to be visible where possible. The residential bicycle storage area is to be a lockable.

ii. Lighting for all areas is required to meet minimum Australian Standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, carpark and access driveways. Transition lighting is to be used to reduce vision impairment ie: when walking from dark to light places.

iii. CCTV is required to be installed to monitor the common open space areas, access/exit driveways, entrances to the residential unit blocks and the loading docks. The CCTV cameras installed are required to be able to zoom in on a person of interest without loss of focus.

iv. If the triangular stairwell is enclosed at any time, vandal resistant mirrors are to be installed to prevent blind spots.

v. Physical and symbolic barriers are to be used throughout the Town Centre to make it clear where people are permitted to go or not go.

vi. All areas are to be maintained at all times, including the rapid repair of vandalism and graffiti, the replacement of pedestrian lighting and general site cleanliness.

vii. The design of the security shutter doors to the carparking areas is to include a solid area near the manual door release to reduce opportunity for unauthorised access. Security shutter doors are to be strong and have a good quality locking device.

viii. The developer is to consider installing alarms systems in the garages/storages areas which are connected to the relevant unit.

ix. Police recommend separate shutters restricting access to each of the basement levels and the use of an intercom system as well as a swipe card system to restrict both pedestrian and vehicle access. It is also recommended that all residents are allocated visitor access cards to provide temporary activation of security shutters to the basement areas and lobbies by authorised visitors.

x. Access is to be restricted to the pool and gym area.

xi. The final design is to ensure that outer ledges on balconies do not provide anchor points for ropes to limit the potential for unauthorised access.

xii. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

32. Public Domain Works

The public domain works to be provided along the frontages of Windsor Road and Seven Hills Road shall be in accordance with the vision established for the public realm within the Baulkham Hills Town Centre. A schedule of materials, colours, finishes and location of public domain improvements including (but not limited to) paving, bins, seating and banner poles shall be submitted to the Manager Infrastructure Projects for approval.

33. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **$929,104.25** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

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

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

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

34. 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.

35. Design Verification

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

36. Further Acoustic Details

Prior to Council issuing the Construction Certificate the applicant is to provide an updated acoustic report which makes an assessment of the mechanical equipment that has been selected to service the development. The mechanical equipment includes but is not limited to any mechanical extraction proposed for the basement car parks and any common air conditioning units.

The report must demonstrate, to the satisfaction of an Authorised Officer of Council's Environment and Health Team that any mechanical equipment proposed for this development will not cause a nuisance to the future residents of this development and the neighbouring properties.

37. Excavation / Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.

- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

38. Onsite Stormwater Detention & Water Sensitive Urban Design Elements

Combined Onsite Stormwater Detention (OSD) system and Water Sensitive Urban Design Elements are required to be provided with the development.

The detailed design must be substantially in accordance with the Stormwater Concept plan prepared by Engineering Studio Civil & Structural Drawings 14136: C03.01 & C03.02 Revision B dated 14/04/2014.

The OSD must be in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The WSUD elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, http://www.wsud.org/tools-resources/index.html
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, http://www.ncwe.org.au/arq/

The stormwater concept plan is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and shall include:

a) WSUD elements as per the MUSIC Model, minimum of:
   - 153kL Rainwater Tank;
   - Two StormFilters; and
   - 8 Enviropods.

b) WSUD elements design to include detailed and representative longitudinal and cross sections of the proposed infrastructure.

c) The design must be accompanied, informed and supported by detailed water quality and quantity modeling and must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:
   - 90% reduction in the annual average load of gross pollutants
   - 85% reduction in the annual average load of total suspended solids
   - 65% reduction in the annual average load of total phosphorous
   - 45% reduction in the annual average load of total nitrogen

   All model parameters and data outputs are to be provided.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the stormwater system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the stormawater system can be issued by Council subject to the following being provided:

i. A completed application form;
ii. Four copies of the design plans and specifications;
iii. Payment of the applicable application and inspection fees.

39. Stormwater Pump/ Basement Car Park Requirements

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

a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;

b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design 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 along with the remaining site runoff, under gravity.

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

40. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

41. 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 $32,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of $30.00 per square metre based on the public road frontage of the subject site 65m plus an additional 50m on either side 165m or the width of the road measured from face of kerb on both sides 6.5m.

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

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

42. 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 amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

43. Engineering Works and Design

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

a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:

   a) A completed application form.

   b) Four copies of the design plans and specifications.

   c) Payment of the applicable application and inspection fees.

   d) Payment of any required security bonds.

2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

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

i. Road and Drainage Works – Windsor Road & Seven Hills Road

Submission of a set of construction plans endorsed by the RMS for the road and associated drainage works along Windsor Road required under the consent.

ii. 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.

iii. Round About Construction

Detailed engineering drawings of the proposed roundabout on Yattenden Crescent across the frontage of the site prepared by a certified practicing engineer must be submitted. Design details must be to the requirements of Council.

iv. Partial Width Road Reconstruction - Yattenden Crescent Road Widening

The carriageway of Yattenden Crescent is required to be widened 1.7 metres on the northern and eastern side of Yattenden Crescent between Arthur Street and Charles Street. This includes any necessary service adjustments and ancillary work required to make the construction effective.

The road widening must be generally in accordance with the Site Plan drawing 1024 DA02 Issue F.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements of a full width of the road. The development is responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of the road pavement to transition into the existing road pavement opposite to provide for a total carriageway as per the drawing DA02. Additional pavement reconstruction may be necessary to provide for this carriageway width.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with Council's requirements.

v. Footpath (Driveway) Crossing Design Requirements

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

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

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

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

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. Concrete Footpath Paving

A full width concrete footpath paving, including access ramps at all intersections, must be provided across the street frontages Windsor Road and Seven Hills Road of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents.

The provision of a 2m wide full width concrete footpath along the full length of the northern and eastern side of Yattenden Crescent between Arthur Street and Charles Street and extending along the eastern side of Arthur Street between Yattenden Crescent and Seven Hills Road. This is to include access ramps at all intersections and be in accordance with Council's standard footpath detail and the above documents.

viii. 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.

ix. Painted Centreline Relocation

The existing painted centreline on Yattenden Crescent must be relocated following completion of the road works outlined above, transitioning back to the existing line marking at either end.

x. Stormwater Management

Stormwater management of the development and management of external water must be generally in accordance with the 'Ground Stormwater Drainage Plan' drawing 14136: C02.01 Revision B and 'Basement 2 Stormwater Drainage Plan' drawing C03.01 dated

Revision B both dated 4/04/2014 prepared by Engineering Studio Civil & Consultant. The design and construction details must include:

- Collection and diversion of Seven Hills Road drainage through the adjoining public properties DP 406375 and DP 28954.
- Collection and diversion of the upstream catchment from properties 4-8 Seven Hills Road through the development, and amendment of all drainage easements.
- Reconstruction of existing drainage network across Yattenden Crescent frontage of the site;
- Provision of two OSD facilities (underground and above ground) ensuring the overall storm water runoff including pipe and the overland flow in the vicinity of the pit 1/1 on the opposite side of Yattenden Crescent is not increased as part of the development.
- Removal of all redundant drainage structures to Council's design requirements.

xi. WAD Requirement

The applicant is required to enter into a WAD with Council to enable the construction of a roundabout in Yattenden Crescent at the proposed access driveway and widening the carriageway on the northern and eastern side of Yattenden Crescent between Arthur Street and Charles Street by 1.7m.

PRIOR TO WORK COMMENCING ON THE SITE

44. Protection of Public Places

i. If the work involved in the erection or demolition of a building:
   (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
   (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

ii. If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

iii. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

iv. Any such hoarding, fence or covered walkway is to be removed when the work has been completed.

v. An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

45. Principal Certifying Authority

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

46. 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.

47. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

48. Consultation with Service Authorities
Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

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. Tree Protection Fencing
Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ
- Placement of fill within TPZ
- Parking of vehicles within the TPZ
- Compaction of soil within the TPZ
- Cement washout and other chemical or fuel contaminants within TPZ
- Damage to tree crown

51. Tree Protection Signage
Prior to any works commencing on site a Tree Protection Zone sign must be attached to Tree Protection Fencing clearly indicating no access to area without authorisation from the project arborist or site manager. There is an example of an appropriate sign on p16 AS4970 (2009) Protection of trees on development sites.

52. Mulching within Tree Protection Zone
Prior to any works commencing on site all areas within the TPZ are to be mulched with composted leaf mulch to a depth of 100mm.

53. Trenching within Tree Protection Zone
Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

54. Public Infrastructure Inventory 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. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

a) Planned construction access and delivery routes; and

b) Dated photographic evidence of the condition of all public assets.

55. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

56. Pre-Construction Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration. These properties must include, but are not limited to:

- Lot 22 DP 588810, No. 4 Seven Hills Road, Baulkham Hills
- Lots 2-4 DP 216713, No. 6-8 Seven Hills Road, Baulkham Hills

57. Notification of Asbestos Removal

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

58. Erosion and Sedimentation Controls – Major Works

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

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

59. 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).

60. 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.

61. Discontinuation of Domestic Waste Service

Prior to the commencement of demolition works, the property owner or site manager must ensure to arrange the discontinuation of the domestic waste service with Council, where the site ceases to be occupied during works. Trade workers are not permitted to use Council supplied bins for the disposal of any waste. The service is to be discontinued by telephoning Council on (02) 9843 0310.

DURING CONSTRUCTION

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. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 557636M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

64. 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.

65. Standard of Works

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

66. 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.

67. 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.

68. Pool Discharge Water

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

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

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

69. Pool not to be Filled Until Occupation

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

70. 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 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

71. 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.

72. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

73. 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.

74. Asbestos Removal

Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment, Climate Change and Water (DECCW). All dockets and paper work for the disposal shall be retained and made available to Council upon request.

75. 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 of covered.

76. 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.

77. 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.

78. 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).

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

79. Compliance with Requirements of Development Consent
Compliance with all conditions of approval of the Development Consent on the subject property.

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

81. 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.

82. 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.

83. Public Infrastructure Inventory Report - Post Construction

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 and the means of rectification for the approval of Council.

84. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

85. 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.

86. OSD & WSUD System Certification

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

a) Works as executed plans prepared on a copy of the approved plans;

b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;

C) A certificate of hydraulic compliance from a suitably qualified engineer verifying that the WSUD elements will function to the reduction of pollution to the designed targets in accordance with the MUSIC modelling without affecting the hydraulic function of the OSD systems associated with that;

d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

87. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

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

i. Restricting Development – OSD Modification

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

ii. Positive Covenant – OSD Maintenance

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

iii. Restricting Development – WSUD Modification

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

iv. Positive Covenant – WSUD Maintenance

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

v. Positive Covenant – Stormwater Pump Maintenance

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

vi. Restriction – Bedroom Numbers

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

b) Registration of Request Documents

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

88. 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 subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

89. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision 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/ bonded works. The minimum bond amount is $5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

90. Confirmation of Pipe Locations

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

91. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

92. Adjoining Property Dilapidation Report Post Construction

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

93. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

94. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

95. 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.

96. Acoustic Compliance Report
The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Acoustic Assessment prepared by dated 6 December 2011.

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

97. Occupational Hygienist Report for Asbestos Removal
On completion of the asbestos removal works an Occupational Hygienist shall provide an asbestos clearance for the works.

98. Inspection of Bin Bay Storage Area(s)
Inspection of the bin bay storage area(s) is to be undertaken by Council's Resource Recovery Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

99. 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.*

100. Offensive Noise - Acoustic Report
The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

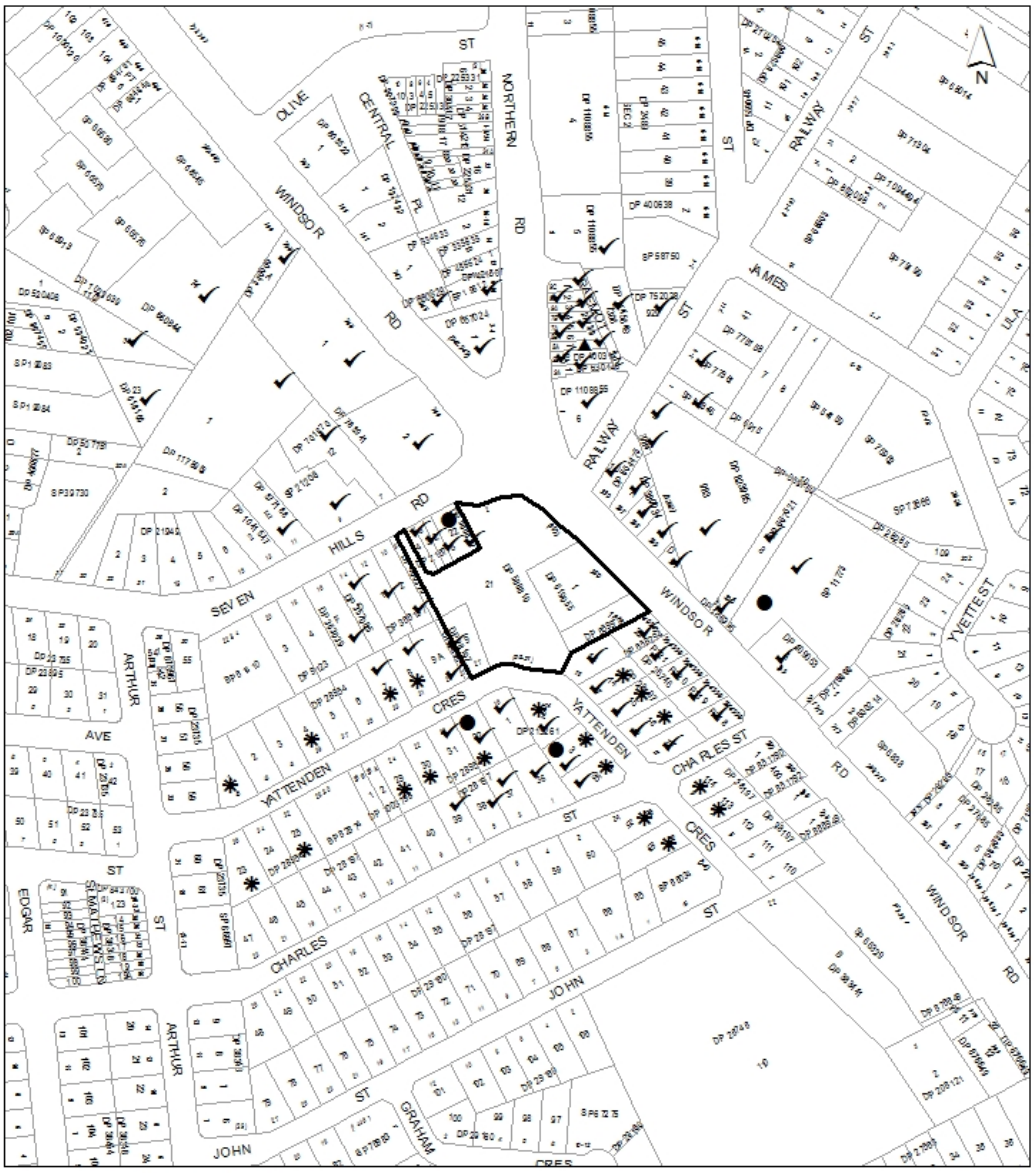
101. Waste and Recycling Management
To ensure the adequate collection and storage of waste from the use of the premises, all waste shall be stored in a designated waste area to, which includes provision for the storage of all waste and recyclable material emanating from the premises between collections. Arrangement must be in place in all areas of the premises for the separation of recyclable material from general waste.

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.
Bins are to be kept in the bin storage facility for servicing on collection day.

103. Garbage Chutes
The chute, charging device and service opening must be capable of being easily cleaned. Chutes must be ventilated to ensure that air does not flow from the chute through any service opening.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Perspective and External Colours
5. Elevations
6. Shadow Diagrams
7. Photomontages



- SUBJECT SITE
- SUBMISSIONS RECEIVED
- PROPERTIES NOTIFIED
- SUBMISSION IN SUPPORT
- PERSONS WHO SIGNED PETITION

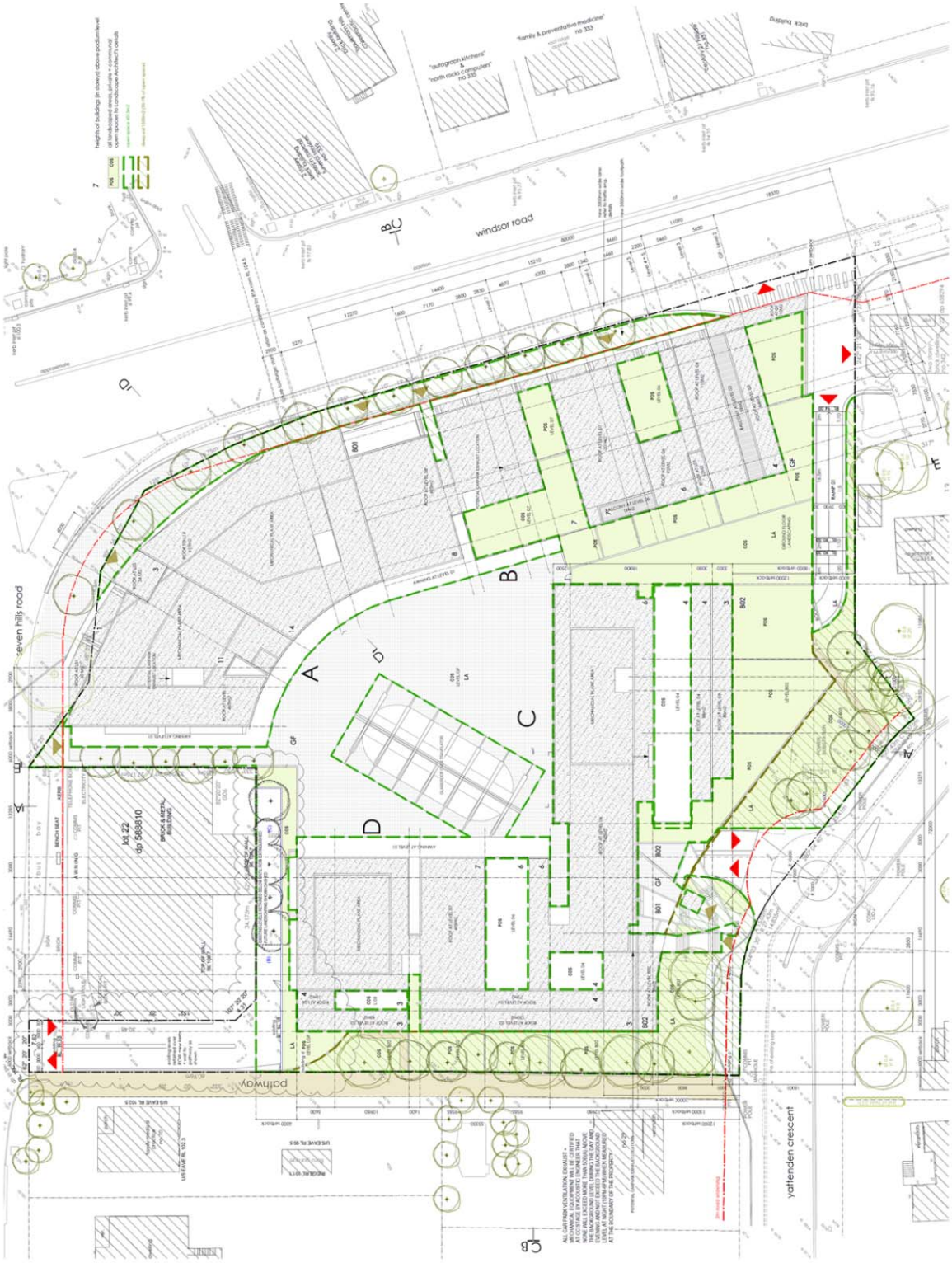
NOTE: OE SUBMISSION RECEIVED OFF THE SCOPE OF THIS MAP
NOTE:IN SOME INSTANCES THE PETITION WAS SIGNED BY MORE THAN ONE PERSON FROM THE PROPERTY

THE HILLS Sydney's Garden Shire

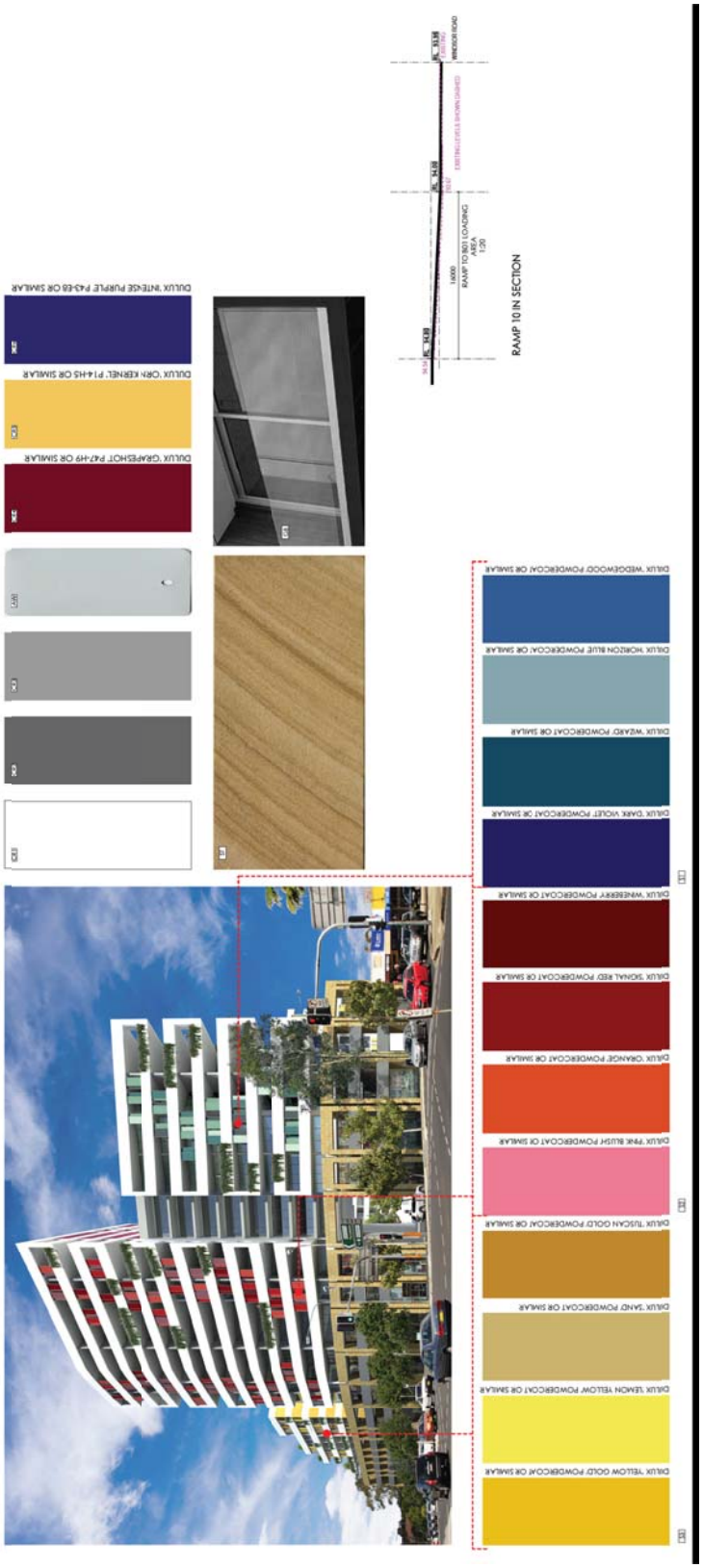
THE HILLS SHIRE COUNCIL

ATTACHMENT 2 – AERIAL PHOTOGRAPH

ATTACHMENT 3 – SITE PLAN

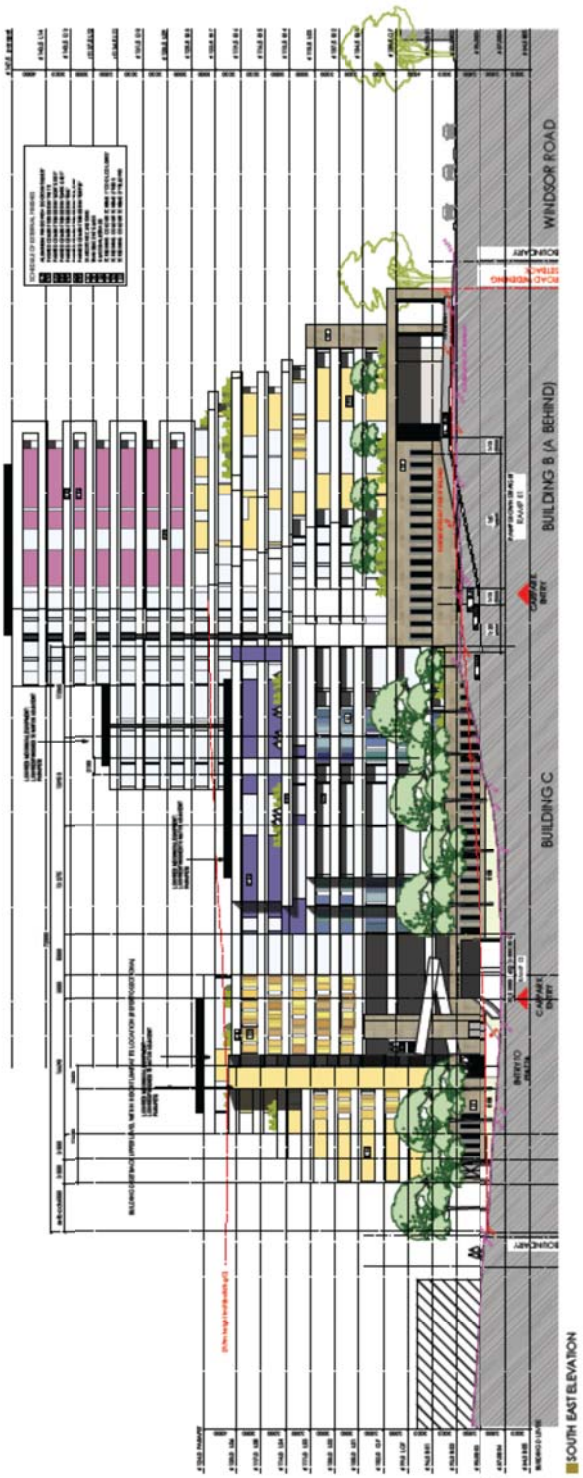


ATTACHMENT 4 – PERSPECTIVE AND EXTERNAL COLOURS

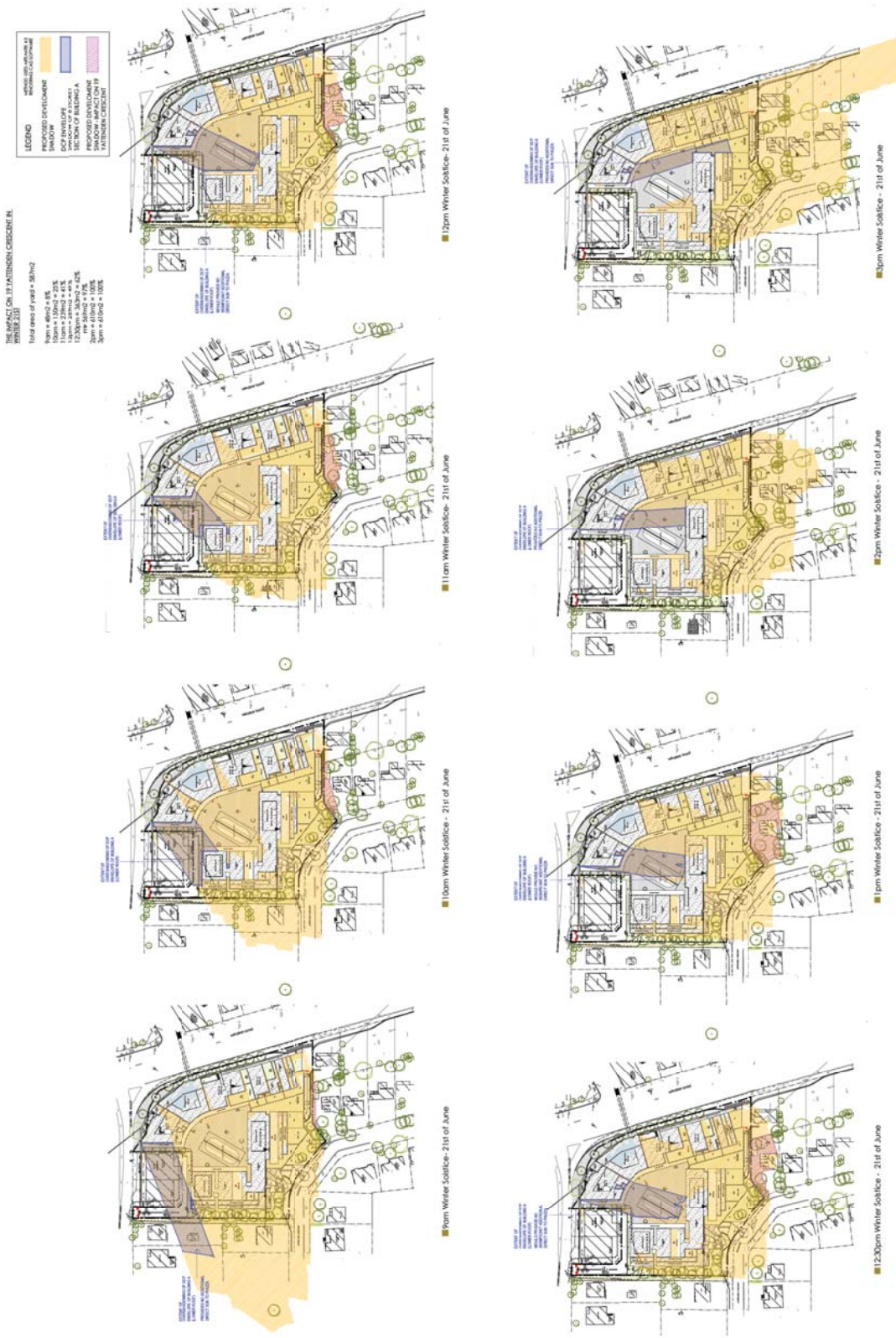


ATTACHMENT 5 –ELEVATIONS

ATTACHMENT 5 –ELEVATIONS


WINDSOR ROAD
BUILDING B (A BEHIND)
BUILDING C
SOUTH EAST ELEVATION

ATTACHMENT 6 – SHADOW DIAGRAMS




BUTCHERY