JRPP PLANNING REPORT

JRPP No:	2012SYW070
DA Number:	1363/2012/JP
Local Government Area:	**THE HILLS SHIRE**
Proposed Development:	**RESIDENTIAL FLAT DEVELOPMENT COMPRISING FOUR BUILDINGS (4 to 7 STOREYS) CONTAINING 147 UNITS AND BASEMENT CAR PARK WITH 366 PARKING SPACES**
Street Address:	**LOTS 7-9 DP 30744, LOT 1 DP 564845, LOT 6 DP 654751, LOTS 101-104 DP 1000120 & LOT 1 DP 164096 – NOS. 404-416 WINDSOR ROAD & NOS. 1, 2 & 3 MERYLL AVENUE, BAULKHAM HILLS**
Applicant/Owner:	**MERFAD PTY LIMITED**
Number of Submissions:	1st Notification – 8 2nd Notification – 3
Recommendation:	APPROVAL
Report by:	DEVELOPMENT ASSESSMENT COORDINATOR CLARO PATAG

BACKGROUND **MANDATORY REQUIREMENTS**

Owner:	Merfad Projects Pty Limited	1.	LEP 2012 – Permissible with consent. Proposed variation to building height, see Report.
Zoning:	R4 High Density Residential	2.	SEPP 65 – Design Quality of Residential Flat Development – Complies
Area:	9,993.3m^2	3.	SEPP (BASIX) 2004 - Complies
Existing Development:	Partly vacant land fronting Windsor Road and 3 existing dwellings fronting Meryll Avenue	4.	SEPP (Infrastructure) 2007 – Complies
		5.	DCP 2012 Part D Section 10 – Baulkham Hills Town Centre – Variation required, see Report
		6.	DCP 2012 Part C Section 1 – Parking – Complies
		7.	DCP 2012 Part C Section 3 - Landscaping – Complies
		8.	Section 79C (EP&A Act) – Satisfactory
		9.	Section 94 Contribution - $339,055.04

SUBMISSIONS		REASONS FOR REFERRAL TO JRPP	
1. Exhibition:	Yes	1.	Capital Investment Value exceeds $20 million (i.e. $31,025,400)
2. Notice Adj Owners:	Yes		
3. Number Advised:	116 on two separate occasions (including RMS & Hills District Historical Society)		
4. Submissions Received:	Ist Notification: Eight including a petition containing 9 signatures 2nd Notification (amended plans): Three		

HISTORY

14/12/2004 Council approved DA 2897/2004/HB for the construction of six residential apartment buildings on the subject site containing a total of 94 units, comprising 29 x 1 bedroom units, 64 x 2 bedroom units and 1 x 3 bedroom unit, and associated basement car parking for 197 vehicles.

20/11/2007 Council resolved to adopt Part E Section 20 – Baulkham Hills Town Centre with the plan to come into force upon the adoption of Section 94A Contributions Plan.

10/11/2008 Previous owner of the development site submitted an application to amend the Baulkham Hills Town Centre DCP. The application proposed extending the boundary of the Baulkham Hills Town Centre to include the subject land and provide appropriate site specific development controls, allowing increased density in this location.

12/10/2010 Council considered a report at the Ordinary Meeting and resolved to exhibit draft Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre, draft Baulkham Hills Development Control Plan Part D Section 1 – Parking and draft The Hills Shire Section 94A Contributions Plan.

12/04/2011 Council considered a report at the Ordinary Meeting and resolved that:

1. *The proposed amendments to Draft Baulkham Hills Development Control Plan Part E, Section 20-Baulkham Hills Town Centre be deferred to investigate and model the proposed heights and setbacks of the proposed built form.*
2. *The proposed amendments to Draft Baulkham Hills Development Control Plan Part D – Parking as per Attachment 3 and The Hills Section 94A Plan as shown in attachment 4 be deferred until a further report addressing recommendation 1 is considered by Council.*

22/11/2011	Council at its Ordinary Meeting resolved that: 1. *A planning proposal be forwarded to the Department of Planning and Infrastructure to implement the proposed development standards for the Precinct as outlined in this report.* 2. *Upon receiving a Gateway Determination to exhibit the planning proposal, amendments as outlined in this report to the following instruments be exhibited concurrently:* – *Baulkham Hills Development Control Plan Part E Section 20 – Baulkham Hills Town Centre.* – *Draft The Hills Development Control Plan 2011 Part E Section 20 Baulkham Hills Town Centre.* The Department of Planning and Infrastructure issued a conditional Gateway Determination to proceed on 6 February 2012.
28/06/2012	Subject Development Application lodged.
13/07/2012	Letter sent to the applicant requesting to withdraw the Development Application as the proposal was inconsistent with the exhibited Planning Proposal and in respect to the location and height of the building height map. The exhibited Planning Proposal sought to amend the building height and floor space ratio standards in Council's Local Environmental Plan over the Windsor Road Precinct (which includes the subject site).
19/07/2012	Response received from the applicant requesting Council to proceed with the assessment of the Development Application and refer to the justification set out in the Statement of Environmental Effects addressing the variations in the draft DCP and draft LEP controls.
31/07/2012 to 14/08/2012	Subject Development Application notified to adjoining properties and advertised in the local newspaper.
06/08/2012	JRPP briefing conducted.
07/08/2012	Letter sent to the applicant requesting submission of an acoustic assessment report.
20/08/2012	Letter sent to the applicant reiterating previous request to withdraw the application as Planning Proposal for the Windsor Road Precinct has not been finalised. Should the applicant wish to proceed with the application, additional waste management information was requested.
17/09/2012	Letter sent to the applicant requesting additional engineering information in relation to cul-de-sac reconstruction, drainage disposal and vehicular access and parking.
27/11/2012	Council considered the Planning Proposal for the Windsor Road Precinct (which includes the subject development site) and resolved as follows: 1. *The planning proposal to amend the building height standard and introduce a floor space ratio standard over*

Lot 1 DP 564845, Lot 6 DP654751, Lots 101 – 104 DP 1000120, Lot 1 DP 164096, known as Nos. 404-416 Windsor Road, Nos. 2-6 Rembrandt Drive, Nos. 1-7 Meryll Avenue and No. 2 Meryll Avenue, Baulkham Hills be adopted and forwarded to the Department of Planning and Infrastructure for finalisation.

2. *Draft The Hills Development Control Plan 2011 Part D Section 10 – Baulkham Hills Town Centre as provided in Attachment 3 be adopted.*

The applicant's submission to the Planning Proposal was addressed in the report with the following comments:

"A development application for this portion of the Windsor Road Precinct was lodged on 28 June 2012 (DA 1363/2012/JP). The proposal seeks to vary the building height and setback standards. The requested variations are inconsistent with the maximum building height and setback controls arrived at by Council undertaking further strategic investigation work for the Windsor Road Precinct. Determination of the development application has been delayed pending the outcome of this planning proposal."

28/11/2012 Letter sent to the applicant reiterating previous requests to withdraw the application in view of Council's Resolution, that is the proposal in its current form will prevent the development of a prominent corner gateway development on the corner of Rembrandt Drive and Windsor Road and is inconsistent with the intent of the Planning Proposal and Council's vision for the development of the Windsor Road Precinct.

14/12/2012 Meeting held with the applicant to discuss amendments to the proposal as a result of the Council's Resolution.

17/01/2013 Amended plans submitted by the applicant. Amended scheme still proposes variation or departure from the planning controls recommended in the Planning Proposal. The amendments include deletion of units breaching the building height limit reducing the total number of units from 166 to 147 units, and increase in setbacks to 2 uppermost levels fronting Windsor Road.

12/02/2013 to 26/02/2013 Amended Development Application notified to adjoining properties including previous objectors and advertised in the local newspaper.

13/02/2013 Revised site plan and staging plan submitted by the applicant.

14/02/2013 Letter sent to the applicant requiring submission of a written justification to the proposed variation to building height standards prescribed in the draft Local Environmental Plan for the "Windsor Road Precinct" which incorporates the subject development site. The LEP was gazetted on 2 August 2013 and prescribes different height limits within the "Windsor Road Precinct" which range from 14m (labelled as N which applies to 1, 2 & 3 Meryll Avenue and the rear half portions of 408-416 Windsor Roads), 16m (labelled as O2 which applies to front half portions of 404-408 Windsor Road), and 19m (which applies to

	the front half portions of 410-416 Windsor Road).
15/02/2013	Stormwater and drainage engineering information received from the applicant.
01/03/2013	Letter sent to the applicant requesting additional waste management information.
06/03/2013	Amended BASIX and NatHers certificates submitted by the applicant.
08/03/2013	Construction Noise Management Plan received from the applicant.
08/03/2013	Updated capital investment value report submitted by the applicant.
11/03/2013	Additional waste management information submitted by the applicant.
14/03/2013	Further waste management information requested from the applicant.
18/03/2013	Letter sent to the applicant requesting submission of a Design Verification Statement as a result of the amendments to the original scheme and assessment of the internal and external floor areas of the units against the table on page 69 of the Residential Flat Design Code.
18/03/2013	Additional waste management information submitted by the applicant.
04/04/2013	Written justification for the proposed variation to building height pursuant to clause 4.6 of LEP 2012 submitted by the applicant.
18/04/2013	Letter sent to the applicant requesting additional tree management information.
29/04/2013	Updated arborist report and landscaping plan submitted by the applicant.
03/05/2013	SEPP 65 Design Verification peer review submitted by the applicant.
03/05/2013	Letter sent to the applicant reiterating previous request to address the unit size standards in the Residential Flat Design Code.
07/05/2013	Supplementary statement submitted by the applicant providing written justification to the proposed variation to the Residential Flat Design Code. Consequently, the applicant was advised that the justification was insufficient.
24/05/2013	Revised table of compliance against the standards in the Residential Flat Design Code and amended plans submitted by the applicant.
29/05/2013	Letter sent to the applicant advising that the revised table of

	compliance received on 24/5/2013 was still insufficient.
05/06/2013	Revised Residential Flat Design Code compliance table and amended plans received from the applicant.
02/08/2013	Local Environmental Plan 2012 (Amendment No. 4) amending the building height map and introducing floor space ratio standard within the Windsor Road Precinct (which includes the subject site) gazetted.
12/09/2013	Revised plans for Block A submitted showing full compliance with side and rear setbacks. The applicant also advised that they now intend to construct the whole development as one stage.
16/09/2013	Revised BASIX Certificate submitted by the applicant.

PROPOSAL

The development is located within the Windsor Road Precinct, one of the five precincts within the Baulkham Hills Town Centre situated on the western side of Windsor Road opposite Stockland Mall, which are subject to specific precinct controls that reflect the constraints and opportunities within the precinct. The Windsor Road Precinct consists of fifteen (15) properties, ten of which belong to the development site.

The site is irregular in shape with a south east to north west orientation and located in two distinct parts, i.e. three lots addressing the cul-de-sac head of Meryll Avenue and seven rectangular lots extending westwards from Windsor Road. The site has a frontage of approximately 117 metres to Windsor Road and approximately 44 metres to Meryll Avenue and an average depth of 71 metres measured from the Windsor Road frontage. The topography of the site has a consistent fall from the north eastern to the south west corner of the site, a fall of approximately 9 metres or 10%. The major part of the site (eastern) which addresses Windsor Road is predominantly cleared and includes a dental clinic and a compacted gravel area formerly occupied as a nursery (and previously used as a car park during construction of the extension of neighbouring Stockland Mall), and the other part at the north western corner of the site addresses Meryll Avenue and contains 3 detached dwellings which are proposed to be demolished. See Attachment 4 for the location of the Windsor Road Precinct.

The Development Application is for the construction of four residential flat buildings comprising 147 units and associated basement parking levels containing 366 car parking spaces.

The proposed residential flat buildings described as Blocks A, B C and D vary in height from 4 to 7 storeys which step down from the Windsor Road frontage to the rear of the site, with the following built form characteristics:

- Block A is a stand-alone 4-storey building containing 23 dwellings (comprising 3 x 1 bedroom, 19 x 2 bedroom and 1 x 3 bedroom units) fronting Meryll Avenue.

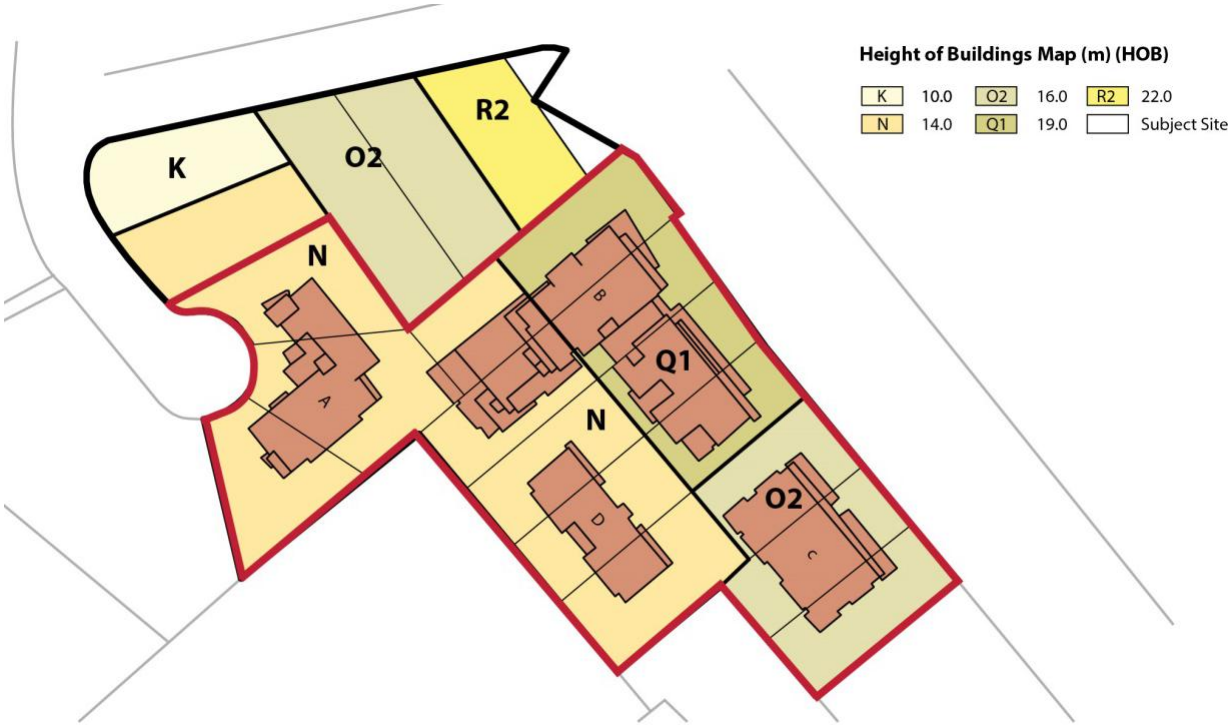
- Blocks B and C address the Windsor Road frontage incorporating a wide pedestrian entry plaza between the two buildings that steps down into the podium in the centre of the site. The street entry provides pedestrian access to the entry lobbies of Blocks B, C and D. Direct additional accessible pedestrian access is available to each block via pedestrian feature bridges off Windsor Road that directly link to level 2 of the buildings.

Block B contains 78 dwellings comprising 21 x 1 bedroom, 50 x 2 bedroom and 8 x 3 bedroom units. Block B steps down in a westerly direction from a maximum of 7 to 4 storeys minimum. The 7-storey element addresses Windsor Road and aims to establish a prominent built form and visual gateway to signify the presence of, and entrance into the Baulkham Hills Town Centre from the north.

Block C which is immediately to the south of Block B is 6 storeys in height and steps down in height to provide a transition to neighbouring apartment building to the south. Block C contains 32 dwellings comprising 4 x 1 bedroom and 28 x 2 bedroom units.

- Block D is 4 storeys in height located above the basement car park and is setback 10 metres to the western boundary. This building provides an edge to the car park, an enclosure to the central podium communal open space and is configured with a height and setbacks to protect solar and visual privacy to the existing townhouses to the west. Block D contains 14 dwellings comprising 1 x 1 bedroom and 13 x 2 bedroom units.

The Development Application also includes the demolition of the existing dwellings and removal of some trees and other vegetation within the site.



The proposal seeks variation to the building height standards in LEP 2012 (Amendment No. 4) and Development Control Plan 2012 Part D Section 10 – Baulkham Hills Town Centre for the Windsor Road Precinct. The diagram above shows the building height zones within the Windsor Road Precinct, i.e. Q1 (19m), O2 (16m) and N (14m) applying to the site. Council's DCP 2012 Part D Section 10 – Baulkham Hills Town Centre – Windsor Road Precinct prescribes the equivalent number of storeys to these height limits, as follows:

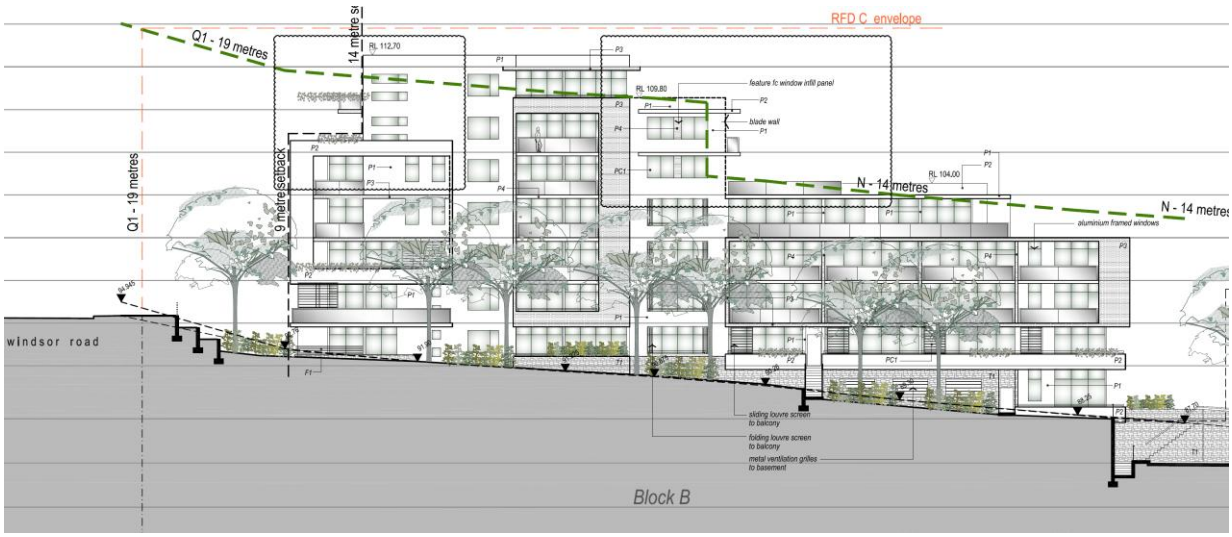
Q1 - 19.0m - 6 storeys
N – 14.0m - 4 storeys
O2 – 16.0m - 5 storeys

The roof diagram below shows in plan view the extent of non-compliance to the maximum height limits within the Q1 and O2 zones, which is generally between 800mm to 2m in

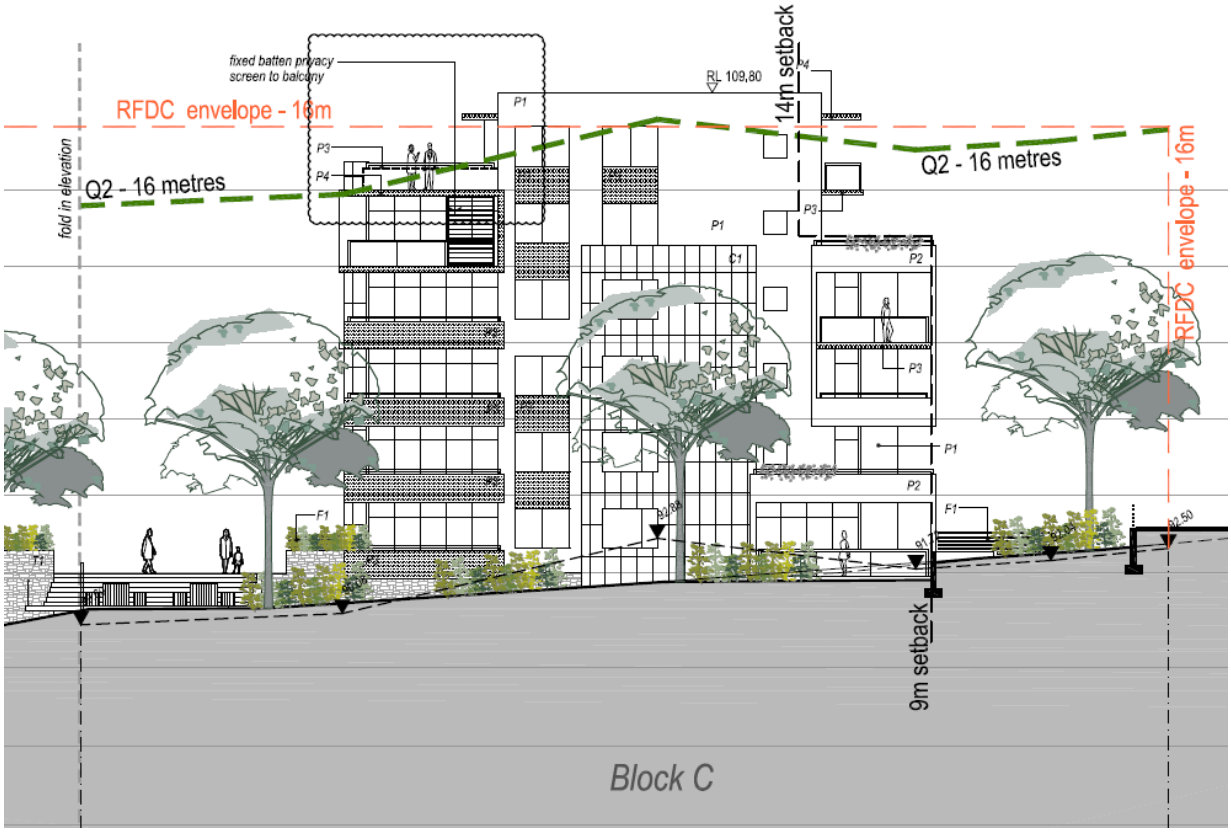
Block B and between 1.2m to 2.5m in Block C. Part of the rear of Block B shows a 4.5m exceedance within the N zone. With respect to the DCP's height controls in terms of equivalent number of storeys within the prescribed height zones, Block B exceeds the maximum number of storeys allowed within the Q1 zone by 1 storey, while Block C exceeds by 1 storey within the O2 zone. Block B in part exceeds by more than 1 storey at the rear within the N zone. Refer to elevation diagrams below.

The applicant has provided a written justification to these variations as required under clause 4.6 of LEP 2012.

ROOF DIAGRAM SHOWING THE EXTENT OF EXCEEDANCE TO BUILDING HEIGHT LIMITS IN LEP 2012



ELEVATION DIAGRAM SHOWING BLOCK B EXCEEDING THE HEIGHT LIMITS IN Q1 & N ZONES



ELEVATION DIAGRAM SHOWING BLOCK C EXCEEDING THE HEIGHT LIMIT IN 02 ZONE

The proposal also seeks variation to the required building setbacks. Table 3.6.5 in the DCP prescribes the minimum setbacks for Building 1 & 2 (Building 1 relates wholly to Block C while Building 2 relates partly to the majority of Block B with the other part extending up to the corner of Windsor Road and Rembrandt Drive, which is located on adjoining properties facing Rembrandt Drive), Building 3 & 4 (Building 3 relates wholly to Block D while Building 4 applies to rear portion of Block B), and Building 5 & 6 (Building 5 relates to future development on the corner of Rembrandt Drive and Meryll Avenue which is not part of this application while Building 6 relates to Block A). The diagram below shows these indicative buildings as depicted in Figure 32 in the DCP.

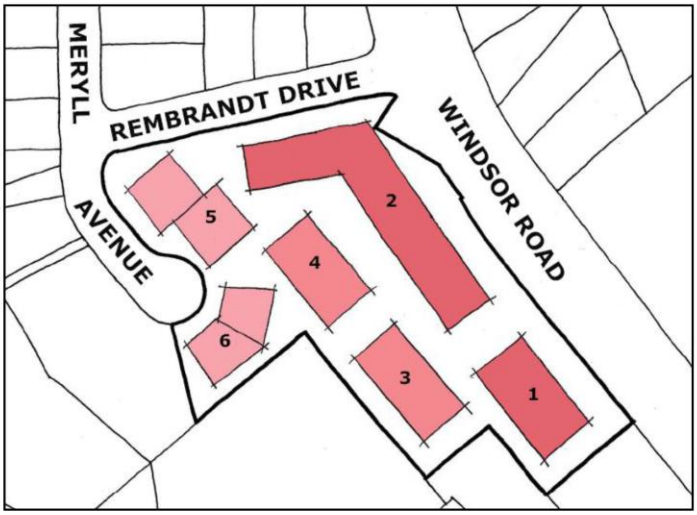


Figure 32 Windsor Road Precinct – Building Setbacks Key Diagram

The proposal seeks a variation to the 9 to 11 metres articulation zone for ground to fourth storey fronting Windsor Road and to the 14 metre setback to Windsor Road from fifth to seventh storey. In particular, balconies and bedrooms to Units B31, B32, B35, B36, and B63 to B70 (second to fourth storey within Block B) breach the minimum 9 metre setback by a maximum of 600mm. Balconies and bedrooms within Blocks B and C breach the 14 metre setback required from fifth to seventh storey fronting Windsor Road by a maximum of 4.135m. The diagram below shows the Windsor Road & Rembrandt Drive façade articulation zone as depicted in Figure 33 in the DCP.

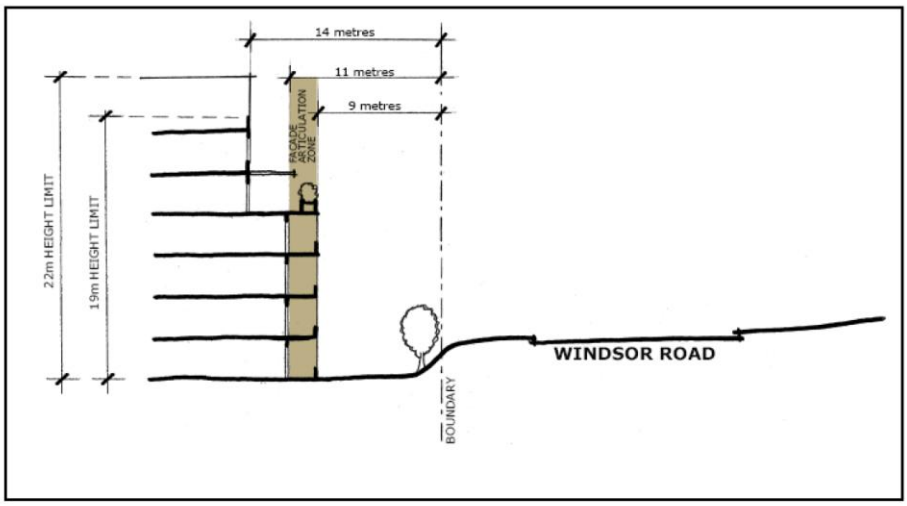


Figure 33 Rembrandt Drive & Windsor Road Facade Articulation Zone

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (State & Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Item 3 in Schedule 4A of the Environmental Planning and Assessment Act, 1979 provide 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 $31,025,400 thereby requiring referral to, and determination by the Joint Regional Planning Panel.

2. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The Development Application has been assessed having regard to the design quality principles outlined in SEPP 65 and Urban Design Guidelines adopted by Council on 4 September 2001. The merits of the application in terms of urban design and the relationship to the site constraints are:

i) Principle 1: Context

Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character

as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment:
The subject site is located in an area zoned R4 to facilitate high density residential flat buildings. The proposed residential flat building will integrate with the 'desired future character' of the area that is responding to the growing need for high density residential dwellings in proximity to The Baulkham Hills Town Centre. The site is right opposite Stockland Shopping Centre.

The site is also surrounded by medium to high density residential development indicating the area is well into its planned transformation of the Windsor Road Precinct.

The scale and height of the proposed development is appropriate within the context of the *'desired future character'* of the area. The development controls for the area indicate building heights in the order of 22m to the corner of Rembrandt Drive and Windsor Road, 19m and 16m to the remainder of the Windsor Road Precinct with frontage to Windsor Road, and 14m to the rear of the site and with frontage to Meryll Avenue. The proposed height of the building maintains a transition in built form generally and does not cause significant adverse impacts onto adjoining properties in terms of overshadowing and view loss. Solar access provision to adjoining townhouses to the south west of the site is in accordance with the rules of thumb.

The proposed development provides setbacks to the street, to the rear and to the side appropriate to its context. The development serves as an extension to the envisaged landmark building on the corner of Rembrandt Drive and Windsor Road which creates a built form of visual interest.

Adequate solar access is available in mid-winter which provides a high level of amenity for all the units.

A large portion of the site is communal open space (28%) with the majority of the site (62%) to be landscaped (including hard surfaces and soft landscaping) and deep soil area provision of 36%. Large private open space areas are proposed at the ground level and provide good amenity for future residents. All of the ground floor private open spaces enjoy at least 3 hours solar access in midwinter. The site slopes from northeast to southwest, hence Block B is stepped in form to address this change in level. The deep soil zones are utilised for mature tree planting. At the boundary of the site, visually permeable fencing is proposed to maintain an open setting to the adjacent open space. The common open space proposed between Blocks B and C, while atop basement car parking, is well landscaped and provided with sufficient soil depth.

The proposed landscape plan includes many trees which will grow to maturity. The development does not affect any tree on adjoining property.

ii) Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:
The scale of development is defined by building height, building depth, building separation, street setbacks, side and rear setbacks and floor space ratio.

Building Height
The proposed development generally adopts the DCP provisions for the Windsor Road Precinct by maintaining the development height within the prescribed maximum number of storeys for each building with the exception of Block B and Block C. Variation to the proposed height for Block A and Block B is discussed in Section 3 below.

Building Depth
The proposal has been designed adopting the guidelines on maximum depth for adequate daylight penetration in the Residential Flat Design Code providing dual aspect units with overall dimensions of 18 metres and 20 metres overall depth.

Building Separation
It is proposed to maintain a sufficent degree of building separation (approximately 18 metres between buildings) and landscaping to ensure privacy and solar access is maintained to the existing residential apartments.

Street Setback
The proposed setbacks to Windsor Road frontage are generally in accordance with the DCP controls except for variation to balconies and bedrooms in some of the units from second to fourth storey within Block B (by a maximum of 600mm) and from fifth to seventh storey within Blocks B and C (by a maximum of 4.135m). This proposed variation is addressed in Section 4 below. Notwithstanding this variation to the street setback, it is considered that the development has been designed to provide a satisfactory distance from surrounding boundaries, to form active street frontages, adequate open space areas for communal recreation spaces and to ensure the development provides better amenity for future occupants such as privacy, acoustic transmission control and open space . The setbacks adopted ensure that the impact of the development on the environment and surrounding properties is minimised and conforms to the existing setbacks established between buildings in the area.

Side and Rear Setbacks
The setbacks proposed are considered sufficient to achieve the required results in minimising the overall impact of the building and ensuring that the existing scale of the general area is acknowledged and sympathetically treated. Side and rear setbacks are important controls to ensure that the building height and distance of the building from its boundaries maintain the amenity of the neighbouring sites and within the new development.

Floor Space
LEP 2012 allows a maximum floor space ratio (FSR) of 2.3:1. The proposed development is well below this limit with an FSR of 1.57:1.

iii) Principle 3 - Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:
The built form is determined by a number of variable parameters determined by the existing built form in the area. The development provides articulation in the elevations by composing a strong base or podium, with the residential floors detached above with a greater modulation of the facades. The proposal also provides a selection of colours and materials which enhances the segmented appearance and provides distinct and

harmonious building facades to interrelate and provide a dominant façade to the street frontages.

iv) Principle 4 - Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment:
The proposed density of the development has been determined by a number of design factors contained in the DCP controls for the Windsor Road Precinct. 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.

v) Principle 5 - Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment:
Resources
The building construction proposed will adopt the ESD principles by using renewable products and materials, the integration in the design to achieve natural ventilation and good heat insulation to minimise dependency on energy resources in heating and cooling a space. The achievement of the above goals would contribute significantly to the reduction of energy consumption resulting in a lower use of valuable resources and the reduction of costs.

Energy Efficiency
The energy rating of the proposed residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.
Water Efficiency
The proposal will integrate a system of rainwater collection and storage from the roof drainage system and be utilised in the irrigation system proposed for the planter boxes and deep soil areas within the development. The BASIX Certificate submitted with the Development Application confirms that the water efficiency will be achieved.

vi) Principle 6 - Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment:
The proposed landscaping will complement the landscape character of the neighbourhood using native and indigenous plant species, requiring less irrigation and maintenance. The open space areas will be intensively landscaped with native Australian trees and shrubs to provide a low maintenance environment to the rear of the building and integrating the overall appearance of the development generally into the site. Approximately 62% of the site area will be landscaped and 36% of site area being deep-soil zoned areas.

vii) Principle 7 - Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment:
The amenity of the development incorporates the physical, spatial and environmental quality of the development. The amenity requires the appropriate room configurations with good access to northern sunlight and shading, together with appropriate consideration for access and mobility. It also incorporates visual privacy.

Visual privacy measures are incorporated into the design to provide for private functions within all rooms and private open spaces, without comprising views, outlook, ventilation and solar access.

The development also accommodates for the elderly and disabled members of the community in response to the requirements of the Disability Discrimination Act 1992. This is achieved by the integration of several lifts within the development and the provision of adaptable housing for the elderly and immobile.

viii) Principle 8 - Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment:
The development has been designed having regard to the principles of Crime Prevention through Environmental Design (CPTED) factors, namely surveillance, access/egress control, territorial reinforcement and space management. The development incorporates safety and security measures into the design, open spaces will be accessible to all residents and visitors whilst maintaining a degree of security via overlooking from adjoining dwellings, private open spaces such as courtyards and balconies are clearly defined and screened, and surveillance is maximised by orienting buildings towards the street. Building frontages and entries are clearly visible from the street frontage.

Access paths in and around the development are provided with attention being given to safety and security, which is achieved by the separation of pedestrian access paths from any vehicular driveways and detachment from landscaped areas with clear definition and protective barriers. All access paths will be illuminated at night with recessed lighting along paths and bollard lighting in landscaped areas. Lighting will be provided to all common areas including the basement car parking level as well as the stairs and access areas to external courtyards, balconies, bin storage rooms and drying areas. Lighting will be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for future residents.

The design of the development clearly delineates public and private open spaces through the use of symbolic or actual barriers, such as low fencing and landscaping.

The basement car parking levels will provide secure parking with security access and independent access from each car space into the dwelling above by individual stairs secured with authorised access locks and intercom for visitors.

There will be a shared entrance pathway and entrance lobby area to the lift foyers that will provide a secure pedestrian access pathway and entry into each building. The entrance lobby and doorways are exposed to public view via the central entrance areas and forecourts to each of the four buildings, which serve as a pedestrian access path from the street to each building, avoiding any potential entrapment areas.

Artificial lighting will be positioned along the entrance pathways and will be attached to motion sensors for activation with the entrance foyer lights. This will enhance the security of the property whilst increasing the safety issues and amenity of the development at night time.

ix) Principle 9 - Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Comment:
The location of the development provides a number of new dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services. The social requirements are also met by providing a large mixture of residential apartments, configurations, floor areas and design layouts, including the provision of adaptable units. The proposed development comprises the following percentage mix: 5% are 3 bedroom units, 75% are 2 bedroom units and 20% are 1 bedroom units

x) Principle 10 - Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment:
The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form 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 upper floor levels utilise a fragmented and articulated form with deep balconies and strong façade elements to provide a contemporary style with strong horizontal emphasis.

The roof provides a contrasting top level to identify the extent of the height and to maintain a low profile. The indentation of the top floor level ensures the scale of development and potential overshadowing is minimised.

SEPP 65 - Residential Flat Design Code Compliance Table

The proposal has been assessed against the Residential Flat Design Code and the following table demonstrates compliance with the recommended development standards for residential flat buildings:

ITEM	GUIDELINE	COMMENT	COMPLIES
Part1 Local Context			
Context	**Local Context** - • Undertake a local context analysis.	Site analysis prepared and addressed in the Statement of Environmental Effects submitted with the Development Application.	Yes
	Residential Flat Building Types - • Tower apartments are best used where higher densities are desired; provide for strong urban forms and precincts; and mixed uses at lower levels.	Proposal seeks to extend the location of the landmark building envisaged in the Windsor Road Precinct to be located on the corner of Windsor Road and Rembrandt Drive.	Yes
	Building Height - • Test height controls against the FSR and the proposed number of storeys and minimum ceiling heights.	The proposed FSR of 1.57:1 is well below the maximum allowable FSR control of 2.3:1 in LEP 2012. The development generally complies with building height standards in LEP 2012 and Windsor Road Precinct Controls in DCP 2012. Block B varies the LEP height limit by 800mm (4.2%) to 4.5m (32%) and DCP 12 by more than 1 storey. Block B has the same height as the landmark building envisaged in the adopted Planning Proposal at seven storeys. Block C exceeds the LEP	Yes. Although there are numerical variations, the proposal responds to the desired scale and character of the site

		height limit by 1.2m (7.5%) to 2.5m (15.6%) and DCP 2102 by 1 storey being 6 storeys in height. While Block B proposes to vary the 19m height limit on this portion of the site, it is considered that limiting Block B to a maximum height of 7 storeys will facilitate a more appropriate built form within the Windsor Road Precinct which is of greater consistency with that envisaged within the adopted Planning Proposal.	
	Building Depth - • An apartment building depth of 10-18 metres is appropriate. Developments that proposed wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	18 metres for dual aspect 8 metres for single aspect	Yes
	Building Separation - Increase building separation distances as building height increases as follows: Up to four storeys: • 12m between habitable rooms/balconies. • 9m between habitable rooms/balconies and non-habitable rooms. • 6m between non-habitable rooms. Up to five to eight storeys: • 18m between habitable rooms/balconies. • 13m between habitable rooms/balconies and non-habitable rooms. • 9m between non-habitable rooms. Nine storeys and above: • 24m between habitable	 12 metres adopted between Block B & Block D 11.3 metres adopted between Block A and B 13 metres adopted between Block B and Block C (no conflicting windows in opposite facades) N/A	 Yes Yes N/A

	rooms/balconies. • 18m between habitable rooms/balconies and non-habitable rooms. • 12m between non-habitable rooms.		
	Street Setbacks - • Identify desired streetscape character. • Minimise overshadowing of street and buildings. • Consider secondary upper level setbacks to reinforce desired scale of buildings on the street. • Underground parking structures, awnings and balconies may encroach on the setback.	Generally compliant street setback with the exception of some balconies and bedrooms varying the 9 to 11 metres articulation zone for ground to fourth storey fronting Windsor Road and the 14 metre setback to Windsor Road from fifth to seventh storey. This variation is considered acceptable as it does not adversely impact on adjoining residential development in terms of solar access and privacy.	Yes
	Side and Rear Setbacks - • To retain or create rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. • Consider building separation, open space and soil zones. • Relate setbacks to existing streetscape pattern.	Adequate side and rear setbacks provided as required.	Yes
	Floor Space Ratio - • Height, setbacks and FSR are to be consistent.	Proposed FSR is well below the maximum allowable FSR control for Windsor Road Precinct.	Yes
Part 2 Site Design			
Site Analysis	• Site analysis to include plans and sections of the existing features of the site, and written description.	Included in SEE and site analysis and schedule of colours and materials submitted with the application.	Yes
Site Configuration	**Deep Soil Zones -** • Optimise provision of deep soil zones.	Large deep soil areas provided around basement.	Yes

	• Support a rich variety of vegetation type and size. • Increase permeability of paved areas. • 25% of open space to be deep soil zone.	36% of site is deep soil. The communal open space is centrally located and due to basement below is not deep soil except at the periphery of the basement levels. The communal open space will be intensively landscaped with native trees and shrubs to provide a low maintenance environment.	
	Fence and Walls - • Respond to character of street and area. • Delineate private and public domain without compromising safety and security. • Contribute to amenity, beauty and usability of private and communal open spaces. • Retain and enhance amenity of public domain by avoiding continuous lengths of blank walls and using planting to soften the edges and reduce their scale. • Select durable materials which are easily cleaned and graffiti resistant.	The design of the development clearly delineates public and private open spaces through the use of symbolic or actual barriers, such as low fencing and landscaping. Appropriate measures were taken into account in the design to minimise the potential for assault, graffiti and vandalism within the development.	Yes
	Landscape Design - • Improve amenity of open space with landscape design, including shade and screening. • Contribute to streetscape and public domain. • Improve energy efficiency and solar efficiency of dwellings and microclimate of private open spaces. • Design landscape with regard to site characteristics. • Contribute to water and stormwater efficiency. • Provide sufficient depth of soil above pavers.	Photomontage and landscape design is suitable. Central communal area provided between buildings. Landscape plan and location of deep soil contributes to water infiltration. Native species and low water species are proposed to reduce water consumption and maintenance.	Yes

	• Minimise maintenance by robust landscape elements.		
	Open Space - • Provide communal open space which is appropriate and relevant to the context and building setting. • Facilitate the use of communal open space by solar access, site features, and minimise overshadowing. • Provide private open space for each apartment. • Local open space to increase residential amenity. • Provide environmental benefits including habitat, microclimate, rainwater, percolation, outdoor drying area. • Communal open space should be 25-30% of site area. • Minimum private open space for each apartment is 25m^2 at ground level/above podium with minimum dimension of 4m.	The available curtilage to the proposed buildings will facilitate a degree of communal open space and landscaping to assist in providing a degree of separation and a buffer zone between neighbouring properties. The proposed design will also assist in reducing the bulk and scale of the development within a large landscaped setting. The landscaped open space in the centre, along the sides and rear of the site will provide a substantial deep soil area to be densely planted and used as active and passive recreation areas for residents in a secure environment. The communal open space area proposed is 28% of the total site area. The private open space areas for ground level units range from 12.2m^2 to 165.2m². The private open spaces that are less than 25m^2 satisfy the recommended external area standards in the Table on page 69 of the Residential Flat Design Code.	Yes
	Orientation - • Orient buildings to maximise north facing walls and provide adequate building separation. • Respond to streetscape and optimise solar access. • Courtyards and setbacks to northern boundaries. • Optimise solar access to living spaces and private open space by	Careful consideration was given to ensure that all dwellings in the development would receive adequate solar access and daylight. As the development addresses two street frontages, along the eastern and western site boundaries, and as a consequence majority of the dwellings and courtyards were orientated east and west, rather than north.	Yes

	orienting them to the north. • Building elements to maximise sun in winter and shade in summer.		
	Planting on Structures - • Design for optimum plant growth by appropriate soil and drainage conditions. • Design planters to support soil depth and plant selection.	Landscape drawings show soil depth and mix of planting over structures. Design planters on the basement slab are proposed to allow deep soil planting in selected locations.	Yes
	Stormwater Management - • Retain stormwater on site. • Protect stormwater quality. • Control erosion. • Consider using grey water for site irrigation.	Stormwater collection and drainage are proposed to be discharged via gravitational flow to the proposed detention and discharge area located according to the hydraulic engineer's conceptual design drawings submitted with the application. The stormwater drainage design was prepared in accordance with the Upper Parramatta Catchment Trust guidelines.	Yes
Site Amenity	**Safety -** • Delineate private and public space. • Optimise visibility, functionality and safety of building entrances. • Improve opportunities for casual surveillance. • Minimise opportunities for concealment. • Control access to the development.	Clear delineation provided from entry gates to principal building entries. Passive surveillance appropriately provided. The basement car parking levels will provide secure parking with security access and independent access from each car space into the dwelling above by individual stairs secured with authorised access locks and intercom for visitors. The design of the development clearly delineates public and private open spaces through the use of low fencing and landscaping. A shared entrance pathway and entrance lobby area to the lift foyers is proposed that will provide a secure	Yes

		pedestrian access pathway and entry into each building. The entrance lobby and doorways are exposed to public view via the central entrance areas and forecourts to each of the four buildings, which serve as a pedestrian access path from the street to each building, avoiding any potential entrapment areas.	
	Visual Privacy - • Maximise visual privacy between adjoining buildings by separation, setbacks and site layout. • Design layouts to minimise direct overlooking of rooms and private open spaces. • Use site and building design elements to increase privacy without compromising light and air access.	Visual privacy measures are incorporated to provide functions within all rooms and private open spaces, without compromising views, outlook, ventilation and solar access.	Yes
Site Access	**Building Entry -** • Improve presentation to street by entry treatment. • Direct connection and clear transition between street and entry. • Ensure equal access for all. • Provide safe and secure access. • Separate building entry from car parks. • Design entries/circulation to allow furniture movement. • Provide mailboxes to be convenient, but not clutter the appearance of the development from the street.	Blocks B and C address the Windsor Road frontage incorporating a wide pedestrian entry plaza between the two buildings that steps down into the podium in the centre of the site. The street entry provides legible pedestrian access to the entry lobbies of Blocks B, C and D. Direct additional accessible pedestrian access is available to each block via pedestrian feature bridges off Windsor Road that directly link to Level 2 of the buildings. Pedestrian access to the apartment blocks is achieved by legible building entries located along the access driveway to give each building an individual and easy to understand sense of address.	Yes

		All mailboxes are to be located at the Meryll Avenue frontage as a condition of consent. There are to be no mailboxes located at the Windsor Road frontage of the site.	
	Parking - • Determine car spaces by access to public transport, density and ability to accommodate on site. • Limit visitor spaces, where impact on landscape and open space is significant. • Give preference to underground parking. • Provide bicycle parking which is easily accessible.	A total of 269 off-street parking spaces are required based on 29 x 1 bedroom, 110 x 2 bedroom and 8 x 3 bedroom units. A total of 366 car parking spaces are proposed to be provided in four basement levels, i.e. 66 spaces for visitors (surplus of 7 spaces) and 300 spaces for residents (surplus of 90 spaces). The basement parking levels also accommodate a car wash bay, motorcycle parking (16 spaces), bicycle parking or racks (45 spaces) and independent storage areas for each dwelling.	Yes
	Pedestrian Access - • Accessible routes to public and semi-public areas. • Promote equity by entry location and ramps. • Ground floor apartments to be accessible from the street and associated open space. • Maximise number of accessible, visitable and adaptable apartments in a building. • Barrier free access to at least 20% of dwellings.	Level access provided from front gates to building entrances and communal open space. Ground floor units accessible from street and communal areas directly. Barrier free access provided to all units.	Yes
	Vehicle Access - • Ensure adequate separation between vehicle entries and street intersections. • Optimise opportunities for active street frontages and	Vehicle ingress and egress can occur in a forward direction to be accessed from Meryll Avenue. Entry/exit for cars meets sight line requirements. Traffic report indicates	Yes

	streetscape design. • Improve appearance of car parking entries. • Limit vehicle entries away from pedestrian entries and on secondary frontages.	sightline distances meet requirements.	
Part 3 Building Design			
Building Configuration	**Apartment Layout -** • Determine apartment sizes in relation to location, market, spatial configuration and affordability. • Ensure apartment layouts are resilient over time. • Design layouts to respond to natural and built environments and optimise site opportunities. • Avoid locating kitchen in circulation space. • Include adequate storage in the apartment. • Ensure apartments facilitate furniture removal and placement. • Single aspect apartments should be limited in depth to 8m from a window. Buildings not meeting this standard must demonstrate how satisfactory daylight and natural ventilation can be achieved. • Kitchen to be maximum of 8m from window. • Cross over or cross through apartments >15m deep to have minimum width of 4m.	The unit sizes meet SEPP 65 recommended standards as per the Table on page 69 of the Residential Flat Design Code. All 3 bedroom units (8 in total) are above 124m^2. The 1 bedroom units (29 in total) range from 63.4m^2 to 76.8m^2 while the 2 bedroom units (110 in total) range from 80.4m^2 to 125.3m^2. All units have good solar access and efficient layouts. Kitchens are within 8m of windows and centrally located. Single aspect apartments are 8 metres deep, and dual aspect apartments are 16 metres deep. Apartment minimum width is 4.5m.	Yes
	Apartment Mix - • Provide variety of apartments in larger buildings. • Refine appropriate mix by considering population trends and proximity to transport,	Apartment mix is considered satisfactory, i.e. 5% 3 bedroom units 75% 2 bedroom units 20% 1 bedroom units A good mix of 1 bedroom, 2	Yes

	employment and services. • Locate mix of 1 and 3 bed units on ground floor to enable access by disabled, elderly and families. • Optimise accessible and adaptable apartments.	bedroom and 3 bedroom units are provided on ground floor. Accessible units are distributed through both buildings and included on the ground level.	
	Balconies - • Provide at least one primary balcony. • Primary balconies to be adjacent to living area. • Consider secondary balconies in larger apartments, adjacent to bedrooms and for clothes drying. • Balconies to respond to local climate and context, solar access, wind and privacy. • Design balustrades to allow views and casual surveillance, while providing safety and privacy. • Co-ordinate and integrate building services with façade and balcony design. • Primary balcony to have minimum depth of 2m.	Balconies provided adjacent to all living spaces. Ground floor units have good on-grade access as well as solar access. Balconies are generally 2.5m wide (minimum dimension), some are wider, some taper in width but the area provided with at least a 2m depth meets standards. On some of the larger upper level units multiple balconies are provided which further enhances the amenity of the unit.	Yes
	Ceiling Heights - • Co-ordinate internal ceiling heights and slab levels with external height requirements. • Minimum floor to ceiling height of 2.7m. • Variations to demonstrate satisfactory daylight.	Minimum ceiling height is 2.7m. Residential floor to floor is 2.9m.	Yes
	Flexibility - • Provide robust building configurations which utilise multiple building entries and circulation cores. • Promote accessibility	Buildings have main entrances as well as secondary entrances. Buildings provide disabled access.	Yes

	and adaptability by accessible and visitable apartments and pedestrian access.		
	Internal Circulation - • Increase amenity and safety by generous widths, lighting, minimising lengths, avoiding tight corners, legible signage and adequate ventilation. • Support better apartment layouts by designing buildings with multiple cores. • Articulate longer corridors by using series of foyer areas and windows along or at end of window. • Minimise maintenance and maintain durability by using robust materials in common circulation areas.	Internal corridors are 1.6 to and 1.8m wide. Buildings have internal corridors with natural light adjacent to lifts. Internal corridors are relatively short and the maximum number of units off a single core is 6.	Yes
	Storage - • 50% of storage to be within apartment and accessible from hall or living area and dedicated storage rooms on each floor and car parks. • Storage to be suitable for local area and able to accommodate larger items (e.g. bicycles) • Ensure storage is secure for individual use.	Storage areas are placed in a centrally accessible position in all dwelling units. Basement levels also have secured residential storage rooms.	Yes
Building Amenity	**Acoustic Privacy -** • Maximise acoustic privacy by adequate separation. • Internal layout to separate noise from quite areas by grouping bedrooms and service areas. • Resolve conflicts between noise, outlook and views by design measures, such as double glazing.	Acoustic report submitted takes into account the impact of traffic noise from Windsor Road. The assessment concludes that provided recommendations for glazing of windows are adopted, the development would achieve the noise intrusion requirements of the SEPP Infrastructure 2007. Window glazing provided in	Yes

	• Reduce noise transmission from common corridors. • Provide seals to entry doors.	accordance with the standards.	
	Daylight Access - • Orient building to optimise northern aspect. • Ensure daylight access to communal open space March-September and shade in summer. • Optimise apartments receiving daylight access to habitable rooms and principal windows. • Design for shading and glare control. • Living rooms and private open space of at least 70% of apartments should receive 3 hours direct sunlight between 9am and 3pm in mid winter. • Limit single aspect apartments with a southerly aspect to a maximum of 10% of total units.	Solar access to units generally achieves and exceeds the guidelines of the RFDC due to the prevailing north east and north west orientation of units. The centrally located communal areas have good balance of solar access and shade year round. There are no south-facing single aspect units in the development. 67% of units have northern exposure, 23% eastern exposure and 10% western exposure.	Yes
	Natural Ventilation - • Promote and guide natural breezes. • Utilise building layout and section to increase potential for natural ventilation. • Internal layout to minimise disruptions and group rooms with similar usage together. • Select doors and operable windows to utilise air pressure or windows to funnel breezes. • Co-ordinate design with passive solar design. • Explore innovative technologies to ventilate rooms.	71% of units are naturally cross-ventilated. More than 25% of kitchens are immediately adjacent to windows. Kitchens are within 8m of the primary glassline. Maximum building depth is 18m for dual aspect and 8m for single aspect.	Yes

	• 10-18m of building depth recommended for natural ventilation. • 60% of units to be naturally cross ventilated. • 25% of kitchens to have access to natural ventilation.		
Building Form	**Awnings and Signage -** • Locate awnings over building entries. • Enhance safety by providing lighting.	Building entries are covered.	Yes
	Facades - • Consider relationship between building form and façade or building elements. • Facades to have appropriate scale, rhythm and proportion responding to use and desired character. • Facades to reflect orientation of site using sun shading devices. • Express important corners by giving visual prominence to parts of the façade. • Co-ordinate and integrate building services and utility items.	As shown in the submitted photomontages the buildings are well articulated and proportioned. Wall surfaces are broken up with solar screens and balconies enhance the facades.	Yes
	Roof Design - • Relate roof design to desired built form. • Relate to size and scale of building, elevations, building form. • Respond to orientation of site. • Minimise visual intrusiveness of service elements. • Facilitate use of roof for sustainable functions.	The roof provides a contrasting top level or capping to identify the extent of the height and to maintain a low profile. The indentation of the top floor ensures the scale of development and potential for overshadowing is minimised.	Yes
Building Performance	**Energy Efficiency -** • Incorporate passive solar design to	Buildings have good passive design and units have good access to natural daylight.	Yes

	optimise heat storage in winter and heat transfer in summer. • Improve control of mechanical heating and cooling. • Plan for photovoltaic panels. • Improve hot water system efficiency. • Reduce reliance on artificial lighting. • Maximise efficiency of household appliances.	BASIX Certificate submitted with the Development Application meets the criteria.	
	Maintenance - • Design windows to enable internal cleaning. • Select manually operated systems, such as blinds. • Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. • Select durable materials which are easily cleaned. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • Provide garden maintenance and storage area.	Principal windows have easy access for cleaning. Exterior materials are masonry and painted render. Landscape areas are accessible for maintenance.	Yes
	Waste Management - • Incorporate existing built elements where possible. • Recycle and reuse demolished materials. • Specify building materials that can be reused or recycled. • Integrate waste management into all stages of project. • Support waste management by specifying project needs and reducing waste by using standard product sizes.	A Waste Management Plan has been submitted with the application. A central bin storage area is located on the ground level at the entry driveway off Meryll Avenue. Bins will be relocated to this area by a site caretaker on collection day from a number of separate bin storage areas within the buildings. Bin storage areas include recycling facilities. Collection vehicles will enter the site, collect from the bin standing area and leave the site in forward direction. This	Yes

	• Prepare waste management plan. • Locate storage areas for bins away from street frontage. • Provide waste cupboards or temporary storage area. • Incorporate on-site composting where possible.	arrangement has been assessed to be satisfactory.	
	Water Conservation - • Use AAA rated appliances. • Encourage use of rainwater tanks. • Collect, store and use rainwater on site. • Incorporate local native vegetation in landscape. • Consider grey water recycling.	BASIX Certificate covers water related strategies. Landscape plan includes native species.	Yes

3. Compliance with Local Environmental Plan 2012

The subject site is zoned R4 High Density Residential under LEP 2012. The proposal being a 'Residential Flat Building' development is permissible with consent within the zone.

The proposal has been assessed against the LEP 2012 Map Sheets as follows:-

LEP 2012 MAPPING - DEVELOPMENT STANDARDS			
STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	2.3:1	1.57:1	Yes
Allotment Size	4,000m^2	9,993.3m^2	Yes
Building Height	N - 14m O2 – 16m Q1 – 19m	Blocks B & C breach the O2 (16m) and Q1 (19m) height limits between 800mm and 2.5m. Part of the rear of Block B breaches the N (14m) height limit by 4.5m.	No – see comments below.

LEP 2012 MAPPING – SITE RESTRICTIONS			
RESTRICTION		ASSESSMENT DETAIL	
Is the site a heritage	No	If yes, address	N/A

listed item or within a heritage conservation area?		Clause 5.10 of LEP 2012 and confirm what level of significance it is? (e.g. local, regional or state).	
Is the site affected by land reservation or acquisition? (e.g. road widening, open space, trunk drainage etc)	No	If yes, what is the affectation and address Clauses 5.1 and 5.1(a) of LEP 2012.	N/A
Is the site affected by Sheet CL1_001 (e.g. acid sulphate soils and natural biodiversity mapping)	No	If yes, what is the affectation and address Clauses 7.1 and 7.3 of LEP 2012.	N/A
Is the site affected by Sheet CL2_002 (e.g. foreshore building line, land slide risk, natural resources, urban releases and key sites)	No	If yes, what is the affectation and address Part 6 and Clauses 7.2, 7.5 & 7.6 of LEP 2012.	N/A

Building Height

Clause 4.3(2) prescribes the maximum height limits as shown on the Height of Buildings Map. LEP 2012 Building Height Map shows different building height zones within the Windsor Road Precinct, which includes the subject site as follows:

K Zone – 10.0
N Zone – 14.0
O2 Zone – 16.0
Q1 Zone – 19m
R2 Zone – 22m

The subject site falls within the N, O2 and Q1 zones. As noted in the table above, Blocks B and C breach the O2 (16m) and Q1 (19m) height limits, which is generally between 800mm (4.2%) to 2m (10.5%) in Block B and between 1.2m (7.5%) to 2.5m (15.6%) in Block C. Part of the rear of Block B exceeds the 14m height limit by 4.5m (32%).

Clause 4.6(3) provides the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has submitted a written request that seeks to justify the contravention of the development standard as follows:

• *The frontage to Windsor Road exhibits a substantial change in gradient and allows the two buildings (Blocks B and C) to be lowered into the site and allows for a seventh floor level, with only marginal increase over the 19 metres building height plane;*

• *Consideration in the final assessment should be based on the planning guidelines provided by the Residential Flat Design Code (RFDC) for developments on steep slopes. The attached copy from the RFDC illustrates the recommended building height plane for sloping sites is to vary the height plane at the street level for the depth of the development to allow for appropriate building forms to be established when the topography is such that adopting the height plane in a strict sense would lead to inefficient and unacceptable design results;*

• *The increase in the building height for Blocks B and C will not exacerbate or increase any overshadowing on to the adjoining sites due to the proposed building separations from adjoining residential developments;*

• *The design proposes a significantly lower height in Block D to ensure that over-shadowing is less than a complying development would be and to mitigate any increase in over-shadowing from Blocks B and C (Additional shadow diagrams, - Drawing DA-34 to 36, - are provided to illustrate that the shadows from the development will be LESS THAN the shadows generated by a complying development where Block D is at 14 metres in height);*

• *The increase in the building height for Blocks B and C will not exacerbate or increase any impact on privacy to the adjoining sites due to the proposed design, locations of windows and building separations from adjoining residential developments;*

• *The design generates less overshadowing on to adjoining properties due to the design of Block D, which is lower in height and occupies less site area, with a greater separation distance than the current development consent (Additional shadow diagrams, - Drawing DA 31 to 33, - are provided to illustrate that the shadows from the proposed development will be LESS THAN the shadows generated by the approved development;*

• *If the proposal complies with the majority of the Planning Proposal, the minor discrepancies in the height plane should not justify a refusal of the development application;*

• *If there are no significant adverse impacts in the non-compliance, Council can favourably consider the proposed encroachments.*

Comment:

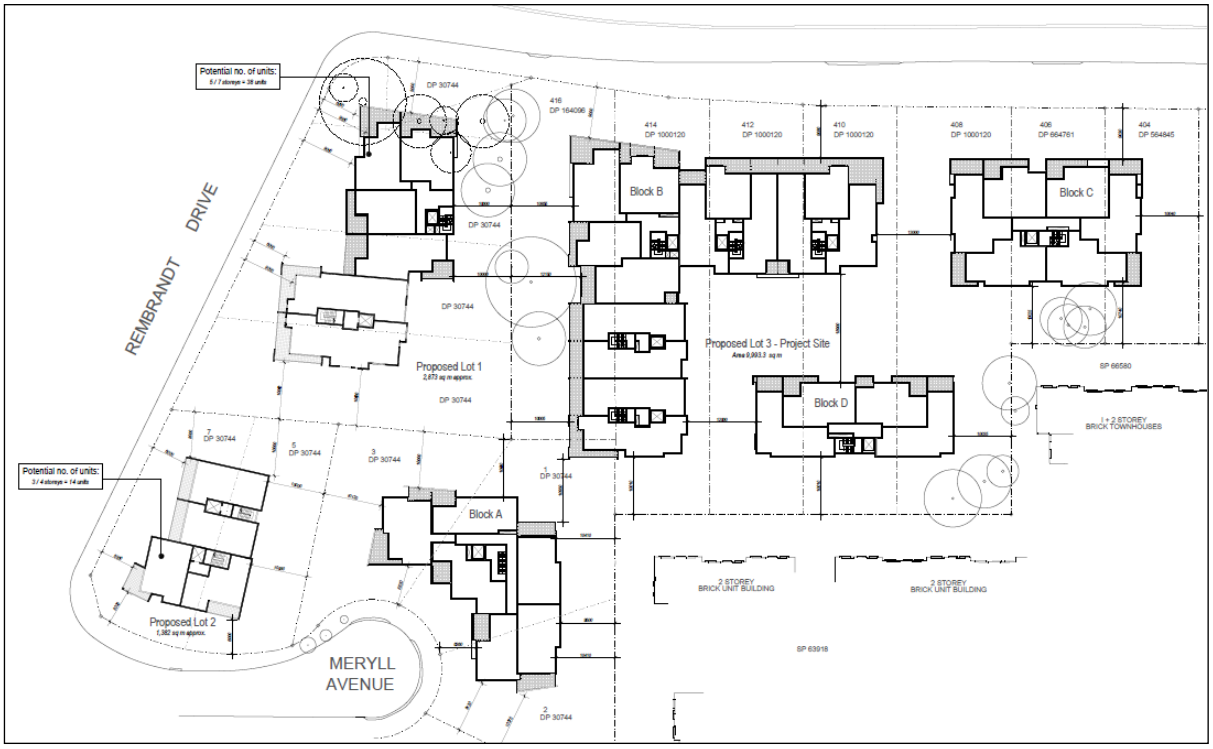
The subject site is not identified to contain the landmark building envisaged in the Planning Proposal for the Windsor Road Precinct. The landmark building will be located at the corner of Rembrandt Drive and Windsor Road and is restricted to 22m or 7 storey limit (within the R2 height zone). Proposed Block B adjoins the landmark building to the north. The proposal has been amended reducing the building height to 7 storeys rather than the initially proposed 8 storeys.

Block B is located within the Q1 and N height zones, where buildings are restricted to 19m or 6 storey limit and 14m or 4 storey limit respectively. Block B breaches the LEP height limit in Q1 zone by 800mm (4.2%) to 2m (10.5%) and the height limit in N zone partially by 4.5m (32%). When viewed from Windsor Road, Block B will have the same height as the landmark building envisaged in the adopted Planning Proposal at seven storeys.

Block "C" is located within the O2 height zone where building height is restricted to 16m or 5 storeys. Block "C" exceeds the height limit between 1.2m (7.5%) to 2.5m (15.6%) or by 1 storey being 6 storeys in height.

While Block B proposes to vary the 19m height limit on this portion of the site, it is considered that limiting Block B to a maximum height of 7 storeys will facilitate a more appropriate built form within the Windsor Road Precinct which is of greater consistency with that envisaged within the adopted Planning Proposal.

With respect to the orderly development of the remaining land within the Windsor Road Precinct and Council's strategic vision to provide a prominent corner gateway development at the intersection of Rembrandt Drive and Windsor Road, the applicant has prepared a concept masterplan of the Windsor Road Precinct submitted during the Planning Proposal process demonstrating the potential development of a 7 storey residential flat building on the remaining land on the corner of Rembrandt Drive and Windsor Road and a 4 storey residential flat building on the remaining land on the corner of Rembrandt Drive and Meryll Avenue (see diagram below).



Given the fragmented land ownership within the Windsor Road Precinct, the concept master plan demonstrates the development of the remaining land within the Windsor Road Precint as two separate allotments of only 2,873m^2 and 1,382m^2 (rather than one consolitated allotment of 4,255m^2). Accordingly, the development of the remaining land within the Windsor Road Precinct in accordance with the concept master plan submitted would require significant variations to the minimum lot size for residential flat buildings of 4,000m^2. Notwithstanding this, it is considered that the concept master plan demonstrates an acceptable level of consistency with the built form envisaged by the adopted Planning Proposal and demonstrates that a reasonable prominent corner gateway development at the intersection of Rembrandt Drive and Windsor Road of at least 7 storeys could potentially occur.

Subclause (4) of Clause 4.6 provides the following:

"Development consent must not be granted for development that contravenes a development standard unless

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained."

In view of the above foregoing, subclause (4) of Clause 4.6 of LEP 2012 is addressed as follows:

a(i) The applicant's written request to justify the contravention of the development standard is considered to be satisfactory, when considering the location of Block B which will facilitate a more appropriate built form within the Windsor Road Precinct which is of greater consistency with that envisaged within the adopted Planning Proposal.

a(ii) The proposal is considered to be in the public interest as it is consistent with the objectives of the building height standard as follows:

"(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas."

It is considered that the proposed development would be compatible with future development within the precinct as it will facilitate a satisfactory built form consistent with that envisaged within the Windsor Road Precinct. The variation to the height is supported as the proposed buildings respond to the desired scale and character of the site.

(b) The concurrence of the Director-General is no longer required, given the repeal of SEPP No. 1. Hence, concurrence is now assumed in cases such as this.

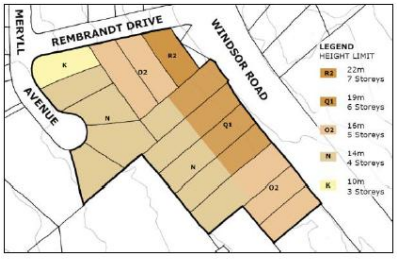
Accordingly, the proposed variation to the building height standard is considered satisfactory, and the applicant's objection to the standard is supported in this regard.

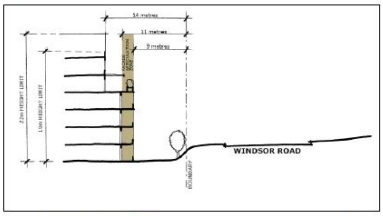
4. Compliance with DCP 2012 Part D Section 10 – Baulkham Hills Town Centre – Windsor Road Precinct & Part D Section 5 – Residential Flat Building

The proposal has been assessed against the relevant development controls of DCP 2012 Part D Section 10 – Baulkham Hills Town Centre relevant to Windsor Road Precinct and is compliant with the exception of land uses, building height, building setback and building separation.

Other development standards that are not specifically prescribed in this part and section of the DCP are referred to in Part D Section 5 – Residential Flat Building, and the proposal has been assessed to be compliant with the exception of building length, unit layout and design (unit sizes) and solar access.

The following table outlines the proposal's non-compliance with the above controls in both Parts and Sections of DCP 2012:

DEVELOPMENT CONTROLS	Proposed	Compliance
Part D Section 10 – Baulkham Hills Town Centre – Windsor Road Precinct		
3.6.1 Land Uses a) Landmark building to be located at the corner of Rembrandt Drive and Windsor Road	The proposal seeks to extend the landmark role of the corner into the site by providing a landmark building immediately to the south of the Rembrandt Drive / Windsor Road intersection.	No, see comments below.
3.6.3 Building Height a) Building height shall be in accordance with Figure 31 below.  **Figure 31** Windsor Road Precinct – Building Height The above height control has been addressed in Section 3 of this Report.	Block B exceeds the maximum height limits within the Q1 and O2 zones by 800mm to 2m and within the N zone in part by 4.5m. Block C exceeds the maximum height limit within the O2 zone by 1.2m to 2.5m. In terms of equivalent number of storeys within the prescribed height zones, Block B exceeds the maximum number of storeys allowed within the Q1 zone by 1 storey, while Block C exceeds by 1 storey within the O2 zone. Block B in part exceeds by more than 1 storey at the rear within the N zone.	No, see comments below.
3.6.5 Building Setback and Separation a) Building setbacks shall be in accordance with the following table and Figures 32 & 33:	Balconies and bedrooms to Units B31, B32, B35, B36, and B63 to B70 (second to fourth storey within Block B) breach the minimum 9 metre setback by a maximum of 600mm. Balconies and bedrooms within Blocks B and C breach the 14 metre setback required from fifth to seventh storey fronting Windsor Road by a maximum of 4.135m.	No, see comments below.

<table><tr><th>Building 1 & 2 Setback</th><th>Minimum</th><th>Facade articulation zone</th></tr><tr><td>Street frontage setback, Windsor Road and Rembrandt Drive: Ground to Fourth Storey</td><td>11 metres For a minimum 60% of building facade</td><td>9 to 11 metres Balconies and up to 40% of building facade are permitted in this zone</td></tr><tr><td>Street frontage setback, Windsor Road and Rembrandt Drive: Fifth to Seventh Storey</td><td>14 metres</td><td></td></tr><tr><td>Rear setback: Ground to Fourth Storey</td><td>10 metres</td><td></td></tr><tr><td>Rear setback: Fifth Storey</td><td>13 metres</td><td></td></tr><tr><td>Side setback</td><td>10 metres</td><td></td></tr></table> <table><tr><th>Building 3 & 4 Setback</th><th>Minimum</th></tr><tr><td>Rear setback: Ground to Third Storey</td><td>10 metres</td></tr><tr><td>Rear setback: Fourth Storey</td><td>13 metres</td></tr><tr><td>Side setback</td><td>10 metres</td></tr></table> <table><tr><th>Building 5 & 6 Setback</th><th>Minimum</th></tr><tr><td>Street frontage setback, Meryll Avenue</td><td>6 metres</td></tr><tr><td>Rear setback</td><td>10 metres</td></tr><tr><td>Side setback: Ground to Third Storey</td><td>8 metres</td></tr><tr><td>Side setback: Fourth Storey</td><td>14 metres</td></tr></table>  **Figure 32** Windsor Road Precinct – Building Setbacks Key Diagram  **Figure 33** Rembrandt Drive & Windsor Road Facade Articulation Zone		
Part D Section 5 – Residential Flat Building		
3.7 Building Length (a) The maximum linear length of any residential flat building is to be 50 metres.	Block B is 54.4 metres long at its eastern elevation and 58 metres long at its northern elevation.	No, see comments below.
3.11 Unit Layout and Design (a) The minimum internal floor area for each unit, excluding common	2 x 1 bedroom units comply with the minimum standard and 27 x 1 bedroom units are below 75m^2	No, see comments below

passageways, car parking spaces and balconies shall not be less than the following: 1 bedroom unit - 75m^2 2 bedroom unit - 110m^2 3 bedroom unit - 135m^2	2 x 2 bedroom units comply with the minimum standard and 108 x 2 bedroom units are below 110m^2 All 8 x 3 bedroom units are below 135m^2	
3.14 Solar Access – Overshadowing (h) The common open space area must receive at least four hours of sunlight between 9am and 3pm on 21 June.	The central communal open space area does not achieve 4 hours sunlight.	No, see comments below.
(i) Buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.	Most adjoining buildings and open space areas achieve four hours between 9am and 3pm on 21 June with the exception of the townhouses adjoining the south west corner of the site.	No, see comments below

Part D Section 10 – Windsor Road Precinct

a) Land Uses

The proposal seeks to extend the landmark role of the corner into the site by providing a landmark building immediately to the south of the Rembrandt Drive / Windsor Road intersection. The applicant has stated that due to land ownership, access, site planning opportunities and constraints and the presence of significant vegetation directly at the corner of Rembrandt Drive and Windsor Road, it would be impractical to achieve this aim.

The applicant has presented concept masterplan of the Windsor Road Precinct during the Planning Proposal stage demonstrating the potential development of a 7 storey residential flat building on the remaining land on the corner of Rembrandt Drive and Windsor Road and a 4 storey residential flat building on the remaining land on the corner of Rembrandt Drive and Meryll Avenue. A diagram of this concept plan is illustrated in Section 3 above.

Comment:

The concept masterplan demonstrates an acceptable level of consistency with the built form envisaged by the adopted Planning Proposal and indicates that a reasonable prominent corner gateway development at the intersection of Rembrandt Drive and Windsor Road of at least 7 storeys could potentially occur. Extending the landmark role of the corner into the site by having a similar 7-storey building (Block B) is considered not to be in conflict with the intent of this control within the Precinct. The proposal is considered satisfactory in this regard.

b) Building Height

Block B is located within the Q1 and N height zones, where buildings are restricted to 19m or 6 storey limit and 14m or 4 storey limit respectively. As discussed in Section 3 above, Block B breaches the LEP height limit in Q1 zone by 800mm (4.2%) to 2m (10.5%) and the height limit in N zone partially by 4.5m (32%). In DCP terms, Block B exceeds the maximum number of storeys allowed within the Q1 zone by 1 storey, while Block C

exceeds by 1 storey within the O2 zone. Block B in part exceeds by more than 1 storey at the rear within the N zone.

Comment
While Block B varies the LEP 19m height limit on this portion of the site, it is considered that allowing Block B to a maximum height of 7 storeys will facilitate a more appropriate built form within the Windsor Road Precinct which is of greater consistency with that envisaged within the adopted Planning Proposal. Block C's excess of 1 storey over the 5 storey limit does not undermine the objectives of the Windsor Road Precinct and the Baulkham Hills Town Centre overall in that its built form contributes to the character of the Town Centre with the integration of the buildings, landscaped areas, and public space complemented by satisfactory measures being incorporated into the design to ameliorate any impacts arising from the proposed development. It is considered not to detrimentally impact upon the amenity of adjoining properties in terms of solar access and shadowing. The extra storey in Buildings B and C along the Windsor Road frontage does not result to a breach in the maximum allowable floor space ratio for the site.

The variation to the maximum allowable number of storeys is supported in this regard.

c) Building Setback
The setback controls for the Windsor Road Precinct require a minimum front setback to Windsor Road of 11 metres for a minimum 60% of the building façade and allows façade articulation between 9 to 11 metres for balconies and up to 40% of building façade for the Ground to Fourth Storey. The setback requirement for the Fifth to Seventh Storey is 14 metres. Figure 33 of the DCP illustrates the minimum setbacks, articulation zone and indentation recommended along the Windsor Road frontage.

It is proposed to vary the 9 to 11 metres articulation zone for ground to fourth storey fronting Windsor Road and the 14 metre setback to Windsor Road from fifth to seventh storey. In particular, balconies and bedrooms to Units B31, B32, B35, B36, and B63 to B70 (second to fourth storey within Block B) breach the minimum 9 metre setback by a maximum of 600mm. Balconies and bedrooms within Blocks B and C breach the 14 metre setback required from fifth to seventh storey fronting Windsor Road by a maximum of 4.135m.

The applicant has provided a written justification to this setback variation as follows:

The objectives in the DCP (Clause 3.7.4 - Building Setbacks) for these additional setbacks are considered necessary "to satisfy building separation, solar access and amenity requirements of SEPP 65'

Our design proposes a six (Block C) and seven-storey building (Block B) along Windsor Road street frontage, if Council accepts the justification for the increase in the building height. The setbacks adopt the prescribed distances of a minimum of nine (9) metres, increasing to eleven (11) metres for the Ground Floor to Fourth Floor Levels. The upper two floors are indented to fourteen (14) metres, as recommended.

The proposed setbacks are justified for the following reasons :-

• The additional setback to the two (2) uppermost floor levels is intended to reduce the bulk and scale of the development, when viewed along Windsor Road street frontage and to be in context with the Stockland Mall on the eastern side of Windsor Road;

• The setbacks enable the provision of deep-soil planting along the street frontage to provide a buffer screen to the development;

• The design of the two buildings, Block B and Block C, proposes a terraced façade wit0+h the lowest floor level lower than street level;

• *The proposed building designs and built forms are not as illustrated in Figure 32 of Council's DCP - thus demanding a reconsideration of these setback distances;*

• *The sectional view in Figure 33 of Council's DCP is misleading as the frontage to Windsor Road must be elevated to prevent storm-water entry into the site from the street, generating a higher ground level along the street boundary and providing a reduction in the visible heights and floor levels along Windsor Road;*

• *There is no adverse impact on the building separation distances;*

• *There is no adverse impact on solar access to other residential developments;*

• *There is no adverse impact on the amenity requirements for other residential developments.*

Comment:
The variation to the DCP's front setback requirements is considered acceptable as the proposed encroachments do not adversely impact on adjoining residential development in terms of solar access and privacy. The variation does not impinge upon the required separation distances between buildings and satisfies the amenity requirements of SEPP 65. The proposed variation is supported in this regard.

Part B Section 5 – Residential Flat Building

d) Building Length
Clause 3.7 of DCP 2012 Part B Section 5 – Residential Flat Building requires that the maximum linear length of any residential flat building is to be 50 metres. Block B is 54.4 metres long at its eastern elevation and 58 metres long at its northern elevation.

The applicant has provided the following justification to this standard:

"The development is divided into a series of blocks. Generally all wall lengths comply with the exception of the northern and eastern walls on Block B that [resent a small exceedance at lower building levels. The exceedance is considered to be minor, will not be visually apparent and any visual impact is ameliorated by attention to providing a mix of façade materials and colours and articulation in plan that break down the visual presence of the walls. Consequently Council's support to this departure to the control is requested."

Comment:
Clause 4.9.2 of DCP 2012 Part D Section 12 provides the following relevant objectives on building depth:

(i) To ensure that the scale of the development is consistent with the existing or desired future context.

(i) To provide adequate amenity from building occupants in terms of solar access and natural ventilation.

(ii) To provide for dual aspect apartments.

The proposed building depth of Building B is considered satisfactory as the building is of a scale that is consistent with the desired future context of the locality. Majority of the apartments are dual aspect with habitable rooms situated at the periphery of the building. The design of the units affords good solar penetration in the habitable rooms and achieves the solar performance intent of the Residential Flat Design Code and DCP.

The subject Development Application has been supported by BASIX certificate, which indicates that the proposed development will have appropriate energy efficiency outcomes.

The proposal is considered to satisfy the above objectives and is supported in this regard.

e) Unit Size

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: 75m^2
- 2 bedroom: 110m^2
- 3 bedroom: 135m^2

Four units (2.7% of total) comply with the above unit size standards (i.e. 2 x 1 bedroom and 2 x 2 bedroom units) while the remainder of the units (143 units or 97.3% of total) are under the minimum unit size standards.

The undersized units however comply with the internal area and external area standards prescribed in the Table on page 69 of the Residential Flat Design Code (RFDC), see table below.

Apartment Type	Area	m^2
03.01 Studio	Internal Area	38.5m^2
	External Area	6m^2
03.02 One bedroom,	Internal Area	50m^2
cross through	External Area	8m^2
03.03 One bedroom	Internal Area	62m^2
masionette/loft	External Area	9.4m^2
03.04 One bedroom	Internal Area	63.4m^2
single aspect	External Area	10m^2
03.05 Two bedroom	Internal Area	80m^2
corner	External Area	11m^2
03.06 Two bedroom	Internal Area	89m^2
cross through	External Area	21m^2
03.07 Two bedroom	Internal Area	90m^2
cross-over	External Area	16m^2
03.08 Two bedroom	Internal Area	121m^2
corner with study	External Area	33m^2
03.09 Three bedroom	Internal Area	124m^2
	External Area	24m^2

This table and the accompanying illustrations provide information on a variety of unit types. Dimensions, areas and furniture layouts are included. These examples are a comparative tool for recognising well-organised, funtional, and high quality apartment layouts.

The table below shows the proposal's compliance with the internal and external area standards in the RFDC:

TABLE OF COMPLIANCE

	Unit No.	Bedroom Type	Level	Oriented: North, South East or West	Cross Vented Yes/No	External Kitchen Yes/No	Gross Floor Area	External Area	Residential Flat Design Code (Internal)	Residential Flat Design Code (External)	Residential Flat Design Code - Apartment Code
BLOCK A	1	2B	B Level 1	N	Y	N	89.6	45.6	✓	✓	3.06
	2	2B	B Level 1	N	N	Y	82.6	49.6	✓	✓	3.05
	3	2B	B Level 1	E	Y	N	80.4	27.1	✓	✓	3.05
	4	2B	B Level 1	W	Y	N	81.8	13.6	✓	✓	3.05
	5	3B	B Level 1	N	Y	Y	124.2	34.2	✓	✓	3.09
	6	2B	Level 1	N	Y	N	81.6	12	✓	✓	3.05
	7	2B	Level 1	N	Y	N	94.9	23.4	✓	✓	3.06
	8	2B	Level 1	N	N	Y	82.6	11	✓	✓	3.05
	9	2B	Level 1	E	Y	N	80.4	15	✓	✓	3.05
	10	2B	Level 1	W	Y	N	81.8	16.2	✓	✓	3.05
	11	1B+M	Level 1	N	Y	N	68.6	12.5	✓	✓	3.02
	12	2B	Level 2	N	Y	N	81.6	12	✓	✓	3.05
	13	2B	Level 2	N	Y	N	94.9	23.4	✓	✓	3.06
	14	2B	Level 2	N	N	Y	82.6	11	✓	✓	3.05
	15	2B	Level 2	E	Y	N	80.4	15	✓	✓	3.05
	16	2B	Level 2	W	Y	N	81.8	16.2	✓	✓	3.05
	17	1B+M	Level 2	N	Y	N	68.6	12.5	✓	✓	3.02
	18	2B	Level 3	N	Y	N	80	12	✓	✓	3.05
	19	2B	Level 3	N	Y	N	94.9	23.4	✓	✓	3.06
	20	2B	Level 3	N	N	Y	82.6	11	✓	✓	3.05
	21	2B	Level 3	E	Y	N	80.6	15	✓	✓	3.05
	22	2B	Level 3	W	Y	N	83	18	✓	✓	3.05
	23	1B	Level 3	N	Y	N	64	24	✓	✓	3.02

	Unit No.	Bedroom Type	Level	Oriented: North, South East or West	Cross Vented Yes/No	External Kitchen Yes/No	Gross Floor Area	External Area	Residential Flat Design Code (Internal)	Residential Flat Design Code (External)	Residential Flat Design Code Apartment Type
BLOCK B	1	3B	B Level 1	N	Y	Y	124.5	165.2	✓	✓	3.09
	2	3B	Level 1	N	Y	Y	124.4	24	✓	✓	3.09
	3	1B+M	Level 1	N	Y	N	67.3	16.7	✓	✓	3.02
	4	3B	Level 2	N	Y	Y	128.3	24.6	✓	✓	3.09
	5	2B	Level 2	N	Y	N	90.8	21	✓	✓	3.06
	6	3B	Level 3	N	Y	Y	128.3	24.3	✓	✓	3.09
	7	2B	Level 3	N	Y	N	90.8	21	✓	✓	3.06
	8	2B	Level 1	N	Y	N	90.3	21	✓	✓	3.06
	9	1B+M	Level 1	N	Y	N	71.7	12.2	✓	✓	3.02
	10	2B	Level 2	N	Y	Y	89	28.3	✓	✓	3.06
	11	2B	Level 2	N	Y	N	89.2	21	✓	✓	3.06
	12	2B	Level 3	N	Y	N	89	28.3	✓	✓	3.06
	13	2B	Level 3	N	Y	Y	89.2	21	✓	✓	3.06
	14	2B	Level 4	W	Y	N	82.7	45.4	✓	✓	3.05
	15	2B	Level 4	N	Y	N	86.9	74.6	✓	✓	3.05
	16	2B	Level 4	N	Y	Y	90.8	20.6	✓	✓	3.06
	17	2B	Level 1	W	Y	N	89.4	21.6	✓	✓	3.06
	18	1B+M	Level 1	N	N	N	72.4	15	✓	✓	3.04
	19	2B	Level 1	N	Y	N	91.9	29.3	✓	✓	3.05
	20	2B	Level 1	N	N	N	87.5	50.9	✓	✓	3.05
	21	2B+M	Level 1	N	N	N	94.7	80.5	✓	✓	3.05
	22	2B+M	Level 1	E	Y	N	100.1	36.9	✓	✓	3.06
	23	3B+M	Level 2	N	N	N	133.5	24	✓	✓	3.09
	24	1B+M	Level 2	N	Y	N	72.4	15	✓	✓	3.04

25	2B	Level 2	E	N	N	91.9	27.8	✓	✓	3.05
26	2B	Level 2	N	N	N	87.5	16.4	✓	✓	3.05
27	1B+M	Level 2	N	N	N	63.6	13.2	✓	✓	3.04
28	2B	Level 2	E	Y	Y	90.8	21.1	✓	✓	3.06
29	2B+M	Level 3	N	Y	N	93.2	21.5	✓	✓	3.06
30	1B+M	Level 3	N	N	N	72.4	15	✓	✓	3.04
31	2B	Level 3	N	Y	N	91.9	21.2	✓	✓	3.05
32	2B	Level 3	N	N	N	89	14.7	✓	✓	3.05
33	2B+M	Level 4	N	Y	N	93.2	21.5	✓	✓	3.06
34	1B+M	Level 4	N	N	Y	72.4	14.9	✓	✓	3.04
35	2B	Level 4	N	Y	N	91.9	27.2	✓	✓	3.05
36	2B+M	Level 4	N	Y	N	89	14.7	✓	✓	3.05
37	2B	Level 5	N	Y	Y	97.9	68.2	✓	✓	3.05
38	1B+M	Level 5	N	N	N	72.4	14.9	✓	✓	3.04
39	2B	Level 5	N	Y	N	91.9	27.3	✓	✓	3.05
40	2B+M	Level 5	N	N	N	89	14.9	✓	✓	3.05
41	2B	Level 6	N	Y	Y	97.9	27.5	✓	✓	3.06
42	1B+M	Level 6	N	N	N	69.3	18.5	✓	✓	3.04
43	1B+M	Level 6	N	Y	N	76.8	11.1	✓	✓	3.04
44	1B+M	Level 6	N	N	N	67.5	24.9	✓	✓	3.04
45	1B+M	Level 7	N	N	N	68	18.5	✓	✓	3.04
46	1B+M	Level 7	N	Y	N	76.8	11.1	✓	✓	3.04
47	1B+M	Level 7	N	N	N	67.5	24.9	✓	✓	3.04
48	2B	Level 3	E	Y	N	89.1	21	✓	✓	3.06
49	1B+M	Level 3	E	N	N	63.6	18.3	✓	✓	3.04
50	2B	Level 3	E	Y	N	90.8	21	✓	✓	3.06
51	2B	Level 4	E	Y	N	89.1	21	✓	✓	3.06
52	1B+M	Level 4	E	N	N	63.6	12.6	✓	✓	3.04
53	2B	Level 4	E	Y	N	90.8	26.9	✓	✓	3.06
54	2B	Level 5	E	Y	N	89.1	21	✓	✓	3.06
55	1B+M	Level 5	E	N	N	63.6	17.7	✓	✓	3.04
56	2B	Level 5	E	Y	N	90.8	27.2	✓	✓	3.06
57	3B	Level 6	E	Y	N	127.3	27.9	✓	✓	3.09
58	2B+M	Level 6	E	Y	N	90	27.7	✓	✓	3.06
59	3B	Level 7	E	Y	N	127.3	25	✓	✓	3.09
60	2B+M	Level 7	N	Y	N	104.8	22.6	✓	✓	3.06
61	2B	Level 1	E	Y	N	94	36.9	✓	✓	3.06
62	2B+M	Level 1	E	Y	N	125.3	89.1	✓	✓	3.09
63	2B	Level 2	E	Y	Y	90.8	21.1	✓	✓	3.06
64	1B+M	Level 2	N	N	N	63.6	18.2	✓	✓	3.04
65	2B	Level 2	E	Y	Y	90.1	32.8	✓	✓	3.05
66	2B	Level 3	E	Y	N	90.8	21	✓	✓	3.06
67	1B+M	Level 3	N	N	N	63.6	18.6	✓	✓	3.04
68	2B	Level 3	E	Y	Y	90.3	32.3	✓	✓	3.05
69	2B	Level 4	E	Y	N	90.8	24.9	✓	✓	3.06
70	1B+M	Level 4	N	Y	N	63.6	17.3	✓	✓	3.04
71	2B	Level 4	E	Y	Y	86.5	15.9	✓	✓	3.05
72	2B	Level 5	E	Y	N	90.8	25.2	✓	✓	3.06
73	1B+M	Level 5	N	Y	N	63.6	17.2	✓	✓	3.04
74	2B	Level 5	E	N	N	86.5	15.9	✓	✓	3.05
75	2B+M	Level 6	N	Y	N	104.8	31.1	✓	✓	3.06
76	2B+M	Level 6	N	Y	N	109.6	21	✓	✓	3.05
77	2B+M	Level 7	N	Y	N	104.8	28	✓	✓	3.06
78	2B+M	Level 7	N	Y	N	109.6	21	✓	✓	3.05

	Unit No.	Bedroom Type	Level	Oriented: North, South East or West	Cross Vented Yes/No	External Kitchen Yes/No	Gross Floor Area	External Area	Residential Flat Design Code (Internal)	Residential Flat Design Code (External)	Residential Flat Design Code Apartment Type
BLOCK C	1	2B	Level 1	N	Y	Y	84.5	30.4	✓	✓	3.05
	2	1B+M	Level 1	N	Y	N	73.4	33.8	✓	✓	3.02
	3	2B+M	Level 1	N	N	N	86.2	69.4	✓	✓	3.05
	4	2B+M	Level 1	N	N	N	86.2	69.4	✓	✓	3.05
	5	2B	Level 1	E	Y	Y	86	37	✓	✓	3.05
	6	2B	Level 1	W	Y	N	89.4	14.5	✓	✓	3.05
	7	2B	Level 2	N	Y	N	93.3.	14.5	✓	✓	3.05
	8	2B	Level 2	N	Y	Y	90.8	15.8	✓	✓	3.05
	9	1B+M	Level 2	N	N	N	63.4	13.7	✓	✓	3.04
	10	2B+M	Level 2	N	N	N	86.2	19.9	✓	✓	3.04
	11	2B	Level 2	E	Y	Y	90.8	17.4	✓	✓	3.05
	12	2B	Level 2	W	Y	N	93.3	14.5	✓	✓	3.05
	13	2B	Level 3	N	Y	N	93.3	14.5	✓	✓	3.05
	14	2B	Level 3	N	Y	Y	90.8	14.4	✓	✓	3.05
	15	2B+M	Level 3	N	N	N	83.7	15.9	✓	✓	3.05
	16	2B+M	Level 3	N	N	N	86.2	15.3	✓	✓	3.05
	17	2B	Level 3	E	Y	Y	90.8	14.4	✓	✓	3.05
	18	2B	Level 3	W	Y	N	93.3	14.5	✓	✓	3.05
	19	2B	Level 4	N	Y	N	92	14.5	✓	✓	3.05
	20	2B	Level 4	N	Y	Y	90.8	14.4	✓	✓	3.05
	21	2B+M	Level 4	N	N	N	83.7	15.9	✓	✓	3.05
	22	2B+M	Level 4	N	N	N	86.2	15.3	✓	✓	3.05
	23	2B	Level 4	E	Y	Y	90.8	14.4	✓	✓	3.05
	24	2B	Level 4	W	Y	N	93.3	14.5	✓	✓	3.05
	25	2B	Level 5	N	Y	N	93.3	15.2	✓	✓	3.05
	26	2B+M	Level 5	N	Y	Y	94.8	48.6	✓	✓	3.05
	27	1B+M	Level 5	N	N	N	67.3	61	✓	✓	3.04
	28	2B+M	Level 5	N	Y	Y	94.8	48.6	✓	✓	3.05
	29	2B	Level 5	W	Y	N	93.3	15.2	✓	✓	3.05
	30	2B+M	Level 6	N	Y	Y	106.5	21.3	✓	✓	3.06
	31	1B+M	Level 6	N	N	N	67.3	35.3	✓	✓	3.04
	32	2B+M	Level 6	N	Y	Y	119.4	22.6	✓	✓	3.06
	Unit No.	Bedroom Type	Level	Oriented: North, South East or West	Cross Vented Yes/No	External Kitchen Yes/No	Gross Floor Area	External Area	Residential Flat Design Code (Internal)	Residential Flat Design Code (External)	Residential Flat Design Code Apartment Type
BLOCK D	1	2B+M	B Level 1	W	Y	N	93.7	55.6	✓	✓	3.05
	2	2B+M	B Level 1	W	Y	N	93.7	55.6	✓	✓	3.05
	3	2B	Level 1	E	Y	Y	90.8	24.8	✓	✓	3.05
	4	2B	Level 1	N	N	N	87.3	44.2	✓	✓	3.05
	5	1B+M	Level 1	N	N	N	70	37.5	✓	✓	3.04
	6	2B	Level 1	E	Y	Y	90.8	25.1	✓	✓	3.05
	7	2B	Level 2	N	Y	Y	90.8	11.4	✓	✓	3.05
	8	2B	Level 2	N	N	N	85	12.4	✓	✓	3.05
	9	2B	Level 2	N	N	N	82.5	18	✓	✓	3.05
	10	2B	Level 2	E	Y	Y	90.4	11.3	✓	✓	3.05
	11	2B	Level 3	N	Y	Y	90.8	11.4	✓	✓	3.05
	12	2B	Level 3	N	N	N	85	12.4	✓	✓	3.05
	13	2B	Level 3	N	N	N	82.5	18	✓	✓	3.05
	14	2B	Level 3	E	Y	Y	90.4	11.3	✓	✓	3.05

As shown in the above table, one bedroom units range from 63.4m^2 to 76.8m^2, two bedroom units from 80.4m^2 to 125.3m^2, and three bedroom units from 124.2m^2 to 133.5m^2.

The RFDC provides the following minimum standards as a rule-of-thumb relating to minimum unit sizes for affordable housing:

- 1 bedroom: 50m^2
- 2 bedroom: 70m^2
- 3 bedroom: 95m^2

The applicant has provided the following justification to this unit size variation:

"The size of the proposed units achieve and exceed the guidelines of the Residential Flat Design Code in SEPP 65 and thus could not be considered either too small or offer a poor living environment. Thus amenity objectives are not offended based on commonly accepted and consistently applied standards in NSW (via SEPP 65).

Furthermore, of particular relevance to this proposal, the proximity of the development site to existing and future retail, employment and public transport presents the opportunity for the efficient provision of housing with good access to services and high amenity. Strict compliance with the DCP unit sizes would increase construction costs and reduce unit numbers markedly, unreasonably depriving the community of access to affordable housing and hindering the achievement of affordability objectives.

Thus compliance is considered to be unreasonable in this instance and Council's support for this non-compliance is requested."

Comment:
Clause 3.11 of DCP 2012 Part B Section 5 – Residential Flat Buildings provides the following objectives on unit size:

(i) To ensure that individual units are of a size suitable 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*

All units exceed the above rule-of-thumb minimum standards and achieve full compliance with the unit size standards prescribed in the Table of page 69 of RFDC as demonstrated in the table above.

It is considered that the variety of unit types provided are significantly greater than the minimum unit sizes provided in the rule of thumb and are compliant with the standards in the Table on page 69. The apartment sizes respond appropriately to the aims of the RFDC in that there are a variety of unit designs to demonstrate that these apartments are well organised and functional.

The proposal provides a mix and range of apartment sizes that satisfy the objectives of the standard in that it would assist in meeting the needs of future residents. The proposal will provide a high level of residential amenity where the units receive satisfactory amounts of sunlight and the units have appropriate ventilation.

Amendment No. 2 of SEPP 65, introduced Clause 30A, which under subclause (1) states that a consent authority must not refuse consent to a development application for a residential flat development, on the basis of ceiling heights and apartment area, as long as the ceiling heights and apartment area meet the minimums stipulated in Part 3 of the RFDC. The proposal complies in full with this requirement of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. Subclause (2) states nothing in this clause permits the granting of consent to a development application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of this Policy.

The Development Application has been assessed having regard to the design quality principles outlined in SEPP 65 (refer to Section 2 of this Report) and is considered satisfactory.

f) Solar Access

Development Control (h) of DCP 2012 Part B Section 5 – Residential Flat Buildings require that the common open space area must receive at least four hours of sunlight between 9am and 3pm on 21 June.

Development control (i) requires that buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21
June.

The central communal open space area does not achieve 4 hours sunlight. Most adjoining buildings and open space areas achieve four hours between 9am and 3pm on 21 June with the exception of the townhouses adjoining the south west corner of the site.

The applicant has provided the following justification to the above standards:

"The non-compliance with the 4 hour standard to adjoining buildings is minor; while the configuration of the site prevents effective solar access to the landscaped central communal open space. In the context of the generous landscaped open space within the site (in excess of that required) and generous private open space areas attached to each dwelling, strict compliance with the control is considered unnecessary. Resident open space demands and amenity are satisfactorily met in mid-winter (when the non-compliance would have greatest impact) and Council's support for a variation to the control in this instance is requested."

Comment:
Clause 3.14 of Solar Access – Overshadowing of DCP 2012 Part B Section 5 – Residential Flat Buildings provides the following objectives to solar access standards:

(i*) To orient the development in a way that best allows for appropriate solar access and shading.*

(ii) To maximise natural lighting to internal living and open space areas in winter and provide adequate shading to internal areas and private open space during summer to improve residential amenity.

(iii) To ensure no adverse overshadowing of adjoining allotments/developments.

In the proposed design, 67% of the total number of units will have northern exposure, 23% will have eastern exposure and 10% will have western exposure. Careful consideration was given in the design to ensure all dwellings would receive the maximum benefit from solar access and daylight. This orientation only achieves solar access of two to three hours in winter. Only residential units orientated to the north will achieve four hours. Solar access is maintained in private open spaces and windows of habitable rooms. As the development site addresses two street frontages along the eastern and western site boundaries, the consequence was that many residential units were orientated east and west, rather than north. Given these extremities, it is considered that the development would achieve reasonable solar access without compromising its streetscape presentation.

Shadow diagrams submitted with the application indicate that from 12 noon on the winter solstice the proposed development casts minimal shadow on neighbouring residences. Due to the elevated landform character of the site, the windows and private open space to the townhouses to the south west of the site receive shadow in the morning. However, the shadow cast by the proposed development begins to recede after 12 noon, following which shadow cast by the townhouse building itself will emerge. The majority of shadow during the winter months is cast onto the central communal open space of the subject development and other internal site spaces. The proposal is supported as it is considered

that the shadow impacts are as anticipated by the LEP in place and are not exacerbated by non-compliances.

5. Orderly Development of Adjoining Sites

The Baulkham Hills Town Centre DCP - Windsor Road Precinct sets out the objectives of the development of the Precinct and desired future character. The Built Form indicated in Figure 32 (see below) disregards the land ownership pattern of the immediate corner to Rembrandt Drive.

The applicant has stated that the irregular frontage at the corner of Rembrandt Drive and designated areas of Open Space will deny the achievement of a Landmark element at the intersection. It is also submitted that the existing vegetation at this corner should be retained as a natural feature to the entry to Baulkham Hills from the north.

The concept masterplan presented by the applicant during the Planning Proposal process has demonstrated the achievable floor plates and building areas on the adjoining site, with the favourable aspect being towards Rembrandt Drive (northerly and away from Windsor Road). It is considered that a reasonable form of residential development will still occur on the remaining sites.

6. Issues Raised in Submissions

The proposal was placed on public exhibition and notified on two separate occasions. Eight individual submissions were received during the 1st notification period and three during the 2nd notification period. The table below addresses the issues raised.

ISSUE/OBJECTION	COMMENT	OUTCOME
First Notification – Original Scheme - 166 units, 4-8 storeys Concerns raised regarding shadowing impact of proposal on the objector's property (located on the south eastern boundary of proposed Block A) due to the sloping nature of the block and the potential for their property to be "boxed in" by neighbouring buildings. Although Block A has adequate side setback (objector's property being	Proposed Block A complies with the allowable building height of 14 metres (4 storeys) and with the required setbacks to the rear and side boundaries. Block A provides a minimum rear setback of 10m which immediately adjoins the objector's boundary. Shadow diagrams indicate that the private open space of adjoining townhouse unit would still receive reasonable amount of solar access during midwinter (from 10am till 2pm). It is noted that the objector's property sits lower than the subject site and is in fact already being impacted	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
separated by the main driveway/footpath for the complex), the shadow diagrams show that their private open space would be greatly affected by the shadow cast by the block. The shadow cast would significantly change the current amount of sun that they enjoy during midwinter and reduce this to less than 4 hours per day.	by shadows by the existing boundary fencing (on top of retaining walls) 2.5m to 3m high. Refer to photos supplied in the submission shown in this table below. The proposal does not satisfy Council's minimum solar access provision of four hours on adjoining residential buildings and major part of their landscape, however it would be compliant with the Rules of Thumb of SEPP 65 of three hours. Given the increase in the allowable building height within the Windsor Road Precinct as a result of the amendments to the Baulkham Hills Town Centre DCP, it is anticipated that the shadows cast by this development would be longer than the shadows cast by the previous apartment approval on the land. The development satisfies the objectives of solar access standard in Council's DCP 2012 Part B Section 5 – Residential Flat Building, in that its orientation is sited in a way that best allows for appropriate solar access and shading internally and externally to the site and ensures no significant overshadowing of adjoining allotments/developments.	
Buildings of three storeys against the boundaries to the Conie Avenue townhouses would be more appropriate – it would better blend in with the existing density of the townhouses, would reduce the impact that the new buildings have in regards to shadow and would still allow for an appropriate "step-up" to higher density buildings at the Windsor Road boundary.	The proposed four storey Block A complies with the maximum building height requirement of the DCP, and is sited in a way that appropriate solar access is provided on adjoining buildings.	Issue addressed.
The plans also highlight the impact that the sloping nature of the block has in	The additional shadow impact is a result of the additional height allowed within the Windsor Road	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
relation to the objector's property – the *Site Elevation 12* and *Site Section a-a* diagrams show the objector's property is essentially nearly 2 storeys below the Windsor Road boundary elevation level. This means that the height of Block B is going to have a greater impact on the adjoining property in terms of impact and shadow, than its height suggests.	Precinct. Comparison between the shadow diagrams submitted with the Development Application and previous development approval indicate that the adjoining townhouses to the rear of Block B would still receive at least 3 hours of sunlight during midwinter and therefore it satisfies SEPP 65's Rules of Thumb.	
Some of these variations would have a detrimental impact to the enjoyment of our property. Firstly, the proposed height of Block B at the Windsor Road boundary is essentially an additional storey over the permitted height and as the building steps down towards the rear boundary of the objector's property there are other breaches to the proposed permitted heights. Any notion to add an additional storey to it should not be permitted – it will increase the shadow cast on all the neighbouring Conie Avenue townhouses. The arguments made by the applicant for doing this have an over emphasis on creating a development that will act as a "gateway to Baulkham Hills" and that structuring the development in this way is the only way to minimise the impact to neighbouring properties by allowing for greater boundary setbacks (and making up for it via increased building heights). Strongly object to these variations and allowing 8 storeys at the Windsor Road boundary is against current zoning and also against the proposals in PLP 3/2012.	The proposal has since been amended which reduced the height of Block B from eight to seven storeys generally in compliance with the exhibited (now adopted) Planning Proposal. Block B as proposed will serve as an extension to the landmark building envisaged within the Windsor Road Precinct to provide a prominent feature on the corner of Windsor Road and Rembrandt Drive that will signify entry into the Baulkham Hills Town Centre. The height of this building in this location is guided by the topography and the other building elements surrounding the site. The Stockland Mall opposite the site sets an equivalent building height to that proposed within the Windsor Road Precinct.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
The applicant has asked for permission to vary the amount of "Solar Access" that is required for both the site and some of the neighbouring properties. In relation to the site, it is argued that since the buildings are in such a formation that 'most' of the shadow is cast into its shared open space it should be allowed to vary the access for the site – since the applicant is building this development it is fair for the applicant to ask for that. However, in no way have they addressed any justification for the breaches to the neighbouring south-westerly townhouses, which include the objector's property. Given that this development would be the driving force for changing the solar access, it should be the applicant's and Council's responsibility to ensure that it does comply with any council controls regarding this and that any variation to this is unacceptable.	As addressed above, the proposal would not satisfy the minimum four hours solar access provision to adjoining townhouses to the rear but would be satisfactory with regards to SEPP 65's Rules of Thumb of three hours. It is considered that the development would not significantly impact on the amenity of adjoining properties taking into consideration the existing topographical constraints of the land and the adjoining built form. The overall shadow impacts during midwinter would be similar as previously approved achieving at least 3 hours solar access provision to adjoining properties. Refer to shadow diagrams in Attachment 15.	Issue addressed.
Given that the zoning and planning controls governing this site has undergone many variations over the past 10 years (with the most recent variations essentially converting this site into a higher density site than was previously permitted) it is seen to be a stretch for the applicant to be seeking further variations to this. In reading the *Statement Of Environmental Effects* document, the applicant is attempting to state various justifications for these variations – however, most of these justifications are	The proposal has been designed taking into consideration the likely impacts on adjoining properties as substantiated by the Design Verification Statement prepared by a registered architect and submitted with the Development Application. The Design Verification Statement has had regard to the design quality principles in SEPP 65. It is considered that the proposal responds to the context of the locality providing a development within a precinct undergoing transition and which is consistent with the desired future character for the area.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
being made in the context of the impact to the site itself or how the development of the site will improve the "gateway to Baulkham Hills" and not to the impact of the site's immediate neighbours and surrounding areas.		
It is proposed to plant three Blueberry Ash trees along the side boundary to act as a "green" privacy boundary between the development site and objector's property. These trees can grow to up to 7 metres in height and can also be 3.5 - 6 metres wide. Whilst they wish to maintain a level of privacy between the properties, the objector noted they already have some "hedge style trees" on that boundary and question whether having that many Blueberry Ash trees in the space proposed might have a future impact of creating an overly dense hedge between the two properties, especially since at full height they will be greater than a two storey building but without setback. The landscape plan also indicates that five Water Gum trees would be planted in the general vicinity of the objector's rear boundary. Since these trees can grow up to 10 metres high and have a width of up to 6 metres, we question whether the density of these trees is too dense for the area in which they are proposed.	Council's Tree Management Officer has assessed the proposal and advised that in order to achieve screening with reduced mature height and spread of Blueberry Ash trees, it is recommended that it be conditioned with substitute species Camellia sasanqua. It is also recommended that the Water Gum trees be replaced with substitute species Melaleuca ericifolia which will also tolerate moist conditions in the on-site detention (OSD) area.	Issue addressed. Condition applied – see Condition 1.
The architectural plans show that the main driveway's decline into the underground car park of Block B would begin around half way down the side of the objector's property. It should be assessed to ensure that the plans allow for an	Documentation addressing these construction issues is required to be submitted and assessed prior to issue of any Construction Certificate. A condition will be recommended in any approval requiring compliance with submitted	Issue addressed. Condition applied, see Conditions 64, 68 and 71.

ISSUE/OBJECTION	COMMENT	OUTCOME
appropriate retaining wall to be constructed ensuring that the adjoining property does not subside. The *Sediment Erosion Control Plan* document shows that there would be two soil stockpiles located on the objector's rear boundary during the construction phase. The objector wants to know if those stockpiles need to absolutely be in that position and if they are it is suggested that the applicant takes all the appropriate steps to ensure that the soil does not run off into the objector's and other properties to the rear.	sediment and erosion control plan, stockpile storage and submission of a dilapidation survey.	
Photo shows the rear boundary with lot located on Windsor Road (note presence of retaining wall due to Windsor Road lot being raised higher than that of the adjoining townhouse unit in Conie Avenue). The Windsor Road lot continues to rise towards the road.  Photo below shows the side boundary with lot located on Meryll Avenue, which is also raised higher than the objector's unit in Conie Avenue and gradually declines towards the front of the objector's property.	As noted above, the objector's property sits lower than the development site and is already being impacted by shadows by the existing boundary fencing (on top of retaining walls) 2.5m to 3m high. The shadow impacts of the development would not satisfy the minimum four hours solar access provision to adjoining townhouses to the rear but would be satisfactory with regards to SEPP 65's Rules of Thumb of three hours. It is considered that the development would not significantly impact on the amenity of adjoining properties taking into consideration the existing topographical constraints of the land and the adjoining built form. The overall shadow impacts during midwinter would be similar as previously approved achieving at least 3 hours solar access provision to adjoining properties. Refer to shadow diagrams in Attachment 15.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
 Photo below shows the corner boundary showing both rear and side boundaries. 		
The proposed development would be quite out of character with the area at 8 storeys high. The maximum height for this development proposal should be limited to 3 storeys as per the adjoining building at 392-402 Windsor Road, Baulkham Hills.	The proposal has been amended which reduced the maximum building height from eight to seven storeys in compliance with the exhibited (now adopted) Planning Proposal. The development is proposed to serve as an extension to the landmark building envisaged within the Windsor Road Precinct to provide a prominent feature on the corner of Windsor Road and Rembrandt Drive that will signify entry into the Baulkham Hills Town Centre.	Issue addressed.
Not against appropriate development in the Baulkham Hills Town centre, in fact they want exactly the same thing as development application supporters: appropriate sized residential housing, new shopping opportunities, jobs for the Hills Shire, however they	The proposal has been designed generally in accordance with the exhibited (now adopted) Planning Proposal for the precinct, with increased building height and higher density which fits in with the desired future character for the Windsor Road Precinct as envisaged in the Local Environmental Plan and	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
want development to be sized to community, not a super-sized eyesore.	DCP for the Baulkham Hills Town Centre, and will contribute to the creation of a vibrant town centre with increased residential options close to a range of services including jobs, retail, and transport and community facilities.	
The development will significantly alter the character of this community and will cause unreasonable traffic congestion and parking concerns on adjacent streets, particularly Rembrandt Drive and Meryll Avenue.	Council's Principal Transport and Traffic Coordinator has assessed the proposal and advised that the environmental capacity of Meryll Avenue is 330 vehicles per hour and Rembrandt Drive is 383 vehicles per hour. The proposed development will generate an additional 48 peak hour trips. With such low existing volumes of 22 and 13 peak hour trips there is sufficient spare capacity to accommodate the expected increase in vehicle movements.	Issue addressed.
The proposed median strip closure by the RTA on Windsor Road/Rembrandt Drive would only further exasperate traffic concerns. Local traffic that wanted to gain access to Parramatta or the M2 Motorway, for example, would be forced through the local streets to access Coronation Road/Windsor Road traffic lights. Peak times is a major issue now.	The provision of a central median island in Windsor Road to prohibit right turn movements is an initiative of the RMS. Assuming a directional split of 50% from the development travelling north 24 vehicles will still be able to turn left onto Windsor Rd while the 24 southbound vehicles will be required to seek alternate routes such as Coronation Road. Improvements such as widening the approach lanes have been undertaken by Council at the Coronation intersection.	Issue addressed.
This development application ignores community realities, community feelings, and community legitimate concerns. It is the scale of the project that is markedly inappropriate for the location. They have visited Council chambers to view at least 3 models over time of this proposed development application for this site. Unfortunately, on each occasion the size and the number of units grows	The proposal has been designed generally in accordance with the parameters of the Windsor Road Precinct controls providing taller buildings and higher density having regard to the site's proximity to the Baulkham Hills Town Centre, and which reflect the constraints and opportunities of the precinct.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
significantly.		
Local residents of Rembrandt Drive and Meryll Avenue will face significant privacy issues as the proposed units' balconies clearly overlook the existing backyards of the long term residents.	The proposal has been designed generally in compliance with the setback and height controls ensuring that privacy and overlooking should not pose as a concern, which is the objective of these controls. Landscape screening along the affected boundaries will assist in addressing this concern.	Issue addressed.
This proposal will significantly impact on local residents through reduced homes' values and quality of life.	The impact of the proposal on property values is unknown. No evidence has been provided to substantiate this claim. The proposed development fits in with the desired future character for the Windsor Road Precinct as envisaged in the Local Environmental Plan and DCP for the Baulkham Hills Town Centre which would contribute in enhancing the quality of life in the area being in close proximity to a range of services including jobs, retail, and transport and community facilities.	Issue addressed.
Council/RMS will not permit access via Windsor Road to this development at this location. The former Ferguson Nursery located on this site always had access from Windsor Road. Units on Windsor Road (Nos. 392-402) facing Olive Street have access off Windsor Road. Similarly, units opposite Cook Street (Nos. 312-324) have access off Windsor Road and so on. Why are local residents in Rembrandt Drive and Meryll Avenue expected to accept the proposal that 366 plus motor vehicles drive through their extra narrow streets to gain a back entrance to the proposed development. Asks Council to reject this development application so that a reduced alternative may be considered, a	This is a matter for consideration by the RMS as Windsor Road is a State Arterial road. The peak hour traffic generation as a result of this development according to RMS guidelines is 48 peak hour trips not 366 as raised in the submission. The proposal has been designed generally in accordance with the Planning Proposal which was exhibited and adopted as a result of Council's resolution of 12 April 2011. The proposal has had regard to the amendments made to the Planning Proposal arising from residents' concerns which included a reduction in the maximum building height, an increase in the required building separation within the Precinct and the amendment of setback controls to ensure appropriate articulation of the upper levels of any future development that will be compatible with the area.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
development compatible with the local community.	The assessment of traffic and parking implications prepared by the traffic consultant as reviewed by Council's Principal Transport and Traffic Coordinator concludes that the surrounding local streets have not reached environmental capacity and therefore have adequate capacity to cope with the additional traffic.	
The development represents a 76% increase in apartments on the previous application which was approved by Council. A development of this size (maximum 8 storeys) is not in harmony with the other residential developments on the western side of Windsor Road and will absolutely destroy the character and ambience of the area. There are no other residential developments of this height in either Baulkham Hills or Castle Hill, other than the library building on Castle Street. The building exceeds the 16 metre height limit and the level of non-compliance with the height planes is significant. It will result in the Conie Avenue properties being in shadow up to 12 noon during the winter solstice. As a result, the properties will remain cold and dark, impacting on quality of life for the residents. The reduction in height from 8 storeys to 4 storeys on the western side and the split of the development into 4 blocks will do nothing to disguise the size and extent of the development, nor will it reduce the negative impact the development will have on privacy, security and quiet	The precinct is surrounded by zones that permit medium to high density residential development, due to its proximity to the Baulkham Hills Town Centre. Whilst surrounding development is predominately low scale increased density will occur over time to accommodate development for growth. It is envisaged that the Windsor Road Precinct will provide a prominent feature that signifies the northern frame of the Town Centre. A development on the corner of Windsor Road and Rembrandt Drive that is well designed will signify entry into the town centre, with the potential to stimulate both residential and economic development in the Town Centre. The potential height of any building in this location is guided by the topography and the other building elements surrounding the site. The Stockland Mall is opposite the site and sets an equivalent building height to that proposed within the Windsor Road Precinct. The development as designed is generally in accordance with the precinct controls for the site which allow a maximum height of 19 metres for buildings with frontage to Windsor Road.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
enjoyment of the surrounding properties.		
Traffic is a major concern. The environmental report wrongly states that vehicle access is obtained from both Windsor Road and Meryll Avenue. In fact all 366 car spaces are accessed from Meryll Avenue, which is presently a quiet, comparitively narrow residential road. The traffic report refers to the increase in vehicles per hour during peak periods and states this is minimal in the context of Windsor Road. However this is not totally relevant. The traffic from the development which wishes to travel south to the M2 or Parramatta will quite likely seek to avoid the Windsor Road/Old Northern Road bottleneck. Consequently much of the traffic will go left down Coronation Road and access Seven Hills Road from either Jasper or Katherine Roads. This will increase traffic on these already very busy residential roads and Jasper Road school, thereby creating unnecessary additional risks for residents and school children. The traffic and environmental reports suggest the public transport system is strong. This is not the case, the site is served by bus only, characterised by limited destinations and long queues during the peak periods. To reach the bus stops, residents will be required to cross at least one very busy major road. A development of this size should be located close to a rail station, or prospective station	As noted above, Council's Principal Transport and Traffic Coordinator has assessed the proposal and advised that the environmental capacity of Meryll Avenue is 330 vehicles per hour and Rembrandt Drive is 383 vehicles per hour. The proposed development will generate an additional 48 peak hour trips. With such low existing volumes of 22 and 13 peak hour trips there is sufficient spare capacity to accommodate the expected increase in vehicle movements. With the increase in traffic of 48 peak hour trips, assuming a 50% directional split it will result in 24 peak hour trips seeking alternate routes for southbound movements. The Windsor Road and M2 bus services are well patronised service to the city and Parramatta.	Issue addressed.
The quantum of vehicles and	Council's Principal Transport and	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
associated vehicle movements discussed in the traffic report is very significant when compared with existing conditions currently experienced in Meryll Avenue, Rembrandt Drive and Keene Street. However, the report only considers the increase in traffic on Windsor Road and not along any of the roads that traffic will use to access Windsor Road . Calculations contained in the report coupled with their own calculations indicate that the proposed development will more than double the number of vehicle trips currently generated from Meryll Avenue properties. Furthermore, the RTA proposal to restrict right hand turns from and into Rembrandt Drive will result in the vast majority of trips generated in Meryll Avenue having to travel along the entire length of Meryll Avenue than along Keene Street to Coronation Road. Indeed, traffic generated from No. 3 Meryll Avenue wishing to head south along Windsor Road will be forced to travel 1.6km to reach the same location on Windsor Road that could have been attained by travelling 200m and turning right out of Rembrandt Drive. The report does not consider the increased traffic volumes along Meryll Avenue, Keene Street and Coronation Road. Additionally, the report makes no assessment of the increase in traffic through the signalised Coronation Road/Windsor Road intersection as a result of the development. The following points are noted with respect to the existing surrounding	Traffic Coordinator advised that the existing traffic volumes on these streets are very low. The increase in traffic generation compared to Environmental Capacity is also very low. The increase in traffic is 48 peak hour trips of which assuming a 50% directional split will result in 24 peak hour trips seeking alternate routes for southbound movements. The Windsor Road and M2 bus services are well patronised service to the city and Parramatta. Keene Street intersects Coronation Road on the outside of the curve and offers good sight distance for vehicles exiting Keene Street. There are only 48 additional peak hour trips of which 50% will travelling north and turning left at Windsor Road/Rembrandt Drive intersection.	

ISSUE/OBJECTION	COMMENT	OUTCOME
roads: 1. The western end of Meryll Avenue and Keene Street are zoned for a significantly lower level of development than the portion of Meryll Avenue in the vicinity of Rembrandt Drive. 2. Meryll Avenue and Keene Street are local roads that are of a moderate width, have moderate-to-high levels of kerbside parking and poor sight distances. 3. The intersection of Keene Street and Coronation Road is a difficult, off-camber intersection situated on a corner of Coronation Road. 4. Many children and parents walk along Meryll Avenue and Keene Street in both the morning and afternoon to access the pedestrian paths in Harry Carr Reservce that connect with the southern end of Coronation Road and ultimately Jasper Road primary School. The significant increase in traffic generated by the proposed development will have a detrimental impact on streets (namely the western end of Meryll Avenue and Keene Street) that are zoned for significantly lower levels of development than the proposed development site. It is illogical and unreasonable to expect that vehicle trips generated from a development in a high density zone should have to travel significant distance along quiet residential streets to access feeder roads and then regional roads. The increase in traffic generated by the proposed development is incommensurate with the		

ISSUE/OBJECTION	COMMENT	OUTCOME
design of these streets which is based on a much lower density of development and hence a much lower volume of traffic. The increased danger to pedestrians, particularly school children, should also not be underestimated. While they do not disagree with Council policy on increasing development densities along major roads and close to town centres, they vehemently disagree that the significant traffic volumes generated by increased development densities should be funnelled through areas that are zoned for much lower levels of development. Roads connecting high density developments to feeder roads, sub-arterial and arterial roads need to be of an appropriate design to handle the traffic volumes generated by the higher density developments. The push for more high density developments in the Shire should not override the prevailing principles of proper town planning and traffic planning. They trust that Council will complete their own traffic study, giving due consideration to the issues discussed above and will logically arrive at a similar conclusion.		
The development will affect the enjoyment of their property. When they bought their property, one the selling points by the real estate agent was the view of the property and they paid extra for this reason, and now this development has a direct impact on this matter.	The development is essentially in accordance with the adopted Planning Proposal for the area. There are no significant views affected by the development.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
A petition containing 9 signatures noted their opposition to previous development application approved in 2004 consisting of 94 apartments with 197 car spaces of 4 to 5 storeys to be replaced with higher density development containing 166 apartments with 366 car spaces and taller buildings. Main concerns of the residents are the additional traffic that will be generated and asks Council whether it has investigated this problem. The streets in the area are only 3 lanes wide and not capable of carrying the additional traffic that will be generated by this development. Any future developments in the area will also compound the problem. The traffic report states that this development will increase peak hour traffic in the area by 48 vehicles per hour. Adding this increase to the existing traffic will result in a minimum of 65 to 75 vehicles per hour. Can these streets cope with amount of traffic? They believe it will become difficult to even exit their property during this period and be difficult or even impossible for any emergency vehicles to access their complex or residences in the area. With 166 apartments, there could be over 300 residents, and there are 300 car spaces for residents. If only a third of these residents work locally and drive to work, they will leave say between 7.30am and 8.30am which will result an increase of 100 vehicles during this time. The only way out of this area is by either Rembrandt	Council's Principal Transport and Traffic Coordinator has assessed the proposal and accompanying traffic report. Issues relating to access and environmental capacity of surrounding road network were taken into consideration in the assessment and are considered satisfactory. No objection is raised from traffic perspective. It is advised that the surrounding local streets including Rembrandt Drive, Meryll Avenue and Keene Street have substantial spare capacity to cater for the additional traffic to be generated by this development. The aged care facility is not considered a significant traffic generator.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Drive, or Keene Street to landscape Street or Coronation Drive. The traffic report notes that the RTA proposes to install NO RIGHT TURN restrictions for traffic turning in and out of Rembrandt Drive at the Windsor Road intersection, making all traffic going to Parramatta or to the M2 to use Coronation Road to access Windsor Road. Traffic in Coronation Road already banks up with the current traffic, and vehicles dropping off and picking up students from a nearby school also add to the problem. If more than a third of the residents drive to work or leave the building during this morning period, the traffic problems will become worse or even impossible. A large development of an aged acre facility by Bupa in Windsor Road will also send additional traffic via The Cottell way into Coronation Street. What assessment of the increase in traffic has the Council made for this area" Any traffic gridlock in this area will extend back into Meryll Avenue making it difficult for existing residents to leave the area in an acceptable timeframe.		
Meryll Avenue has unrestricted kerbside parking – can the residents get an assurance from the Council that this condition will remain during construction and after the completion of development? The unrestricted parking in Meryll Avenue and throughout the local area including Rembrandt Drive, landscape Street and Keene Street should not change.	Council's Principal Transport & Traffic Coordinator has assessed the proposal and no objection is raised to the proposal. It is advised that Council has no intention of implementing parking restrictions in Meryll Avenue as a result of this development. However, it will be conditioned in any approval that all construction related vehicles are to be parked/contained within the site.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Why is the existing access drive in front of 404 Windsor Road not being used to access the parking area of this development. This would alleviate the traffic problem in Meryll Avenue.	RMS does not allow any new development to have unrestricted access directly onto a State Arterial road where there is an alternate access (off Meryll Avenue).	Issue addressed.
There is a concern that the size of the buildings, particularly the 8 storey structure may shield the TV antennas on the surrounding properties and result in an inferior reception. There must be a written assurance from the developer that if this situation arises, they will rectify the problem at their cost.	The proposal has been amended reducing the height of Block B to 7 storeys. Notwithstanding this amendment, the impact of the development on surrounding properties in regards to this matter has no sufficient basis to support this claim.	Issue addressed.
A garbage bin area is located between the development and their property at Meryll Avenue. The fence around it is only 1.5m high. They are concerned about the close proximity of a garbage area to the adjoining townhouses because of the noise and smell which will emanate from this area. In the previous approval, a garden (green area) was located in this area which provided a buffer between the development, complex traffic and adjoining townhouses. It is requested that the tree in the corner of the development site beyond the garbage area next to the townhouse unit be retained.	Council's Resource Recovery Projects Officer has assessed the proposal and acknowledged the proximity of the garbage bin area to the neighbouring townhouse complex. To ensure the amenity of the adjoining residents is maintained and protected, relevant conditions will be recommended in any consent to mitigate noise and smell impacts associated with the use of this garbage bin area. The landscaping plan indicates retention of the tree in the corner of the site.	Issue addressed – see Conditions 20, 29 & 83.
Concerns raised regarding excessive light spill from the driveway and garbage area to the rear of the townhouse units. Concern is also raised that excessive traffic noise will emanate from this driveway. Concerns raised regarding the construction period of	Relevant conditions of consent are recommended to alleviate these concerns relating to light spill, traffic noise, and construction traffic and associated noise. The applicant has advised in writing on 12/9/2013 that they now intend to construct the whole development as one	Issue addressed – see Conditions 8, 20, 83 and 85.

ISSUE/OBJECTION	COMMENT	OUTCOME
this development, i.e.: - the noise emanating from this site over many months given that it will be constructed in 3 stages. - Movement of large vehicles carrying soil and rocks removed from this site to provide a large hole to accommodate basement parking over 3 levels. This will mean large vehicles moving through the streets which are only 3 lanes wide over a long period. The existing access at 404 Windsor Road should also be used during the construction period as well as being incorporated in the development as access.	stage.	
What steps will be taken by the developer to prevent the spread of soil (removed from the ground) to adjoining properties? Removal of a large quantity of soil will result in a lot of dust and dirt affecting surrounding properties. Council and developer should ensure that any dust deposited on adjoining properties and driveways will be cleaned off on regular basis by the developer at their cost and to the satisfaction of the Body Corporate.	Condition will be recommended in any consent to ensure emission of dust is controlled to minimise nuisance to surrounding premises. Should complaints be received in relation to dust emission and dirt/soil spill on public roads during construction stage, appropriate penalty infringement notice will be issued to offenders under the provisions of the POEO Act.	Issue addressed. Condition applied – see Condition 65.
They would like a guarantee from the council that no construction vehicles will be parked in Meryll Avenue or on the footpath during this period. Any damage as a result of construction must be made good. Preliminary work on site has already damaged the footpath. Construction workers' vehicles should be parked on site and not in the already crowded streets during	A condition will be recommended in any approval requiring submission of a Traffic Control Plan in strict compliance with the requirements of AS 1742.3 and the current RMS Traffic Control and Work Sites Manual to Council for approval.	Issue addressed. Condition applied – see Condition 48.

ISSUE/OBJECTION	COMMENT	OUTCOME
construction period. What steps or regulations are there in place to prevent construction or workers' vehicles impeding the passage of service or emergency vehicles in this area? The cul-de-sac gets very congested now and will be worse during and after construction. If this occurs, how do residents get an emergency vehicle such as an ambulance into their complex?		
Increasing the height to four (4) and eight (8) storeys is completely out of character with The Hills Local Environment Plan and the immediate residential environment (from the point of view of the natural and built environments and road safety). Adjacent to Windsor Road from opposite Olive Street towards Rembrandt Drive and beyond the whole area is a mix of residential, single storey (Torrens title) to low rise townhouses (strata title). This development would add too many additional units, and therefore additional traffic movements and parking requirements. Amending the LEP changes the character of the area and is detriment to the existing local residents to whom it is grossly unfair. It is also considered that the increased traffic created by the additional residents would be hazardous to the current residents of the surrounding streets namely Rembrandt Drive, Meryll Avenue, Landscape Street, Keene Street and Coronation Road, which are all single lane roads (when vehicles	Concerns relating to road safety will be referred for the preparation of a report to the Traffic Committee with Local members and representatives from Council, NSW Police and Roads and Maritime Services for discussion. Council has Meryll Avenue listed for concrete footpaving in a future capital works program. Heavy vehicles are permitted to use load limited streets if they have a legitimate destination on the road. That would include construction vehicles associated with a development. There is no proposal from the RMS to install traffic signals at the intersection of Windsor Road and Rembrandt Drive. Council's Parking DCP requires that all car parking, including visitor parking, be provided on site. This is to ensure that the development of the Precinct will not adversely affect existing on-street parking arrangements on surrounding streets. Further, Council's parking rates exceed standards such as those required by the Roads and Marine Services and other State Environmental Planning Policies Codes. The proposal complies with Council's Parking DCP.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
are parked). Also there are no footpaths. Most pedestrians (including school children and the elderly) use the edge of the paved road. As retirees making their last move, they researched the area carefully before moving in the area, and walking their dog safely was important to them, as well as little passing traffic. It is very obvious that more units would involve more vehicles passing residents doors. They challenge Council members to drive down Meryll Ave in the morning or evening when cars are actually parked on either side of the road. It is no use looking when they have all gone to work, they all drive. The dream of a rail line may come to pass but it will not be anywhere in walking distance of Meryll Avenue or Coronation Road. Cars will still be trying to make a right hand turn out of Keene Street into Coronation Road (a dangerous corner) and with cars parked on either side of the road in Keene Street it will only increase in danger. Also this will affect traffic on Coronation Road where many cars drop off children in the mornings and collect them in the afternoons. Coronation Road has a sign which reads 'light traffic only'. At present dozens of huge articulated trucks are using this as the main egress from the new development. Who makes the rules? As they have been in the area for two years the objector is absolutely dismayed to hear that this proposed development is still proceeding. They would have thought that some councillors would have		

ISSUE/OBJECTION	COMMENT	OUTCOME
listened to the local residents and voted against the amendments to the LEP. Before they made the "big move" two years ago, they seriously considered purchasing a townhouse in The Cottell Way. They were told by a Council officer that the development next to it would be townhouses. They were mystified at how a large retirement village is now appearing. It certainly makes them feel that Council only thumb their noses at the residents who previously voted them into office. Once they pay rates they are no longer a consideration. Also vehicular egress and access at the intersection of Rembrandt Drive and Windsor Road would create traffic hazards. Windsor Road is a major thoroughfare and Rembrandt Drive a quiet suburban street. They want to know whether the RTA is going to install traffic lights at the top of Rembrandt Drive and not funnel all traffic down Meryll Avenue and Keene Street. A considerable concern to residents is that neither Meryll Avenue, Rembrandt Drive or Keene Street have any pedestrian footpaths which would create a major safety issue. They also consider that having eight (8) storeys built on one side of Rembrandt Drive and four (4) storeys on the high side of Meryll Avenue is grossly unfair to the existing single storey residents and this raises the question of overshadowing and the loss of natural light and privacy. To summarise, they oppose the development on the following grounds:		

ISSUE/OBJECTION	COMMENT	OUTCOME
1. Aesthetically inappropriate to surrounding area 2. Loss of privacy and overshadowing to existing neighbouring residents 3. Dangerous egress 4. Safety to existing local pedestrians and drivers 5. Increased traffic noise 6. Lack of off street parking		
2nd Notification - Amended scheme (147 units, 4 to 7 storeys) The proposal exceeds the RFDC envelope. There is no reason why the proposal cannot be modified to fit inside the RFDC envelope. The vast majority of the residential development and accompanying profit for the developer will still be achieved and the housing density will be quite consistent with surrounding properties and the zoning in which the property sits. The RFDC envelope is quite generous and should be adhered to in keeping with that of a Garden Shire not an inner city suburb.	The proposed variation to building height is supported as discussed in Section 3 above. While Block B proposes to vary the 19m height limit on this portion of the site, it is considered that limiting Block B to a maximum height of 7 storeys will facilitate a more appropriate built form within the Windsor Road Precinct which is of greater consistency with that envisaged within the adopted Planning Proposal.	Issue addressed.
The amended scheme does not meet the Windsor Road Precinct DCP, based upon the Planning Proposal (3/2012/PLP) that was approved at the ordinary Council meeting on the 27 November 2012. Council's response to concerns raised by residents regarding the proposed height states that the DCP will ensure the following setbacks for adjoining townhouse unit in Conie Avenue:- *"The planning proposal seeks to apply a maximum building height of 14 metres (4*	The proposal was further amended to fully comply with the setback controls for Block A. The proposal would not satisfy the minimum four hours solar access provision to adjoining townhouses to the rear but would satisfy SEPP 65's Rules of Thumb of three hours. It is considered that the development would not significantly impact on the amenity of adjoining properties taking into consideration the existing topographical constraints of the land and the adjoining built form. The overall shadow impacts during midwinter would be similar as previously approved achieving at least 3	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
storeys) at the rear of the site, adjoining the boundary of No. 17 Conie Avenue. The proposed amendments to the DCP seek to include a minimum setback distance of 10 metres from the rear boundary for the first three (3) storeys and 13 metres for the fourth storey. *These setbacks will ensure adequate separation between future development on the site and adjoining development at No. 17 Conie Avenue and will provide adequate amenity and solar access to neighbouring residents."* The amended DA plans do not appear to meet Council's response above. Buildings A, B, C and D are represented as 4 storey buildings with which according to Council should be setback a minimum of 13 metres for the 4th storey. In the *Concept Masterplan* submitted as part of the amended plans (which shows setback distances from 17 Conie Ave) the measurements given do not meet the 13 metre requirement. The setbacks listed range from 10 metres to 10.5 metres. To meet the minimum setback, the 4th storey of each building should be setback further. In addition to concerns about the minimum setbacks, they also have concerns about the heights proposed for the buildings – in particular, the height of Building A. Throughout the amended *Elevation Diagrams* submitted for Building A (in particular diagrams *Elevation #9 and Elevation #10*), they show various small breaches	hours solar access provision to adjoining properties. Refer to shadow diagrams in Attachment 15. Council's Senior Subdivision Engineer has assessed the proposal and raised no objection subject to conditions. The issue regarding the cul-de-sac design has been discussed and clarified with the applicant and is considered satisfactory.	

ISSUE/OBJECTION	COMMENT	OUTCOME
of the allowed 14 metres - particularly for the section of the building on the 17 Conie Avenue and 4-8 Meryll Avenue boundary. The developer is asking for variation to the development standard – mainly in regards to the heights allowed for Building B due to it being on land which is sloping. However, the site which Building A is proposed for is not a significant sloping site and therefore any proposed building on that site should wholly adhere to the height limits that are allowed by the Windsor Road Precinct DCP. It is still not clear whether the adjoining townhouse unit in Conie Avenue will receive at least 4 hours of sunlight on the winter solstice. The updated shadow diagrams do not make it clear whether the DA does "*ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June"* as stated in the Hills DCP 2012, Part B - Section 5, 3.14 – Solar Access (p15 – Overshadowing). The original DA specifically stated for permission to vary the "Solar Access" that is required for both the site and some of the neighbouring properties (see p.37 and p.27 of the *Statement Of Environmental Effects* document from the original DA submission). They strongly believe that Council and developers should ensure that they comply with Council's controls regarding solar access. DA does not address		

ISSUE/OBJECTION	COMMENT	OUTCOME
remaining planning issues such as cul-de-sac design in Meryll Avenue, vehicular access and parking issues. The applicant indicated they will meet with Council staff to discuss the remaining planning issues. These issues should be considered as part of the proposed development and feedback process.		

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions.

TRAFFIC MANAGEMENT COMMENTS

Council's Principal Transport & Traffic Coordinator has assessed the proposal and provided the following comments:

Traffic Impact

Existing Traffic Environment

This development application proposes to demolish three existing dwellings at 1,2 & 3 Meryll Avenue comprising part of the total site at 404-416 Windsor Road, Baulkham Hills and construct 147 residential apartments containing 29 x 1, 110 x 2 and 8 x 3 bedrooms with all vehicular access via Meryll Avenue. A traffic report prepared by Varga Traffic Planning has been submitted in support of the application.

This site has been the subject of a previously approved application for a 94 residential apartment development (DA 2897/2004/HB).
Meryll Avenue is a 450m long 7.0m wide Council local access street extending from Keene Street at its western extremity to terminate at its southern end in a culdesac fronting the subject property. Rembrandt Drive intersects with Meryll Avenue approx 70m from its southern termination providing unrestricted vehicular access to Windsor Road.

The *Residential Development and Traffic Study* undertaken by TAR Technologies on behalf of Council in August 2005 has identified that Meryll Avenue sustains in the order of 22 peak hour vehicle trips and has an Environmental Capacity of 330 vehicles per hour. Similarly Rembrandt Drive currently sustains around 13 peak hour trips and has an Environmental Capacity of 383 vehicles per hour.

Proposed Development - Traffic Generation

The Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments* provides average traffic generation rates for a range of different land uses. The guidelines provide peak hour vehicle trips (phvt) generated by residential developments as:

Dwelling houses = 0.85 phvt per dwelling

Medium Density Residential Flat Buildings = 0.4 phvt – 0.5 phvt
(up to two bedrooms)

Medium Density Residential Flat Buildings = 0.5 phvt – 0.65 phvt
(three or more bedrooms)

High Density Residential Flat Buildings = 0.29 phvt per dwelling

The traffic consultant uses the above RMS traffic generation rates in the calculation of vehicle trips generated by the proposed development. Application of these rates results in an overall traffic generation of 48 peak hour vehicle trips. The previously approved 94 dwelling development had a traffic generation potential of 27 peak hour vehicle trips resulting in additional 21 trips being generated from this current proposal.

Cumulative Impact in Locality – Meryll Avenue/Rembrandt Drive
The following table contains traffic volumes for Meryl Avenue and Rembrandt Drive and the increase attributed to the proposed development in the AM and PM.

Traffic Movements PM Peak Hour	Environmental Capacity EC v/h	Existing Volumes v/h	% Existing relative to EC	Prop Increase v/h	% Increase relative to existing volume	% Increase Relative to EC
Meryll Avenue	330	22	6	48	218	14.5
Rembrandt Drive	383	13	3	48	369	12.5

Whilst the net % increase of potential traffic generated by the proposed development being distributed to Meryll Avenue and Rembrandt Drive is substantial due to the very low existing traffic volumes the increase comparative to the Environmental Capacity is minimal.

Need for Traffic Improvements in the Locality
None

Traffic egress/ingress to arterial/sub-arterial roads
The relatively minor increase of 48 peak hour vehicle trips will not significantly alter the levels of service for the surrounding road network or nearby intersections such as Windsor Road and Rembrandt Drive.

Sight distance and other safety issues
Sight distance when entering or exiting the proposed access driveways to the property exceeds the minimum safe intersection sight distance standards required under the Austroads Standards for vehicles traveling at 50km/h.

No objection is raised to the proposed development in terms of potential traffic impact.

TREE MANAGEMENT COMMENTS
No objection is raised to the proposal subject to conditions including planting of substitute tree species along the boundaries adjacent to the townhouse complex at 17 Conie Avenue.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS
No objection is raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS
No objection is raised to the proposal subject to conditions.

HERITAGE COMMENTS

No objection is raised to the proposal. No conditions recommended.

FORWARD PLANNING COMMENTS

No objection is raised to the proposal. No conditions recommended.

ROADS & TRAFFIC AUTHORITY COMMENTS

No objection is raised to the proposal subject to conditions.

NSW POLICE COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning & Assessment Act, 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, Local Environmental Plan 2012 and Development Control Plan 2012 and is considered to be satisfactory.

Concerns raised in the submissions have been addressed in this report and do not warrant refusal of the subject Development Application.

Accordingly, the Development Application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report and are not inconsistent with the outcomes of The Hills Future.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

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

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

The amendments in red include: -

- Drawing number DA21 to be amended in red to eliminate reference to the Windsor Road address and amend the street address to 1 Meryll Avenue.
- Substitute Elaeocarpus reticulatus (labelled 7-ER) on Drawing Nos. 0447.L.02 & 0447.L.05 with Camellia sasanqua.

- Substitute Tristaniopsis laurina (labelled 5-TL) on Drawing Nos. 0447.L.02 & 0447.L.05 with Melaleuca ericifolia.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
DA00	Cover Sheet	-	A	12/09/2013
DA03	Basement Level 4	-	A	18/05/2012
DA04	Basement Level 3	-	A	18/05/2012
DA05	Basement Level 2	-	B	14/01/2013
DA06	Basement Level 1	-	C	10/09/2013
DA07	Level 1	-	C	10/09/2013
DA08	Level 2	-	C	10/09/2013
DA09	Level 3	-	C	10/09/2013
DA10	Level 4	-	C	10/09/2013
DA11	Level 5	-	C	10/09/2013
DA12	Level 6	-	C	10/09/2013
DA13	Typical Levels 7	-	B	10/09/2013
DA14	Roof Level	-	D	10/09/2013
DA15	Site Elevations 1 & 2	-	C	14/01/2013
DA16	Site Elevations 3-5	-	C	14/01/2013
DA17	Site Elevations 6-8	-	C	14/01/2013
DA18	Site Elevations 9-12	-	C	14/01/2013
DA19	Site Sections a & b	-	C	14/01/2013
DA20	Site Sections c & d & e	-	C	14/01/2013
DA21	Site Details – Mail + Fence + Waste + Driveway Details	-	B	08/03/2013
DA22	Typical Unit Layouts Block A – Typical Levels 1-3	-	A	18/05/2012
DA23	Typical Unit Layouts Block B – Level 1	-	A	18/05/2012
DA24	Typical Unit Layouts – Typical Levels 2, 3, 4 & 5	-	A	18/05/2012
DA25	Typical Unit Layouts Block B – Typical Levels 7 & 8	-	A	18/05/2012
DA26	Typical Unit Layouts Block C – Level 1, 2, Typical levels 5 & 6	-	A	18/05/2012
DA27	Typical Unit Layouts Block D – Ground Floor Level, Level 1 and Typical Levels 2 & 3	-	A	18/05/2012

0447.L.01	Key Plan	-	A	19/05/2012
0447.L.02	Landscape Plan – Block A	-	A	19/05/2012
0447.L.03	Landscape Plan – Block B	-	A	19/05/2012
0447.L.04	Landscape Plan – Block C	-	A	19/05/2012
0447.L.05	Landscape Plan – Block D	-	A	19/05/2012
0447.L.06	Landscape Details & Specification	-	A	19/05/2012

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

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

4. Compliance with NSW Transport – Roads & Maritime Services Requirements
Compliance with the requirements of the NSW Transport – Roads & Maritime Services attached as Appendix "A" to this consent and dated 10 September 2012.

5. Compliance with NSW Police Requirements
Compliance with the requirements of the NSW Police attached as Appendix "B" to this consent and dated 2 April 2013.

6. Provision of Parking Spaces
The development is required to be provided with 366 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

7. 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.

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

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

9. 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.

10. Dedication of Road Widening
The dedication of a strip of land as public road for road widening purposes as registered on the property title Lot 1 DP 164096 and at no cost to Council. The dedication is to be in accordance with the requirements of the RMS.

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. Supervision of Works

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

13. 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.

14. 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.

15. 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.

16. Street Trees

Street trees and tree guards must be provided for the section of Meryll Avenue and Windsor Road fronting the development site. The location of street trees and 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.

17. Gutter and Footpath Crossing Application

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

18. Separate Application for Strata Subdivision

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

19. Process for Council Endorsement of Legal Documentation

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

20. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Vipac Engineers & Scientists Ltd, referenced as 20C-12-0041-TRP-466855, dated 9th May 2012 and submitted as part of the Development Application are to be implemented as part of this approval.

21. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The property address for this development is:

Units 1-147 / 1 Meryll Avenue Baulkham Hills

Please refer to approved numbering correspondence and plan. These unit numbers, as issued are to be displayed as per the marked plans provided.

All Blocks of mailboxes to be located at the Meryll Avenue frontage. There are to be no mailboxes located at the Windsor Road frontage of the site.

Drawing number DA21 Issue C dated 18/3/13 to be amended in red to eliminate reference to the Windsor Road address and amend the street address to 1 Meryll Avenue. No reference to 3 Meryll Avenue to be made in the street address.

A diagrammatic plan is to be erected on site at driveway entry points. Clear and accurate external directional signage is to be erected on all buildings, stairways, lift shafts, units and lobby entry doors.

It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency. Any amendments to this development application, which may affect the proposed numbering, must be referred to Council's Land Information Section for the reassessment of allocated numbers.

22. Australia Post Mail Box Requirements

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

23. Adherence to Approved Waste Management Plan

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

24. Waste Storage and Separation - Construction and Demolition

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

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

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

25. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

26. Importation of Fill

All fill imported onto the site must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. Details of the source of the material are to be obtained and provided to Council.

27. Commencement of Domestic Waste Services

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

28. Domestic Waste Management – eight (8) or more Units/Townhouses/Villas

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 15 x 660 litre bulk garbage bins (emptied twice per week) and 51 x 240 litre recycling bins (emptied fortnightly).

29. Odour Control

Ensure adequate natural or mechanical ventilation where bins are stored so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997.

30. Tree Removal

Approval is granted for the removal of (31) thirty-one trees as marked in the arboricultural impact assessment prepared by Redgum Horticulture Dated 03 May 2012.

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.

31. Replacement Planting Requirements

To maintain the treed environment of the Shire (35) advanced (75 litres) replacement trees from the following list are to be planted elsewhere within the property.

Elaeocarpus reticulatus	(Blueberry Ash)
Tristaniopsis laurina	(Water Gum)
Backhousia citriodora	(Lemon Scented Myrtle)

32. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at $5/m^2$.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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 **$339,055.04** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

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

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

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. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming that satisfactory arrangements have been made for the under-grounding of existing electrical services and associated infrastructure or provision of under-ground electrical services. Street lighting is required in accordance with Council's Public Domain Plan for the Carlingford Precinct and a hinged lighting column is required where adjoining pedestrian links. The certificate must refer to the issued Development Consent No. 1363/2012/JP.

35. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming that satisfactory arrangements have been made for the undergrounding or provision of underground telecommunications, including telecommunications cables and associated infrastructure. The certificate must refer to the issued Development Consent No. 1363/2012/JP.

36. 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 SEPP 65.

37. 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.

38. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

39. 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.

40. Concept Engineering Design Approval

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

41. Engineering Works and Design

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

a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

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

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

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

   a) A completed application form.

   b) Four copies of the design plans and specifications.

   c) Payment of the applicable application and inspection fees.

   d) Payment of any required security bonds.

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

   A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and

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

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

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

i. Drainage Works – Windsor Road

Submission of a set of construction plans endorsed by the RMS for the proposed drainage works on Windsor Road.

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. Stormwater Drainage Pipe Reconstruction

Reconstruction of the existing public stormwater drainage pipe along the south eastern boundary with a minimum 900mm diameter stormwater pipe generally in accordance with the Site Stormwater Drainage Layout prepared by HKMA Engineers drawing 1292-C DA 07 Revision B dated 14/02/2013. Such work shall include:

a) new kerb inlet pit fronting the site on Windsor Road.

b) Removal of all unused drainage pipes and structures within the development site and in the verge fronting to Windsor Road.

c) Provision of appropriate junction pipes to Council's standards.

d) Submission of appropriate hydrology and hydraulic calculations demonstrating the pipe flow

e) Provision of overland flow ensuring the overland flow is contained within the southeastern setback area. (Note: should this require upgrading of drainage pipe, it is to be demonstrated with appropriate calculations.

iv. Stormwater Drainage Pipe Construction (Meryll Avenue)

provision of a minimum 450mm diameter stormwater pipe on Meryll Avenue generally in accordance with the Site Stormwater Drainage Layout prepared by HKMA Engineers drawing 1292-C DA 07 Revision B dated 14/02/2013. Such work shall include:

a) New 'butterfly' gully pit in Meryll Avenue

b) Piped connection to the existing kerb inlet pit/piped drainage network

v. Concrete Footpath – 1.5m wide – Windsor Road

Concrete footpath paving 1.5 metres wide across the Windsor Road frontage for the full frontage of proposed Lots 1 & 2 created in this development. The footpath shall extend, transition and connect into the existing adjacent concrete footpath.

The footpath edge is to be constructed 600mm from the boundary and any existing footpath along the adjacent frontage shall be removed and reconstructed to ensure a smooth transition into the new footpath. The existing footpath fronting the site shall be removed and restored.

vi. Reconstruction of Concrete Footpath – Meryll Avenue

Concrete footpath paving to match the existing footpath paving across the Meryll Avenue frontage of the development.

vii. Footpath Verge Formation

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

viii. Gutter Crossings

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

ix. 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.

42. Onsite Stormwater Detention – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by HKMA Engineers Drawing 1292-C Revision B dated 14/02/2013 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

a) The complex drainage network in the vicinity of the driveway entrance shall be eased and to be directly connected to street drainage system wherever possible.

b) The drainage pipes proposed across the basement driveway access must ensure gravitational discharge and without defeating the functionality of the OSD facilities.

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

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

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

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

i. A completed application form;

ii. Four copies of the design plans and specifications;

iii. Payment of the applicable application and inspection fees.

43. Basement Car Park and Subsurface Drainage

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

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

b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;

c) An alarm system to alert a pump failure;

d) 100mm freeboard to all nearby parking spaces;

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

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

44. 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 $37,000.00 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 500sqm plus an additional 50m on northern side and the width of the road measured from face of kerb on both sides 15m. The minimum bond amount is $10,000.00.

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

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

45. Security Bond – External Works

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

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

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

46. Bank Guarantee Requirements

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

a) Have no expiry date;

b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1363/2012/JP;

c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

47. No Deviation from Development Consent

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

PRIOR TO ANY WORK COMMENCING ON SITE

48. Traffic Control Plan

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

49. 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.

50. 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

51. Principal Certifying Authority

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

52. 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.

53. Site Water Management Plan

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

54. Builder and PCA Details

The builders name, address, telephone and fax numbers must be submitted to the before building works commence. Where Council is not the PCA, Council must be notified of the PCA in writing two days before building works commence in accordance with the Regulations.

55. Demolition Works & Asbestos Removal/Disposal

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

56. Discontinuation of Domestic Waste Service(s)

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

57. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

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

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

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

58. 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).

59. Notification of Asbestos Removal

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

DURING CONSTRUCTION

60. Documentation On Site

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

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

61. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

62. 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. 466961M dated 05 March 2013 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.

63. 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.

64. Dilapidation Survey

If rock is encountered during excavation works and rock breaking equipment is required, all works are to cease immediately. A practicing professional structural engineer shall carry out a dilapidation survey of the adjoining townhouses at 17 Conie Avenue, Baulkham Hills and submit a copy of the survey both to the PCA and the property owner. Works are not to recommence until this survey has been provided.

65. 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.

66. Standard of Works

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

67. 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) Prior to placing of fill;

g) Road crossing; and

h) Final inspection.

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.

68. Stockpiles

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

69. Construction Noise

The recommendations of the Construction Noise Management Plan prepared by Rodney Stevens Acoustics, referenced as 13014 dated March 2013 are to be implemented as part of this approval. The emission of noise from the construction of the development shall also comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

70. Contamination

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

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

71. Sediment and Erosion Control

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/ or suitably revegetated. The controls shall be in accordance with the Sediment Erosion Control plan prepared by HKMA Engineers, drawing number 1292-ER DA01 and the Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

72. 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.

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

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

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

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

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

77. 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.

78. Overland Flow Extent Plan
A plan of survey prepared by a registered surveyor must be provided that shows the 1 in 100 year ARI storm event flood levels associated with the adjacent drainage system. The plan must reflect the WAE plans and clearly indicate the extent of inundation.

79. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

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

i. Restriction – OSD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention systems.

ii. Positive Covenant – OSD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed onsite stormwater detention systems at the expense of the property owner.

iii. Restriction – WSUD Modification

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

iv. Positive Covenant – WSUD Maintenance

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

v. Positive Covenant – Stormwater Pump Maintenance

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

vi. Restriction – Vehicular Access

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

vii. 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.

viii. Creation of Rights of Maintenance Access

The creation of appropriate rights of access in favour of The Hills Shire Council to ensure authorised vehicles are entitled to enter the site from Meryll Ave for the purpose of carrying out any necessary maintenance works for stormwater drainage pipe and overland flow system draining the external upstream catchment. The easement shall be created at no cost to Council.

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.

80. Inspection of Bin Bay Storage Area(s)

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

81. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

82. Design Verification Certificate

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

USE OF THE SITE

83. 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.

84. Servicing of Bins

A caretaker is to be responsible for transporting bins to and from the bin rooms to the bin standing area for servicing, returning them shortly after collection on the same day. A tractor and trolley that can accommodate 660 litre and 240 litre bins is to be used.

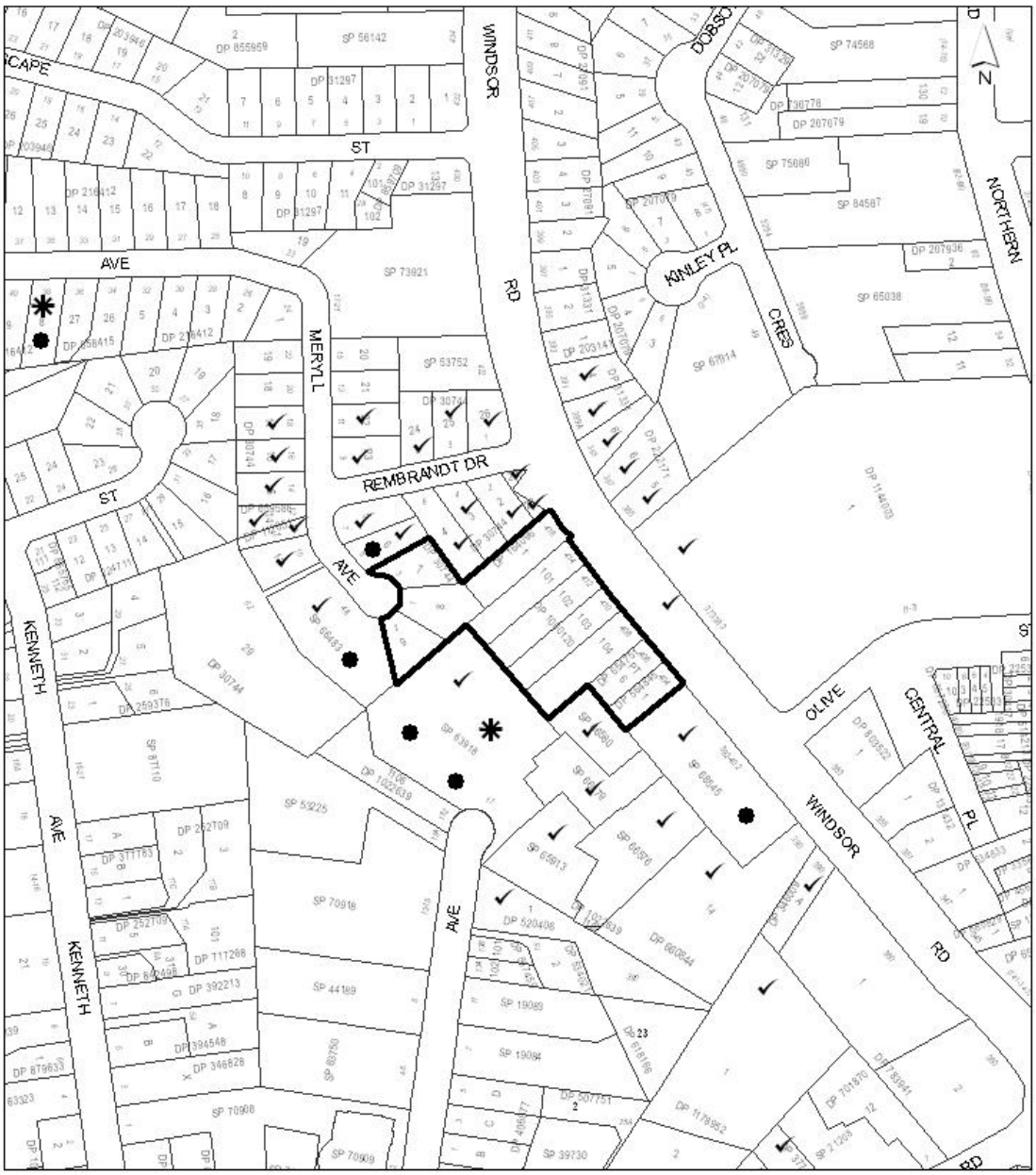
85. Lighting

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.*

ATTACHMENTS

1. Locality Plan
2. Aerial Photo
3. Site Plan
4. Windsor Road Precinct
5. Basement Level 1 Plan
6. Level 1 Plan
7. Level 2 Plan
8. Level 3 Plan
9. Level 4 Plan
10. Level 5 Plan
11. Level 6 Plan
12. Level 7 Plan
13. Elevation Drawings (4 pages)
14. Section Drawings (2 pages)
15. Shadow Diagrams (3 pages)
16. Perspectives

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE

PROPERTIES NOTIFIED (1ST & 2ND NOTIFICATION)

NOTE: RMS & THE HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

SUBMISSION - 1ST NOTIFICATION (8 SUBMISSIONS RECEIVED INCLUDING 2 SUBMISSIONS OUTSIDE THE SCOPE OF THIS MAP)

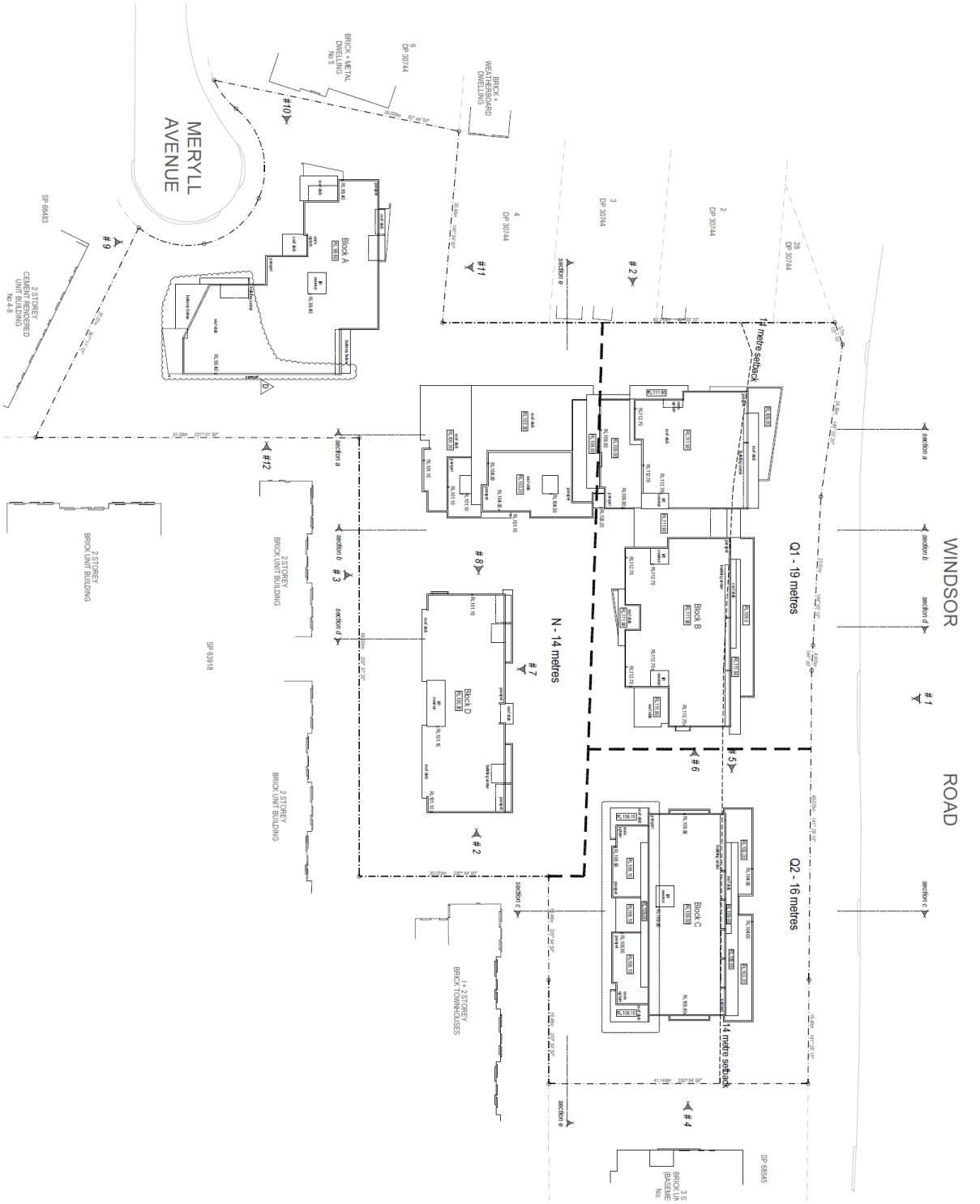
SUBMISSION - 2ND NOTIFICATION (3 SUBMISSIONS RECEIVED INCLUDING 1 SUBMISSION OUTSIDE THE SCOPE OF THIS MAP)

THE HILLS Sydney's Garden Shire

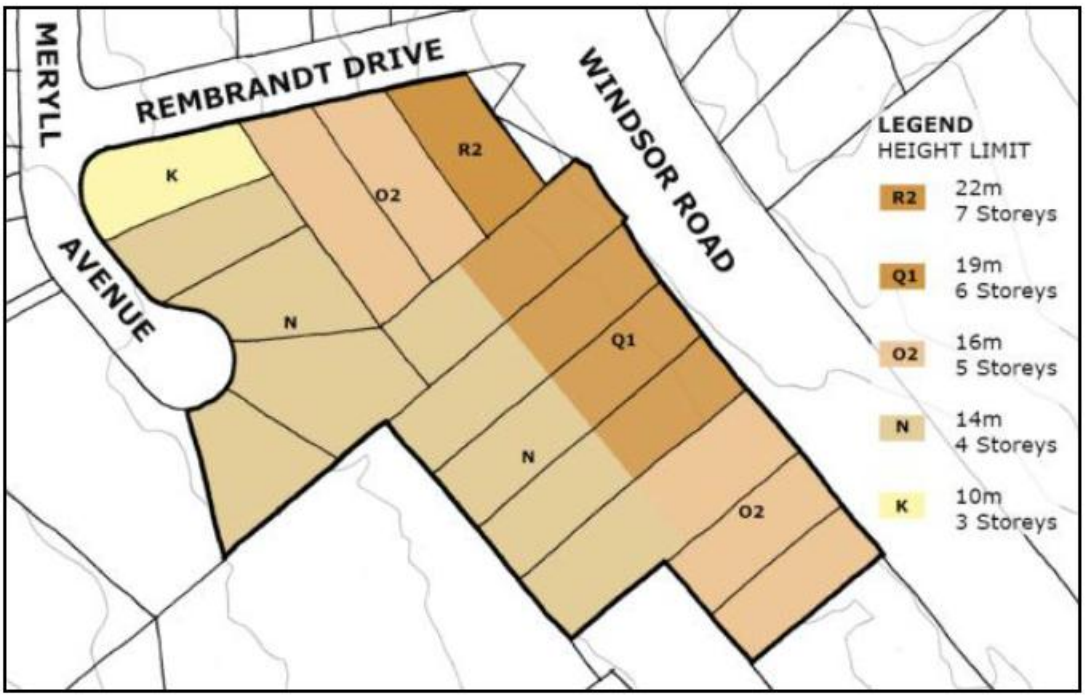
THE HILLS SHIRE COUNCIL

ATTACHMENT 2 – AERIAL PHOTOGRAPH

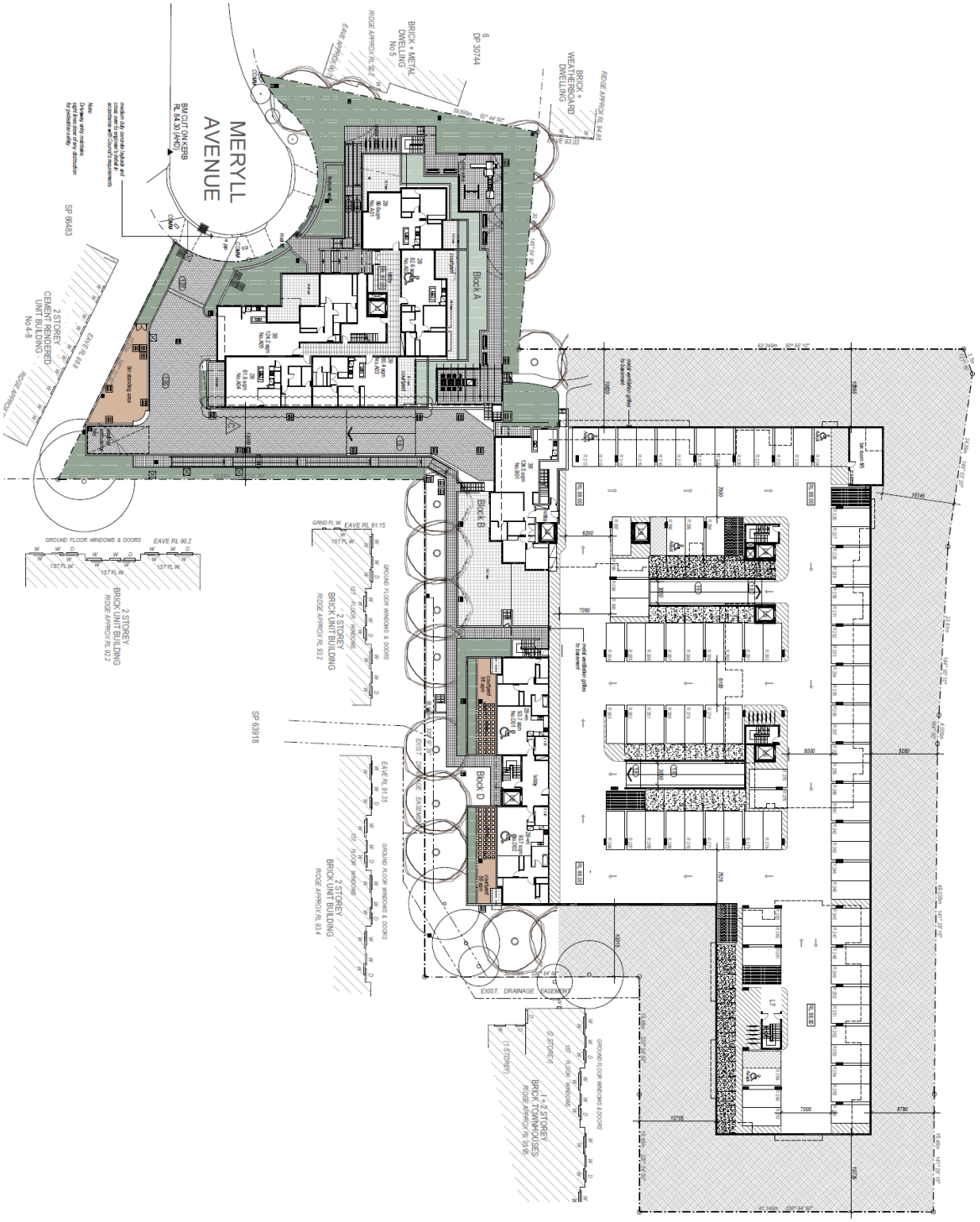
ATTACHMENT 3 – SITE PLAN



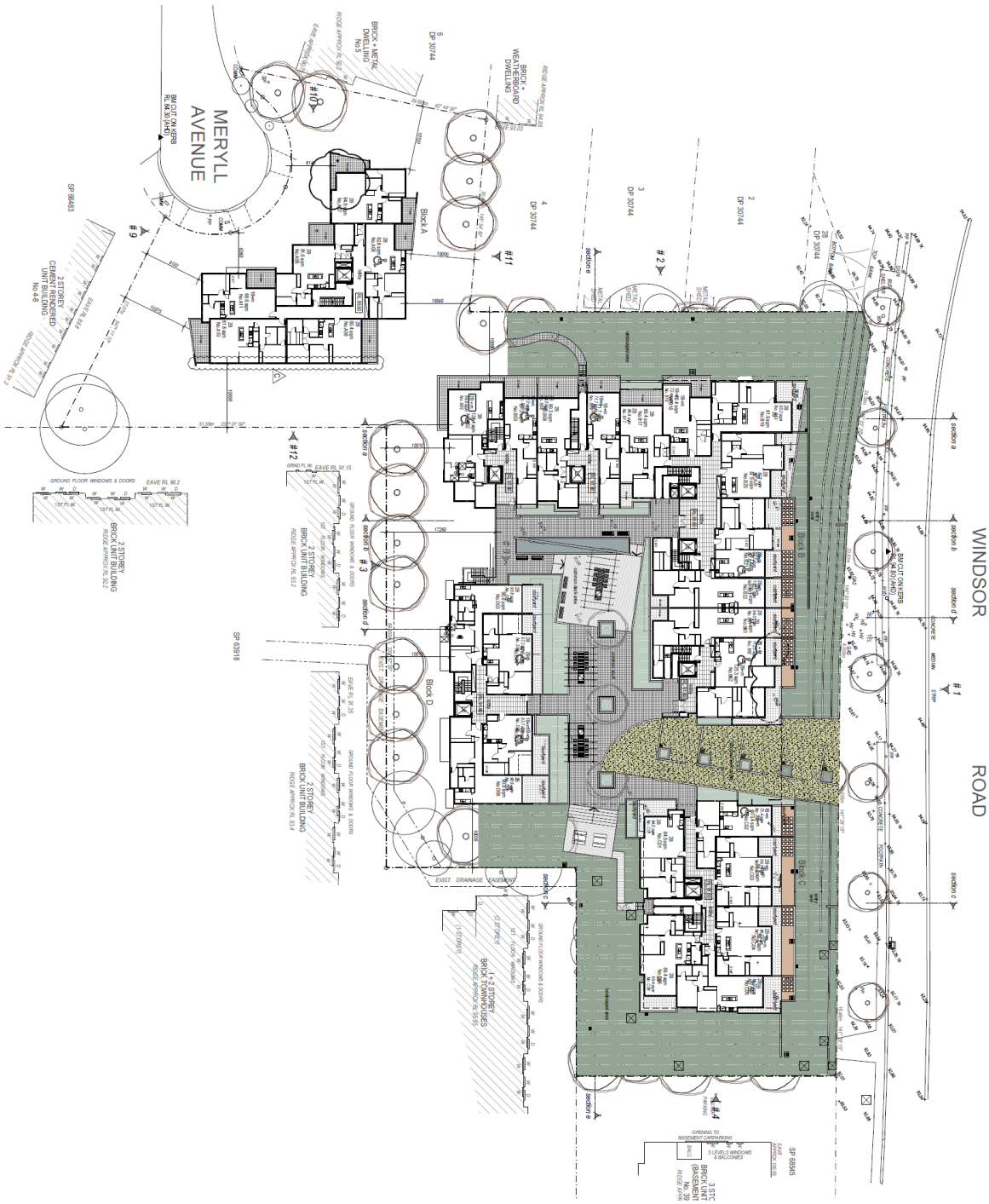
ATTACHMENT 4 – WINDSOR ROAD PRECINCT



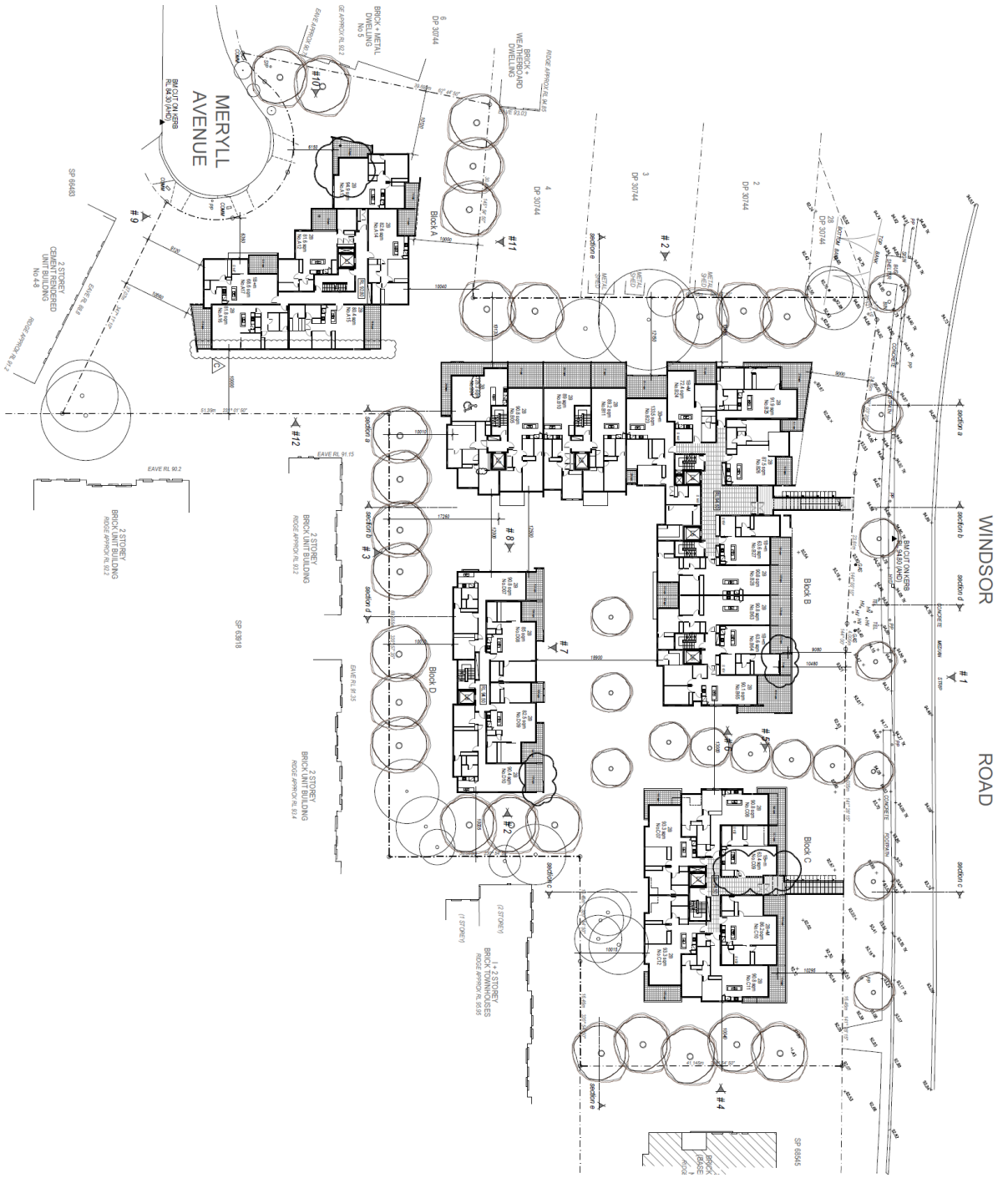
ATTACHMENT 5 – BASEMENT LEVEL 1 PLAN



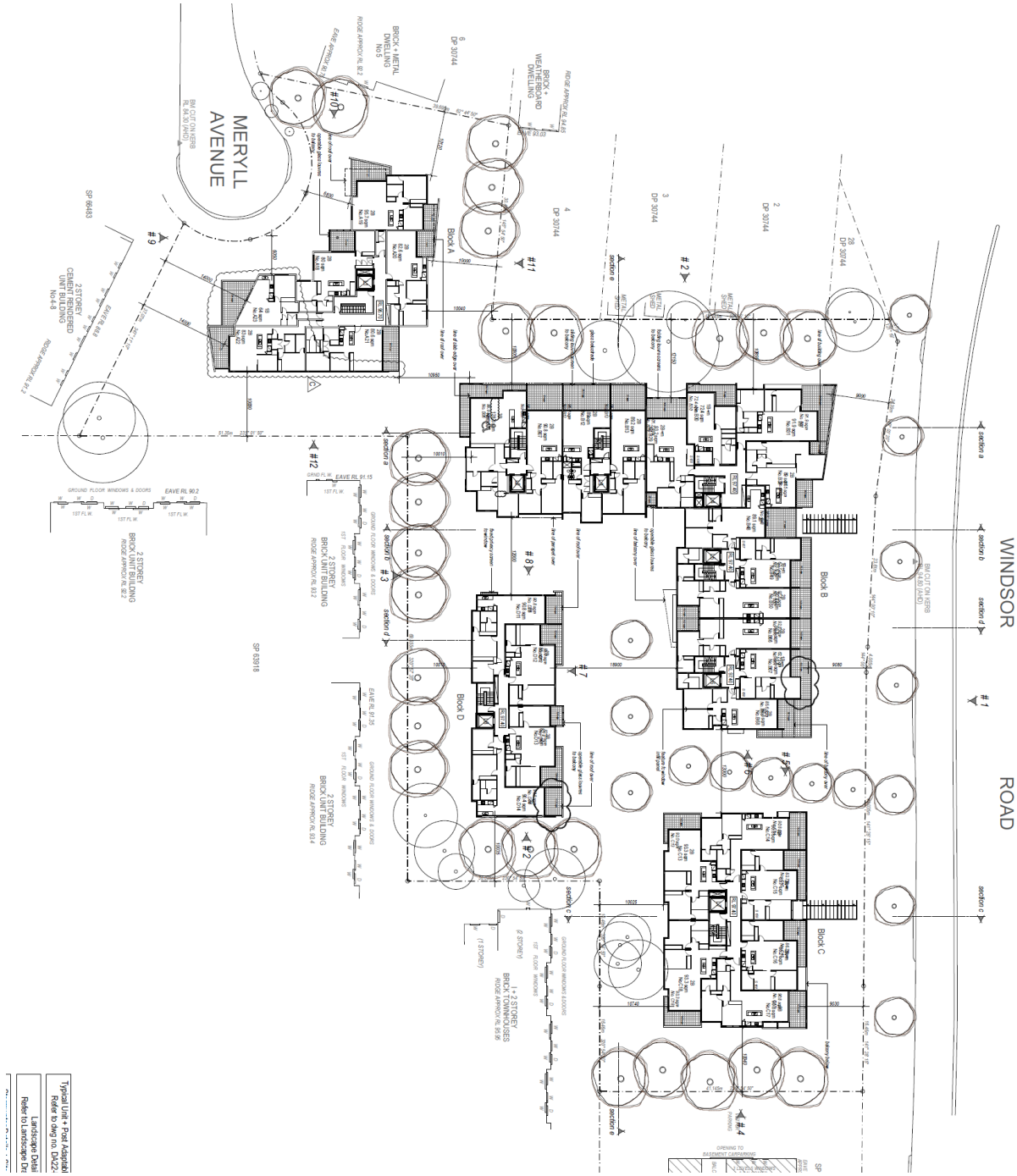
ATTACHMENT 6 – LEVEL 1 PLAN



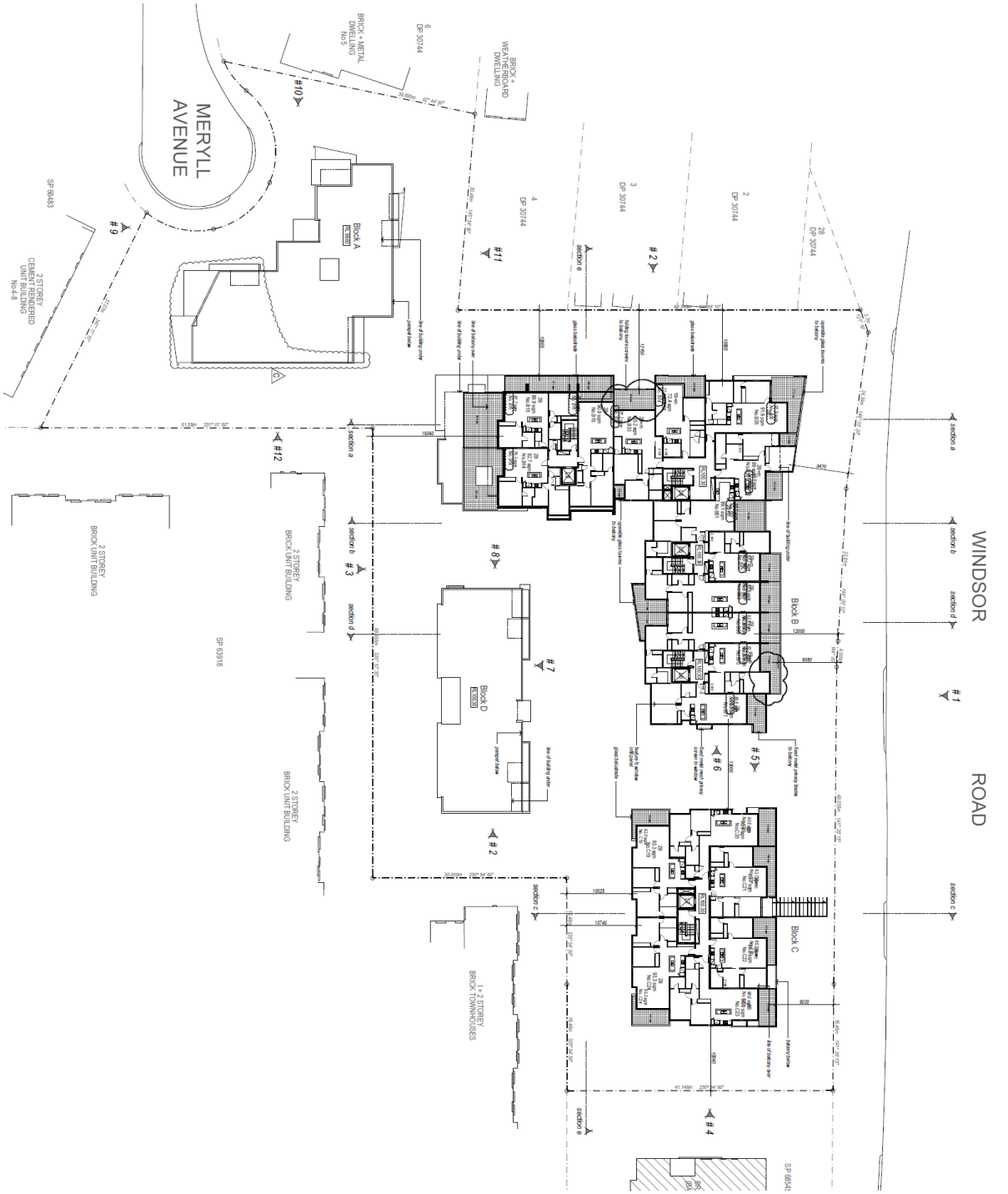
ATTACHMENT 7 – LEVEL 2 PLAN



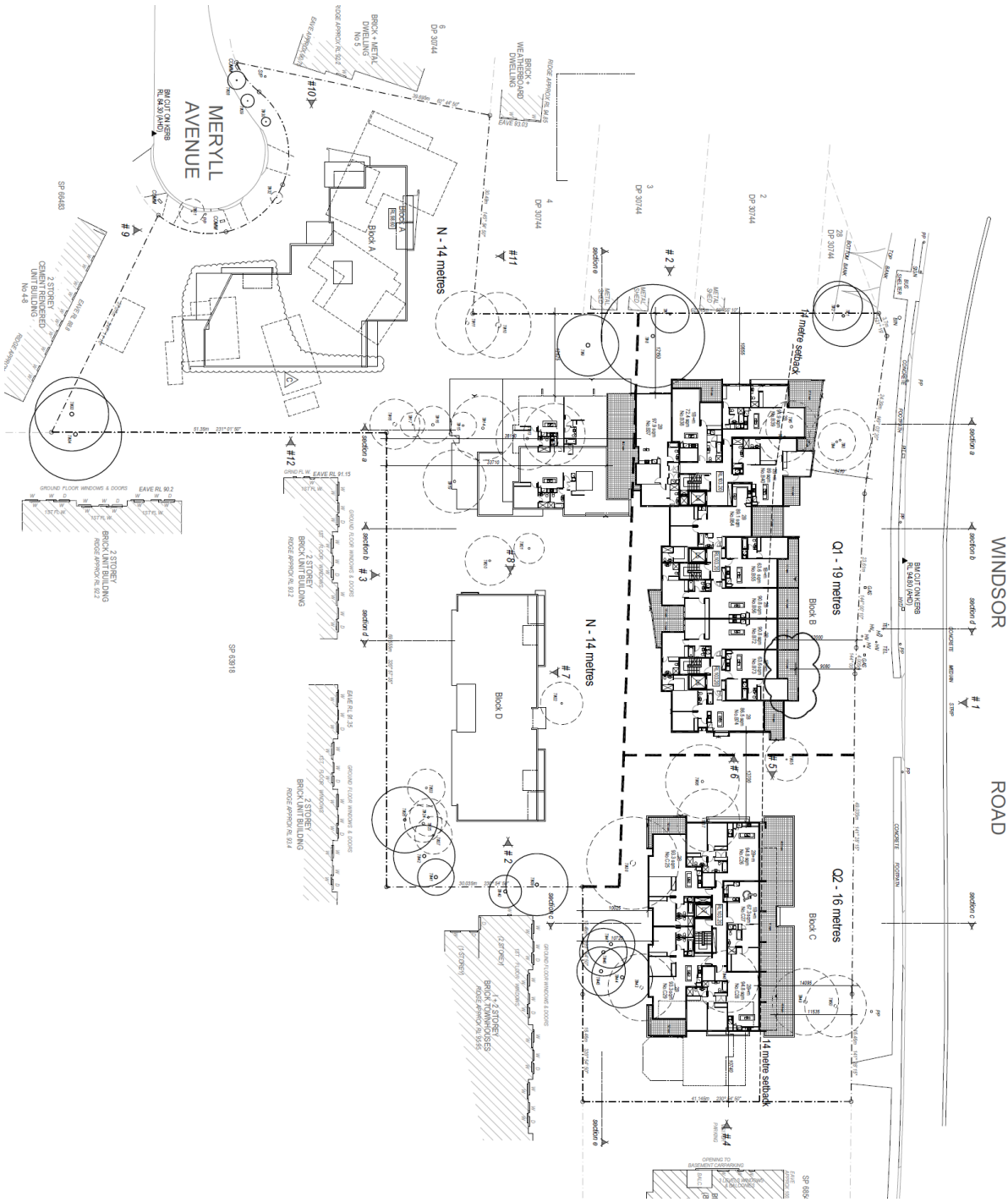
ATTACHMENT 8 – LEVEL 3 PLAN



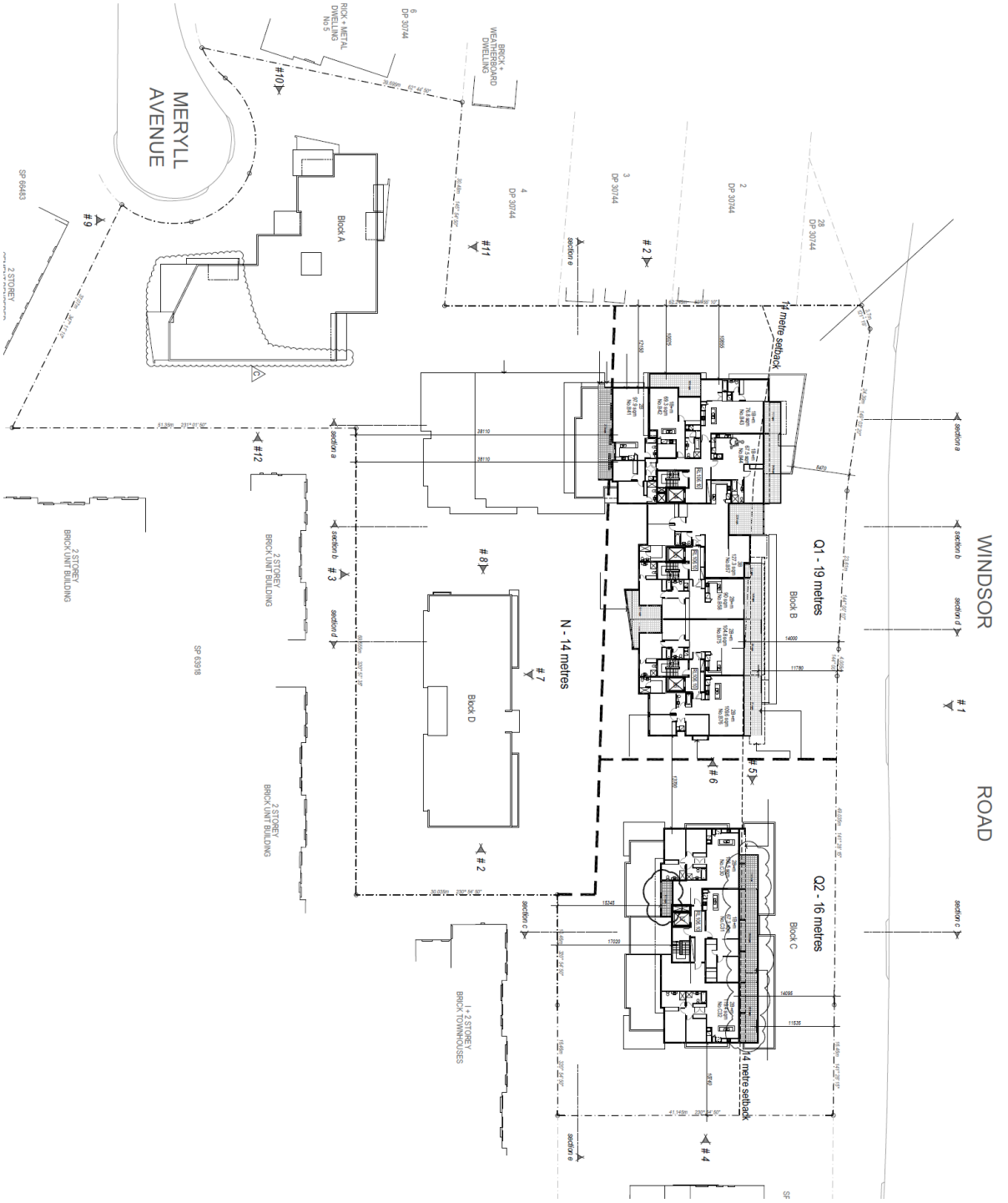
ATTACHMENT 9 – LEVEL 4 PLAN



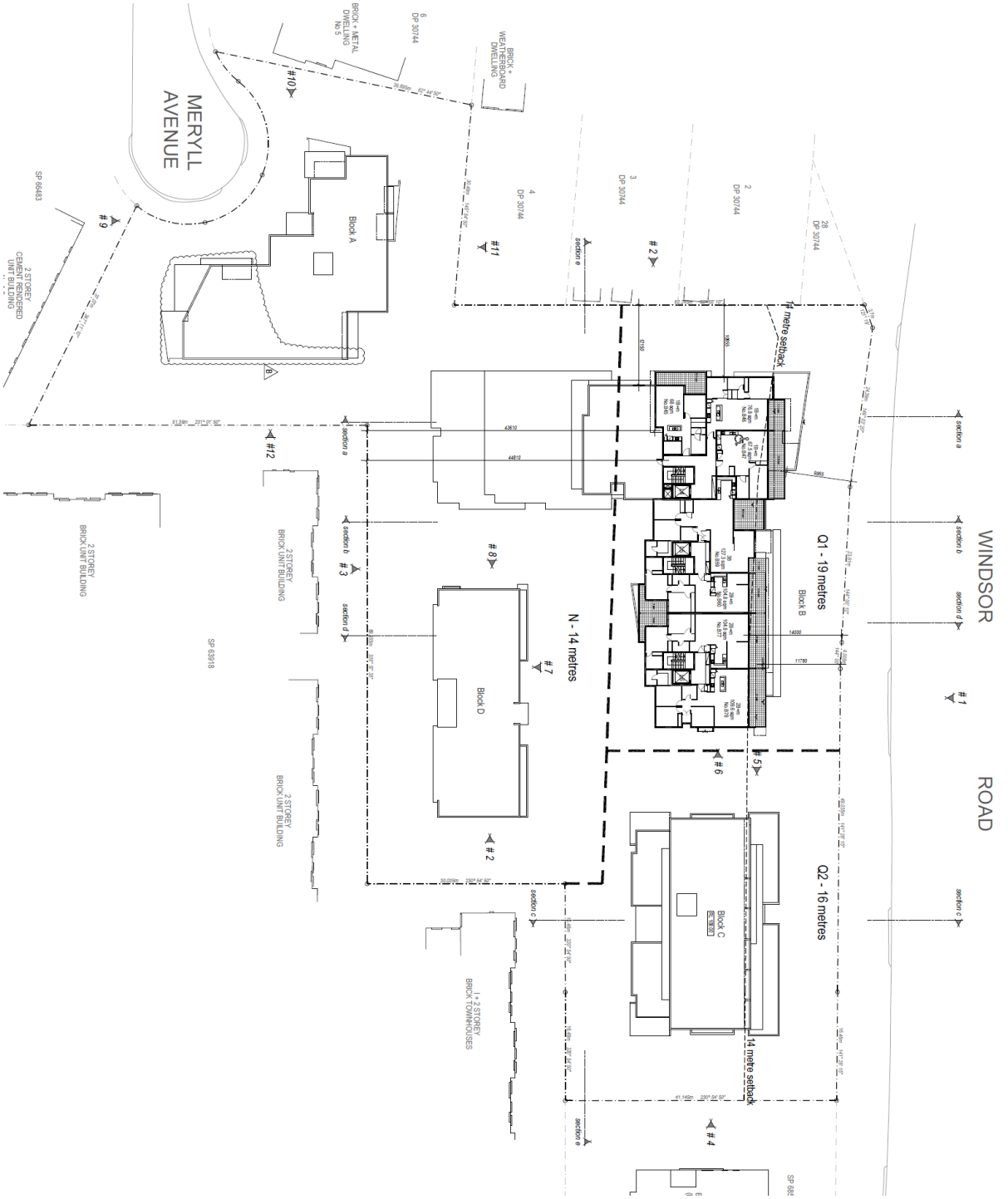
ATTACHMENT 10 – LEVEL 5 PLAN



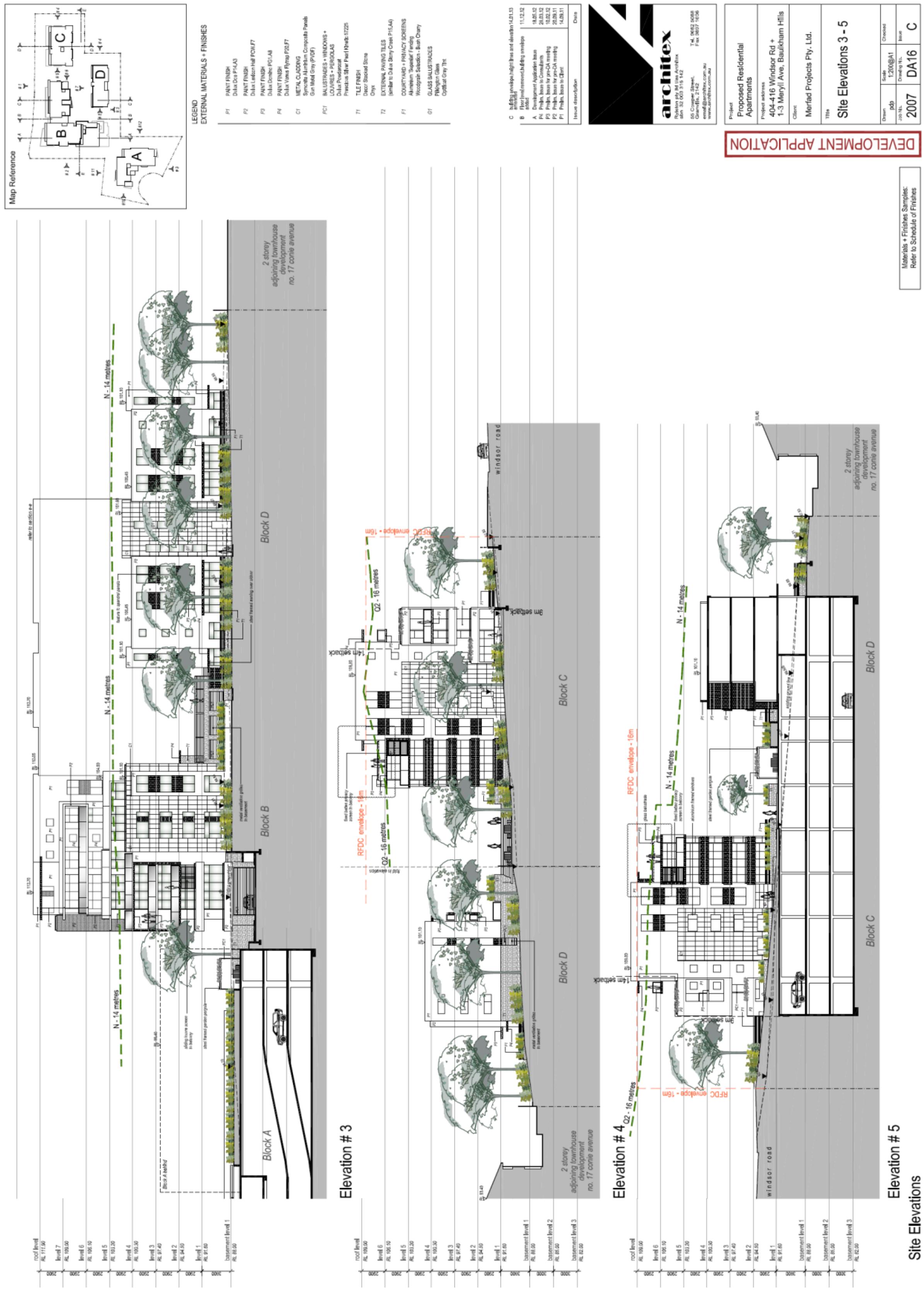
ATTACHMENT 11 – LEVEL 6 PLAN



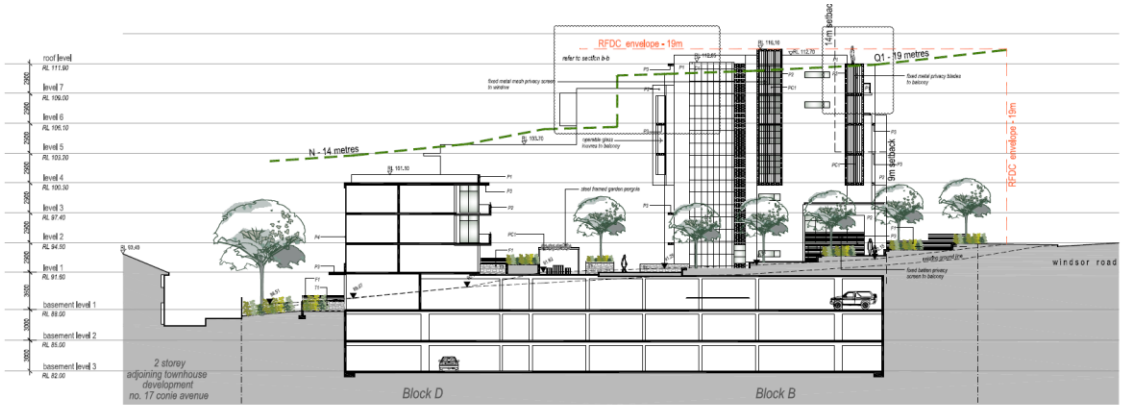
ATTACHMENT 12 – LEVEL 7 PLAN



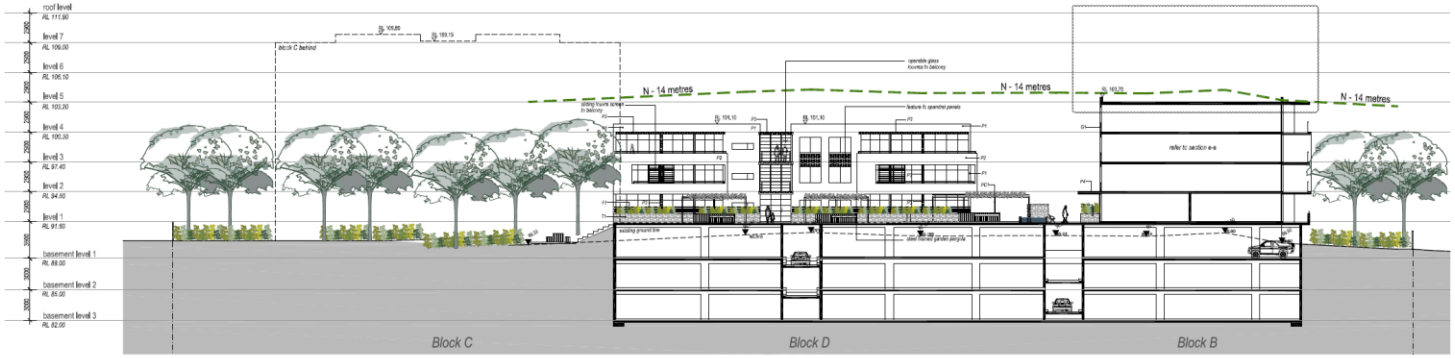
ATTACHMENT 13 – ELEVATION DRAWINGS (4 Pages)



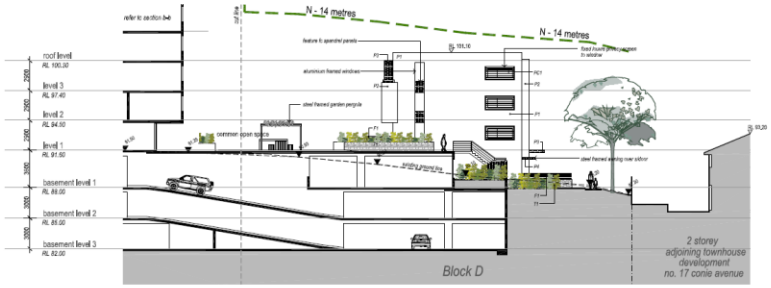
Map Reference
LEGEND
EXTERNAL MATERIALS + FINISHES
architex
DEVELOPMENT APPLICATION
Proposed Residential Apartments
404-416 Windsor Rd + 1-3 Meryll Ave, Baulkham Hills
Merfad Projects Pty. Ltd.
Site Elevations 3 - 5
2007
DA16
C
Materials + Finishes Samples: Refer to Schedule of Finishes
N - 14 metres
Block A
Block B
Block C
Block D
2 storey adjoining townhouse development no. 17 conie avenue
windsor road
RFDC envelope - 16m
Q2 - 16 metres
Elevation # 3
Elevation # 4
Elevation # 5
Site Elevations



Elevation # 6

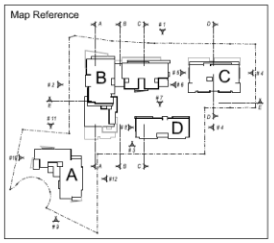


Elevation # 7



Elevation # 8

Site Elevations



LEGEND
EXTERNAL MATERIALS + FINISHES

P1	PAINT FINISH Dulux Dria P14.A3
P2	PAINT FINISH Dulux Lexicon Half PCWF7
P3	PAINT FINISH Dulux Dromby PD1.A8
P4	PAINT FINISH Dulux Vienes Flymap P20.F7
C1	METAL CLADDING Symcrete Aluminium Composite Panels Gun Metal Grey (PVDF)
PC1	BALUSTRADES + WINDOWS + LOUVRES + PERGOLAS Dulux Powdercoat Precidove Silver Pearl Khells 17225
T1	TILE FINISH Decor Stacked Stone Onyx
T2	EXTERNAL PAVING TILES (similar to Dulux Stony Creek P15.A4)
F1	COURTYARD + PRIVACY SCREENS Aluminium 'Supadair' Fending Woodgrain Selection - Burn Cherry
G1	GLASS BALUSTRADES Pilkington Glass Optifloat Grey 10ml

C	building envelope, height lines and elevation amended	14.01.13
B	Floor level removed, building envelope added	11.12.12
A	Development Application Issue	18.05.12
P4	Prelim. Issue to Consultants	26.03.12
P3	Prelim. Issue for pre-DA meeting	16.02.12
P2	Prelim. Issue for pre-DA meeting	20.09.11
P1	Prelim. Issue to Client	14.09.11
Issue description		Date

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Granville, 2142
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Fax 9637 1636
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www.architex.com.au

DEVELOPMENT APPLICATION

Project
Proposed Residential Apartments

Project address
404-416 Windsor Rd + 1-3 Meryll Ave, Baulkham Hills

Client
Merfad Projects Pty. Ltd.

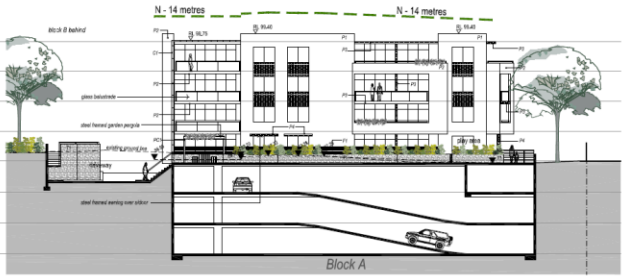
Title
Site Elevations 6 - 8

Drawn	Scale	Checked
pdp	1:200@A1	
Job No.	Drawing No.	Issue
2007	DA17	C

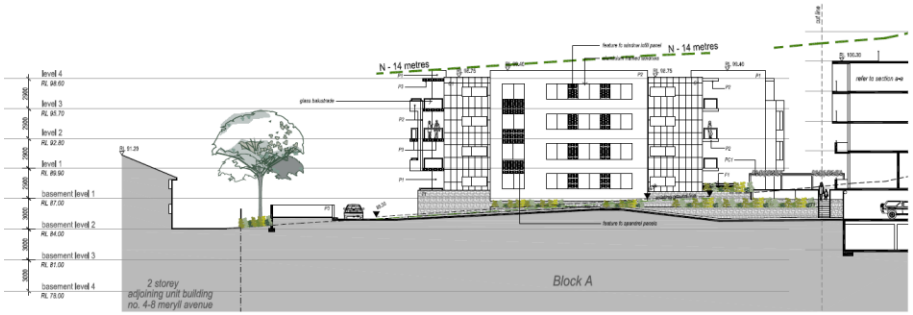
Materials + Finishes Samples:
Refer to Schedule of Finishes

Elevation # 9

Elevation # 10

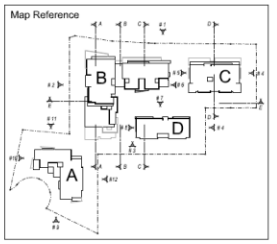


Elevation # 11



Elevation # 12

Site Elevations



LEGEND
EXTERNAL MATERIALS + FINISHES

P1	PAINT FINISH Dulux Dice P14.A3
P2	PAINT FINISH Dulux Ludicon Half POW.F7
P3	PAINT FINISH Dulux Domino P01.A8
P4	PAINT FINISH Dulux Vanua Flymap P20.F7
C1	METAL CLADDING Symcrete Aluminium Composite Panels Gun Metal Gray (PVDF)
PC1	BALUSTRADES + WINDOWS + LOUVRES + PERGOLAS Dulux Powdercoat Precious Silver Pearl Kinetic 57225
T1	TILE FINISH Decor Stacked Stone Onyx
T2	EXTERNAL PAVING TILES (similar to Dulux Stony Creek P15.A4)
F1	COURTYARD + PRIVACY SCREENS Aluminium 'Suspended' Fending Woodgrain Selection - Bush Cherry
G1	GLASS BALUSTRADES Pilkington Glass Optifloat Gray Tint

C	building envelope,height lines amended	14.01.13
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A	Development Application Issue	18.05.12
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P1	Prelim. Issue to Client	14.09.11
Issue description		Date

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DEVELOPMENT APPLICATION

Project
Proposed Residential Apartments

Project address
404-416 Windsor Rd + 1-3 Meryll Ave, Baulkham Hills

Client
Merfad Projects Pty. Ltd.

Title
Site Elevations 9 - 12

Drawn	Scale	Checked
pds	1:200@A1	
Job No.	Drawing No.	Issue
2007	DA18	C

Materials + Finishes Samples:
Refer to Schedule of Finishes

ATTACHMENT 14 – SECTION DRAWINGS (2 Pages)


Map Reference
LEGEND
EXTERNAL MATERIALS + FINISHES
Section c -c
Block C
2 storey adjoining townhouse development no. 17 conie avenue
Section d - d
Block B
Block D
Section e - e
Block A
Site Sections
RFD C envelope - 16m
RFD C envelope - 19m
Q2 - 16 metres
Q1 - 19 metres
N - 14 metres
windsor road
architex
Proposed Residential Apartments
404-416 Windsor Rd + 1-3 Meryll Ave, Baulkham Hills
Merfad Projects Pty. Ltd.
Site Sections c + d + e
DEVELOPMENT APPLICATION
Materials + Finishes Samples: Refer to Schedule of Finishes
1:200@A1
2007
DA20
C

ATTACHMENT 15 – SHADOW DIAGRAMS (3 Pages)

AMOUNT OF SUNLIGHT (UNIT BUILDING No. 4-8 MERYLL AVEN	
21 JUNE	AS A PERCENTAGE OF TOTAL PAD AGE
9AM	10%
9.15AM	25%
9.30AM	60%
10.00AM	80%
10.30AM	100%
10.30 AM to 12.45 AM	100%

AS A PERCENTAGE O OUTDOOR OPEN SPA
0%
0%
0%
0%
15%
50%
100%

12noon 21st June
Shadow Diagrams

3pm 21st June
Shadow Diagrams


View South-East from Meryll Avenue


View South-East from Windsor Road