

## JRPP PLANNING REPORT

<b>JRPP NO:</b>	2013SYW007
<b>DA NUMBER:</b>	DA 658/2013/JP
<b>LOCAL GOVERNMENT AREA:</b>	THE HILLS SHIRE COUNCIL
<b>PROPOSED DEVELOPMENT:</b>	PROPOSED MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL FLAT BUILDINGS, RESTAURANTS, CHILD CARE CENTRE, BUSINESS PREMISES, SHOPS, INDOOR RECREATION, PARKING AND LANDSCAPING.
<b>STREET ADDRESS:</b>	LOT 1 DP 136011, NO. 636 OLD NORTHERN ROAD, DURAL
<b>APPLICANT/OWNER:</b>	PALLADIUM PROPERTY
<b>NUMBER OF SUBMISSIONS:</b>	ONE
<b>RECOMMENDATION:</b>	APPROVAL
<b>REPORT BY:</b>	TOWN PLANNING CO-ORDINATOR ROBERT BUCKHAM

### BACKGROUND

### MANDATORY REQUIREMENTS

Owner:	Mr F and Mrs S Mikhael	1.	<u>LEP 2012</u> - Variation required - see report.
Zoning:	B1 Neighbourhood Centre RU6 - Transition SP2 Infrastructure	2.	<u>THDCP Part B Section 1 - Rural</u> - Variation required - see Report.
Area:	9,941m <sup>2</sup>	3.	<u>THDCP Part B Section 5 - Residential Flat Building</u> - Complies.
Existing Development:	Derelict house and shed.	4.	<u>THDCP Part B Section 6 - Business</u> - Variation required - see Report.
		5.	<u>THDCP Part C Section 1 - Parking</u> - Complies.
		6.	<u>THDCP Part C Section 2 - Signage</u> - Complies.
		7.	<u>THDCP Part C Section 3 - Landscaping</u> - Complies.
		8.	<u>SEPP Infrastructure 2008</u> - Complies.
		9.	<u>SEPP 64 Advertising and Signage</u> - Complies.
		10.	<u>SEPP 65 Design Quality of Residential Flat Buildings</u> - Satisfactory.
		11.	<u>Section 79C (EP&amp;A Act, 1979)</u> -

			Satisfactory.
		12.	Section 94A Contribution \$304,493.37

#### SUBMISSIONS

#### REASON FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days	1.	Capital Investment Value in Excess of \$20 million.
2. Notice Adj Owners:	Yes, 14 days		
3. Number Advised:	19.		
4. Submissions Received:	One.		

#### HISTORY

**05/10/2012**

The Hills LEP 2012 adopted. The site was rezoned from Rural 1(c) and Special Uses 5(b)(Existing and Proposed Roads) to B1 – Neighbourhood Centre on the eastern portion of the site and the western portion of the site was zoned RU6 - Transition. A portion of land adjacent to Old Northern Road is zoned SP2 – Classified Road.

**10/12/2012**

Subject Development Application lodged.

**07/03/2013**

Briefing to the JRPP Panel.

**21/03/2013**

Letter sent to the applicant requesting additional information in relation to compliance with the RU6 zone objectives, compatibility with the existing village scale and context, carparking functionality, Access treatment along Old Northern Road, Clause 5.3 Development near zone boundaries, site coverage, retaining walls and site levels, landscaping, finishes, signage and engineering matters

**03/06/2013**

Additional information submitted.

**01/08/2013**

Further correspondence sent to the applicant in relation to engineering matters.

**27/08/2013**

Additional information received.

#### SITE AND SURROUNDS

The subject site is located on the western side of Old Northern Road and has an area of 9,941m<sup>2</sup>. The eastern portion of the site is zoned B1 – Neighbourhood Centre and the western portion RU6 - Transition under The Hills LEP 2012. A portion of land adjacent to Old Northern Road is zoned SP2 – Classified Road. The locality is characterised by a range of uses from rural residential to commercial.

The site falls from the eastern boundary on the Old Northern Road to the north west corner. The fall is in excess of 21 metres over 173 metres (approximately 12 percent). The topography, does not have not a consistent fall from east to west. It features a comparatively level platform with a depth of approximately 43 metres from the Old Northern Road; a second platform in the centre of the site, and a gradual fall in grade from the second platform to the rear of site of 6 metres. The platforms have been

established by filling in the past. The eastern and central platforms are separated by a vegetated embankment. The northern edge of the eastern embankment is retained by a concrete block wall 1.5 metres high and the southern edge by a brick wall.

## **PROPOSAL**

The proposal is for a mixed use development on the site which in summary will include;

- Eight residential apartments;
- A variety of business uses including business premises, shops, medical consulting rooms;
- Restaurant and cafes;
- Childcare care centre; and
- A recreation facility/ multi-purpose hall facility

The total gross floor area is 5,421m<sup>2</sup> and the gross leasable area including outdoor areas for cafes and restaurants is 6,300m<sup>2</sup>

The proposed development will be built over a number of levels to take advantage of the slope of the site, east to west and the development will step down from the frontage along Old Northern Road.

Over each level the specific works include;

- Ground Level 01  
(Building Level 07, Street level) four tenancies for 3 x shop and 1 x café (including outdoor terrace)
- Ground Level 02  
(Building Level 08). four tenancies for 2 x business premise uses and 2 x cafe/ restaurant uses; and
- Ground Level 03  
(Building Level 09). four tenancies for 2 x business premise/recreation facility uses and 2 x cafe/ restaurant use with outdoor terraces.
- Lower Ground Level 01.  
Restaurant/cafe with outdoor dining area, water feature, and parking. There is a drainage swale along the western boundary to capture and distribute overland flow during rain events as part of the stormwater management strategy;
- Lower Ground Level 02.  
Child care centre with outdoor play area, car park directly adjoining the child care centre linked to the southern driveway, water feature, grassed communal open space area, and disability ramp to lower level;
- Lower Ground Level 03.  
Retail and commercial pedestrian arcade comprising medical centres, multi-purpose hall (recreation / conference/ function), two tenancies for cafe use surrounding a landscaped plaza;
- Lower Ground Level 04.  
Residential use and car parking, with restricted access to three residential units (1 x 2 bed and 2 x 3 bed) each with outdoor courtyard and direct access to a resident car park at the second car park level;

- Lower Ground Level 05.

Residential use and car parking comprising same configuration as level below, except residential courtyards replaced by balconies;

- Lower Ground Level 06.

Residential use and car parking comprising 2 residential units (1 x 2 bed and 1 x 3 bed), loading dock, bin store and plant rooms in car park with dedicated service ramp to street level above;

Based on advice from the Roads and Maritime Services prior to lodgement, the development incorporates a combined entry/exit driveway at the northern end of the site in lieu of a separate entry and exit driveway, as well as a left turn deceleration lane for the northbound direction of Old Northern Road.

Off street parking is provided for 214 vehicles over several basement levels, together with loading facilities.

A signage concept has been submitted and details of a landscaped feature incorporating signage "cascades" is shown within land at the front of the site zoned SP2 Infrastructure. Business identification signage is not permissible within the SP2 Infrastructure zone and hence a condition is recommended for its deletion.

## **ISSUES FOR CONSIDERATION**

### **1. SEPP State and Regional Development 2011**

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

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

The proposed development has a capital investment value of \$31,971,887 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

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

#### **(i) Permissibility**

The proposal is best defined as a mixed use development and comprises or could potentially comprise a number other uses which are outlined below.

**"mixed use development"** means a building or place comprising 2 or more different land uses."

The development also comprises;

**"residential flat building"** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing; and

**"business premises"** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**"restaurant or cafe"** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided, and ;

**"medical centre"** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services, and;

**"child care centre"** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:
  - (c) a building or place used for home-based child care, or
  - (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
  - (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
  - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
  - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
  - (h) a service that is concerned primarily with the provision of:
    - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
    - (ii) private tutoring, or
  - (i) a school, or
  - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**"recreation facility (indoor)"** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**"community facility"** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and

- (b) used for the physical, social, cultural or intellectual development or welfare of the community,  
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposal is consistent with the definitions above.

Further to the land use definition above, signage is proposed within the SP2 Infrastructure zone as shown in Attachment 3 and 22. The sign is most appropriately defined by LEP 2012 as a business identification sign being:

**"business identification sign"** means a sign:

(a) that indicates:

- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,  
but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

LEP 2012 outlines the permitted and prohibited land uses within the SP2 Infrastructure zone as outlined in the following three categories:

**2 Permitted without consent**

*Roads*

**3 Permitted with consent**

*The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.*

**4 Prohibited**

*Any development not specified in item 2 or 3.*

The proposed development does not fit into Clause 2 in that the proposal is not for a road. Clause 3 'Permitted with consent' permits the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. The Land Zoning Map indicates that the purpose of the SP2 Infrastructure zone is 'Classified Road'. The signage is not considered ordinarily incidental or ancillary to development for the purpose of a classified road.

Given the above, the development fits within Clause 4 which prohibits the proposed signage located in the SP2 zone. This signage is considered unsatisfactory with respect to the permissibility of LEP 2012.

**(ii) Compliance with The Hills LEP 2012 – Zone Objectives**

The site is zoned B1 Local Centre and RU6 Transition under The Hills LEP 2012. The objectives of the zone are:

**B1 Neighbourhood Centre Objectives**

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure the scale and type of development is compatible with the character and amenity of a neighbourhood centre.*

- *To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre and does not detract from the primary objective of the zone.*
- *To promote commercial activities in locations that encourage walking and cycling to and from the neighbourhood centre.*

#### RU6 Transition

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.*

The applicant was requested to provide a further analysis of the RU6 Zone Objectives. The response includes the following:

*"The zone interface dissects the site and the design responds to the required change in form and activity sought by the objectives by presenting a contrasting scale and form of development and activities in the different zoned parts of the site. Development in the RU6 zone presents as low scale buildings immersed in landscaped elements (discussed below). There is an emphasis on green roof tops, landscaped terraces, low site cover and significant boundary planting. Development in the B1 zone, on the other hand, presents a higher density urban form that is more suited to the character of the Dural centre.*

*The transition between the two different approaches is achieved by four integrated techniques:*

- 1. The two parts of the site are linked by an unified landscape theme that applies a consistent approach throughout the development to stitch together the two different responses to the split zoning within the site;*
- 2. Built form configuration and articulation presents a stepping down of building mass to match the fall in landform character of the site. This wedding cake approach serves two additional purposes: it negates any potential shadow and privacy impact on land in the RU6 zone and it reduces the building mass at the zone interface, ameliorating any potential visual impact concerns;*
- 3. Garden terraces provide green edges to the change in built form height as development transitions down the slope. Thus the development will not be incongruous when viewed in its landscape and landform setting and*
- 4. A key feature of this approach is the establishment of a water course that follows the fall in landform, so that water cascades down the building terraces reminiscent of many traditional European Baroque, renaissance, and middle eastern, garden landscape styles. Not only does this feature offer aesthetic and landscape amenity which is publicly accessible to site visitors, it also serves to break up the apparent mass of the building form, so that the development presents as a series of separate buildings that descend down the hill, when viewed from the locations in the RU6 zone west.*

The proposal is considered to be consistent with the stated objectives of both zones, in that the proposal will provide for a greater range of uses to meet the needs of the surrounding residents and is also considered to be innovative and sustainable tourist development, whilst minimising conflicting with surrounding uses. The high quality urban

design and landscaping will minimise impacts and provide for an appropriate development within the B1 zone and RU6 Transition zone.

The development of the B1 zone provides a development that meets the desired future character of the locality and provides a range of small-scale uses and residential development to support those uses to provide economic and social vitality of the neighbourhood centre and surrounding locality. The development has a lower FSR than permitted and includes services that are appropriately located.

The development within the RU6 zone is low slung in relation to the site topography and provides an appropriate transition to surrounding properties in comparison to the development within the land zoned B1. The development in this part of the site has landscaped setbacks and features many landscaped open spaces. The built form is articulated to provide a smaller scale form, with variable setbacks, using natural colours, and a diversity of materials to provide visual relief and a link with the rural character of the locality.

The development through design will minimise conflict between land uses within this zone and land uses within adjoining zones. Higher use areas are located central to the site and the majority of parking is provided within a basement carpark. The technical reports submitted with the application demonstrate that all potential impacts will be appropriately mitigated.

As such the proposal is considered satisfactory in respect to the LEP 2012 objectives.

### **(iii) The Hills LEP 2012- Clause 5.3 Development Near Zone Boundaries**

Clause 5.3 of the LEP states:

- "(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) This clause does not apply to:*
- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
  - (b) land within the coastal zone, or*
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) the development is not inconsistent with the objectives for development in both zones, and*
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) This clause does not prescribe a development standard that may be varied under this Plan."*

The LEP provides flexibility to undertake a use permissible in an adjoining zone for a distance of no more than 20 metres provided it would enable a more logical and



appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The proposal includes part of the eight residential units in the RU6 Transition zone but within 20 metres of the B1 Neighbourhood Zone. Refer Attachments 11, 12 and 13.

Given the extent of development proposed within 20m of the zone boundary, further justification was requested in relation to the intent of this clause being met, and that the application of the clause was not only to increase development yield.

The applicant has provided the following justification:

*The stated objective of Clause 5.3 is "to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone."*

*In terms of the objective to achieve a more logical and appropriate development, the site planning adopted for the proposed development has resulted in the need to use Clause 5.3. In particular, site planning has sought to accommodate:*

- *The terrain and site constraints;*
- *The need to meet RMS access requirements imposed upon the development; and, in this context,*
- *The commercial imperative to achieve a commercially viable development that meets the objectives of both zones.*

*The proposal does not represent any sort of opportunistic endeavour by the applicant as suggested. Specifically:*

1. *The stepping down of the terrain coupled with the building setback impositions to meet RMS requirements has created challenging site planning arrangements. The need to provide extensive driveways and accessible parking at the site's frontage (without the establishment of visually imposing car parking areas and access arrangements in the public domain) compels built form to step down the hill to the rear into the RU6 zoned land;*
2. *It has proved difficult, and uneconomic, to accommodate the car parking and access solutions that meet RMS requirements in the remaining B1 zoned part of the site. This has compelled the proposed floor space within the site to shift to the centre of the site in order that a viable and workable configuration of uses eventuates. As noted in the comments in Point 1.4 above, ideally the applicant would wish to offer an improved relationship between the building frontage and the public domain of the Old Northern Road and locate the development at the front of the property (without the need for the driveway outcome that has been imposed upon it). However this has not been possible.*
3. *The presence of the RU6 zoned land in the site requires attention to providing a gentle and sensitive transition between the two character precincts if the objectives of the RU6 zone are to be met. Concept design by the applicant's architect found that this could only be achieved by encroaching into the RU6 part of the site. This is a common issue for land subject to split zoning. Ideally zone boundaries should follow property boundaries;*
4. *The proposed FSR of the B1 zoned part of the site (0.84:1) is less than that which may be permissible (FSR (1:1) and provides clear evidence that the applicant is not trying to maximise the development potential of the site. For, if this was the*

*case, the application would seek to address all issues and squash all of the potential floor space into the B1 zoned part of the site and accompany this with a suite of requests to Council to depart from height and setback controls. This is not the case. The request to depart from the LEP height control is minor and setbacks are generally compliant with Council's DCP;*

5. *Similarly, the RU6 zone does not, in itself, preclude potential development and uses, which may exhibit notable scale and intensity (subject to meeting the zone's objectives). The applicant has not sought to capitalise on this. The intensity of uses proposed in the RU6 part of the site is low scale and merely responds to the locational opportunities of this part of the site adjoining Dural Centre with the pattern of uses that has been proposed. The design has also engaged with the two adjacent sites by planning a pedestrian link in the middle of the B1 zoned part of the site as suggested by Council officers at the first Pre DA meeting.*

It is considered that the development proposal has merit. The applicant has limited the Floor Space Ratio below the maximum permitted 1:1 (0.84:1) on the land zoned B1 and provides an open colonnade and terraces to take advantage of the views to the west in a somewhat public area. The residential units will provide long term activation and are appropriately located given the site opportunities and constraints.

It is considered that the development is not inconsistent with the objectives for development in both zones, and that the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The development within the RU6 zone corresponds with the site topography and provides an appropriate transition to surrounding properties and other uses further down the site. The development in this part of the site has landscaped setbacks, large terraces and balconies and features many landscaped spaces. The residential units do not impact on the amenity of adjoining properties and are located appropriately.

As such the application of Clause 5.3 of the LEP in this instance is considered reasonable and provides development that is compatible with the planning objectives and land uses for the RU6 Transition zone.

#### **(iv) The Hills LEP 2012 - Development Standards**

The following addresses the principal development standards of the LEP relevant to the subject proposal:

<b>CLAUSE</b>	<b>REQUIRED</b>	<b>PROVIDED</b>	<b>COMPLIES</b>
4.3 Height of buildings	10 metres	Components of the buildings exceed 10 metres ranging from 1 metre to 1.9 metres.	No – see comments below.
4.4 Floor Space Ratio	1:1	0.84:1	Yes
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	Variations proposed to height are addressed below.	Yes

The variation to height is addressed below:

**(v) Variation to Height**

The LEP limits the height of the development to 10 metres. The proposal has a maximum height of 11.9 metres a variation of 1.9 metres or 19% (Refer Attachment 17):

Clause 4.6 Exceptions to Development Standards states as follows:

- (1) The objectives of this clause are:
  - a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
  - b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) 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.*
- (4) 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.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - b) the public benefit of maintaining the development standard, and
  - c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:
  - a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

- (8) *This clause does not allow consent to be granted for development that would contravene any of the following:*
- a) a development standard for complying development,*
  - b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,*
  - c) clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.*

The applicant has reviewed this matter and has concluded that:

*Strict adherence to the LEP height control is:*

- Unreasonable, because the variation better achieves urban design principles for development in this local centre location;*
- Unreasonable, because the variation addresses practical difficulties in the achievement of development as a result of the site's landform character;*
- Unreasonable, because the variation provides an enhanced contribution to the character sought for the centre and its streetscape;*
- Unnecessary in the context of privacy, solar access and view preservation objectives and other amenity because it can be demonstrated that no privacy, solar access or views will be materially affected by the development;*
- Unnecessary in the context of the objective of visual impact and achieving compatible bulk and scale as the density remains below the permissible FSR and the perceived bulk of the building, will generally be positive;*
- Unnecessary, because no discernible benefit would be derived from compliance with the development standard in this instance. On the contrary, benefits would be derived by the landmark presence of the roofscape in this part of the LGA in terms of its potential role to signpost the presence of the Dural centre; and*
- There are sufficient environmental planning grounds as assessment of the proposed development demonstrates that expected amenity, environmental, built form and streetscape outcomes are achieved;*
- The request is in the public interest because it is consistent with the objectives of the LEP and delivers the public benefits.*

**Comment:**

The height objectives of the LEP are:

- 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.*

The proposed height of the buildings is considered satisfactory given the variation is minor. The urban form is considered to be appropriate for the area and the development of a modern mixed use development.

The design of the proposed development, particularly in terms of the materials, colours, and articulation as well as the building configuration provide appropriate articulation and modulation of the building mass. The proposal presents as a compatible element within the existing the streetscape and the future desired character of the locality

There will be no unreasonable loss of privacy or amenity as a result of the variation. The design complies with recommended building setbacks contained in the DCP, and in

conjunction with the landscaping, ensures that reasonable privacy is provided to neighbouring developments and impacts of the built form are minimised.

Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

### 3. Compliance with The Hills Development Control Plan

The proposal has been assessed against the provisions of The Hills Development Control Plan (THDCP) particularly:-

- Part B Section 1 – Rural
- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part C Section 1 – Parking
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping

As the proposal includes eight residential units comprising 5 x 3 bedroom units and 3 x 2 bedroom units an assessment was undertaken against the DCP. This component of the proposal satisfies the relevant controls including setbacks, built form, open space and solar access it is also noted that all of the units exceed the required minimum internal floor area controls in the DCP.

The proposed development achieves compliance with the relevant requirements of the above with the exception of the following:

DEVELOPMENT STANDARD	BHDCP Part C SECTION 1 RURAL REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 1 Rural – Clause 3.2 (a) Site Coverage	Less than 2 Hectares - 50% of the site area; or 2500m <sup>2</sup> , whichever is the lesser.	4,065m <sup>2</sup> . This 1702m <sup>2</sup> of hard landscaped areas and an open colonnade. (67% of the RU6 part of the site)	No, the development exceeds the maximum 2,500m <sup>2</sup> requirement, however given the built form and landscape outcome proposed the variation is considered reasonable.
Part B Section 1 Rural – Clause 3.3 (c) Building Setback	The minimum side setback for any building or structure within a	3 metre minimum setback.	No, the variation is minor and adequate boundary

DEVELOPMENT STANDARD	BHDCP Part C SECTION 1 RURAL REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	rural zone is 5 metres		landscaping is provided.
Part B Section 6 – Business Clause 2.6 (c) - Building Height	For development not in the B2 Local Centre Zone, the maximum height of buildings shall be 2 storeys.	The development encompasses 3 storeys above natural ground level in the B1 zone.	No, Although the development provides three storeys not two the height of the proposal is considered reasonable and is further addressed in Section 2 of this report.

#### a) Site Coverage

Clause 3.2(a) of BHDCP Part B Section 1 – Rural requires that;

*"the site coverage requirement for properties having an less than 2 hectares shall be "50% of the site area; or 2500m<sup>2</sup>, whichever is the lesser." "The site coverage includes areas containing dwellings, outbuildings, ancillary items (such as pools, manoeuvring areas, garages etc) and effluent disposal areas."*

The proposed development has a site coverage of 4,065m<sup>2</sup> or 67% of the site area.

The relevant objectives of this clause of the DCP are:

- (i) *To maintain the character of the rural area by retaining existing vegetation;*
- (ii) *To maximise the provision of space to maintain the rural character of the area; and*
- (iii) *To minimise environmental impact arising from impervious areas and to assist in the management of stormwater.*

The applicant in justifying the proposed variation to the Development Standards states that:-

*"The total site coverage is 2,373 sqm. We note that the site coverage has been reduced in favour of increased coverage of landscaping and natural water ponds and the measurement by BHI Architects meets the definition of site coverage in Part B of the DCP. Furthermore, we note the objectives of the site coverage control in the DCP are based upon character protection and limitation of impervious area and we consider that the proposed development also achieves these objectives."*

#### **Comment:**

The applicant has provided a detailed site coverage plan (Refer Attachment 20) in order to determine what areas attribute to site coverage. The applicant has also reviewed the definition of site coverage within the LEP for further guidance. The definition in the LEP states:

**"site coverage"** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

If the areas that will ultimately appear not landscaped are used to calculate site coverage, the proposal would comply. However using the DCP control site coverage if effectively any area covered by the development.

The applicant has proved a detailed landscape concept including a number of water features to mitigate the impacts of site coverage. On balance the proposal will also positively contribute to the Shire. Furthermore the applicant has provided a detailed stormwater concept to control and reuse stormwater. In addition the development will be connected to sewer.

Accordingly the proposal is considered to be satisfactory in regard to the provisions of the DCP.

#### **b) Side Setback**

Clause 3.3(c) of BHDGP Part B Section 1 – Rural requires that;

*"The minimum side setback for any building or structure within a rural zone is 5 metres"*

A circular restaurant building is proposed at the bottom of the site. The building has a minimum setback from the boundary of 3 metres.

The relevant objectives of this clause of the DCP are:

- (i) *To ensure that certain developments do not adversely affect the traffic environment along classified roads;*
- (ii) *To protect the scenic and environmental amenity of rural land adjacent to classified and other roads;*
- (iii) *To ensure adequate space is provided between and around all buildings and structures in the rural area, to assist in preserving the character of the rural area.*

The applicant in justifying the proposed variation to the Development Standards states that:-

- *The presence of landscape screening at the boundary negates and visual impact of the variation*
- *The variation is minor and will not be perceptible; and*
- *No buildings are located within the vicinity of this part of the site and no neighbouring uses will be impacts by the variation.*

#### **Comment:**

The proposed encroachment is a minor variation. The proposal is considered consistent with the relevant objectives of the DCP in that adequate area remains for landscaping

and screen planting of the setback and there will be no unreasonable impact to adjoining properties.

In this regard, the variation to the setback control is considered satisfactory.

#### **c) Number of Storeys**

The DCP requires that development not in the B2 Local Centre Zone (the site is zone B1), the maximum height of buildings shall be 2 storeys. The building comprises three storeys.

The relevant objectives of this clause of the DCP are:

- (i) *To ensure that building heights respond to the existing landform of the neighbourhood, including ridgelines and drainage depressions.*
- (ii) *To protect privacy and amenity of surrounding allotments and residential development in accordance with Council's ESD objective 7.*
- (iii) *To minimise overshadowing of adjoining allotments.*

#### **Comment:**

The proposed variation is relevant to the LEP height variation addressed in Section 2 of this report. The proposal is considered consistent with the relevant objectives of the DCP in that adequate area remains for landscaping and screen planting.

In this regard, the variation to the height control is considered satisfactory.

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

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

<b>DEVELOPMENT STANDARD</b>	<b>SEPP 65 REQUIREMENTS</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
<b>Part 1 – Local Context – Primary Development Controls</b>			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	The B1 zoned portion of the site has a floor space ratio of 1:1. The development has a FSR of 0.84:1. And is considered to be of an appropriate height.	Yes.
	Test heights against the proposed number of storeys and the minimum ceiling heights for the desired building use.	The proposed ceiling heights for each residential storey are 3m.	
Building Depth	In general, apartment building depth of 10-18	The proposed maximum building	Yes



DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	depth is 13.5m. appropriate solar access to all units.	
Building Separation	Design and test building separation controls in plan and section. <ul style="list-style-type: none"> <li>- Test building separation controls for daylight access to buildings and open spaces.</li> <li>- Building separation controls may be varied in response to site and context constraints.</li> <li>- Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved (see Daylight Access, Visual Privacy and Acoustic Privacy).</li> </ul>	The development is part of a mixed building is considered to provide an appropriate level of separation.	Yes
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The development is part of a mixed use development. The units are located away from Old Northern Road and are orientated to the west.	Yes
Side and rear setback	Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties,	Side setbacks are either provided by generous landscaped setback areas or access driveways.	Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	and of private open space.		
Floor Space Ratio	<p>Test the desired built form outcome against proposed floor space ratio to ensure consistency with:</p> <ul style="list-style-type: none"> <li>- Building height</li> <li>- Building footprint</li> <li>- The three dimensional building envelope</li> <li>- Open space requirements</li> </ul>	The B1 zoned portion of the site has a floor space ratio of 1:1. The development has a FSR of 0.84:1. And is considered to be of an appropriate built form.	Yes.
<b>Part 2: Site Design</b>			
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The majority open space is provided within and on top of the structure.	Yes
Open Space	<p>The area of communal open space required should generally be at least 25-30% of the site area.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m<sup>2</sup>.</p>	<p>The development The units are a part of a mixed use development which provides for a range of open space areas.</p> <p>Each unit is provided with a terrace area exceeding 25m<sup>2</sup>.</p>	<p>Yes</p> <p>Yes</p>
Pedestrian Access	<p>Identify the access requirement from the street or car parking area to the apartment entrance.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p>	<p>Pedestrian access is provided from the street or car parking area to the apartment entrance. Entrance and access to the basement parking is achieved via the internal stairs and elevators.</p> <p>Unit 1 is nominated as an adaptable unit.</p>	<p>Yes</p> <p>Yes</p>
Vehicular Access	<p>Generally limit the width of driveways to a maximum of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	<p>The maximum width of the driveway is 6 metres.</p> <p>Vehicular access is from Old Northern Road is suitably separated from the</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
		pedestrian access.	
Part 3: Building Design			
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	Areas over 8m from a window are kitchens, laundries, bathrooms and study areas. These are not the primary habitable rooms and the wet areas and kitchen can be ventilated using the required BASIX ducted fans.	Yes
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	The proposal provides for 5 x 3 bedroom units and 3 x 2 bedroom units.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies provide useable areas with a depth of 2.5 metres.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	Minimum 3 metres.	Yes
Ground floor apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.  Provide ground floor apartments with access to private open space (i.e. terrace, garden).	Ground floor apartments are proposed.	N/A
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	There are a maximum of 3 units per floor.	Yes
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - Studio – 6m <sup>3</sup>	Separate storage closets are provided in each unit in addition to storage areas in the basement car park	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	<ul style="list-style-type: none"> <li>- 1 bed – 6m<sup>3</sup></li> <li>- 2 bed – 8m<sup>3</sup></li> <li>- 3 bed+ - 10m<sup>3</sup></li> </ul>	exceeding 10m <sup>3</sup> .	
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	All of the units receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	Yes
Natural Ventilation	<p>Building depths, which supports natural ventilation typically range from 10 to 18 metres.</p> <p>60% of residential units should achieve natural cross flow ventilation.</p>	<p>Max building depth 13.5m.</p> <p>63% of units achieve cross flow ventilation. The remaining units are single aspect. Mechanical ventilation is used in all units allowing ventilation to be achieved.</p>	<p>Yes</p> <p>Yes</p>
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	A satisfactory waste management plan was submitted with the application.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	The development will be connected to the Rouse Hill reticulated alternative water supply to be used for landscape irrigation and car washing.	Yes

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

**(i) Context**

The development responds and reflects the context into which it is placed. The site is located along Old Northern Road where there a number of different uses operating. The proposed mixed use nature, reflects the urban village character of the business zoning, which conforms to the future desired character of the area. The context is likely to change over as adjoining sites are developed in context with the new zonings.

**(ii) Scale**

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal complies with floor space requirements. The proposal responds to the existing topography of the site within its context. The height

generally ensures that the development responds to the desired future scale and character of the site.

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

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

**(iii) Built Form**

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting.

**(iv) Density**

The proposed development including 8 residential apartments has a relatively modest built footprint for the size of the site. It contributes to the desired urban activity for the area and will be a positive association with the other activities on the site.

**(v) Resources, Energy and Water Efficiency**

The design achieves natural ventilation and insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

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

**(vi) Landscape**

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

**(vii) Amenity**

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

**(viii) Safety and Security**

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment

purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

#### **(ix) Social Dimensions**

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services.

#### **(x) Aesthetics**

The building mass is articulated to provide smaller scale forms, with variable setbacks, using natural material colours, and a diversity of material textures to provide visual relief and strengthen the rural character of the architectural language.

The choice of materials will be from a limited thematic palette for the entire site. Each building and pavilion, has been designed with its own distinctive character reflecting the function of that building.

### **5. Parking**

There is a range of uses proposed on the site. The table below provided by the applicant details the parking required by the proposal and the parking provided on site. Given the range of uses parking allocation varies given the time of week. All future occupation applications will be required to ensure that the hours of operation are consistent with the parking allocation proposed. Two plans have been provided by the applicant to clearly identify what parking belongs to the uses below during the two use phases. Refer Attachment 18 and 19.

#### **PARKING CALCULATIONS**

<b>USE</b>	<b>PARKING RATE (SPACES)</b>	<b>WEEKDAY PARKING REQUIREMENT</b>	<b>THURSDAY &amp; FRIDAY EVENING &amp; WEEKEND PARKING REQUIREMENTS</b>
8 Residential Apartments	2 per dwelling plus 2 per 5 dwellings for visitors	19	19
Shops -583m <sup>2</sup>	1 per 18.5m <sup>2</sup>	31.5	31.5
Business Premises - 779m <sup>2</sup>	1 per 25m <sup>2</sup>	31.2	*
Medical Consulting Rooms -722m <sup>2</sup> 14 Consulting Rooms + 17 Support Employees	3 per consulting room + 1 per support employee	59	*
Cafe and Coffee Shops -457m <sup>2</sup> includes 166m <sup>2</sup> of outdoor area <sup>1</sup>	1 per 25m <sup>2</sup>	Complimentary Use	18.3
Restaurants -1082m <sup>2</sup> includes 390m <sup>2</sup> of outdoor area <sup>1</sup>	1 per 25m <sup>2</sup>	Complimentary Use	43.3

Long Day Care Centre -54 Children and 10 Employees	1 per employee and 1 per 6 children	19 Includes 9 drop off spaces	-
Recreation Facility <sup>2</sup> Indoor 290m <sup>2</sup>	1 per 10m <sup>2</sup> non fixed seating floor space	29	29
<b>TOTAL REQUIRED PARKING SPACES</b>		<b>188.7 (189)</b>	<b>141.1 (142)</b>
<b>Parking Capacity and Spare Parking</b>	<b>209 plus 5 stacked spaces</b>	<b>20</b>	<b>67</b>

1. Based on the GLA of indoor and outdoor seating area for the restaurants or cafe.

2. Based on parking rate for entertainment facilities

*\*Some business premises and medical consulting rooms (e.g. general practitioners) may operate on Thursday/Friday evenings and on Saturday during the day. A minimum of 67 spare parking spaces will be available for these uses if this does occur during these times.*

## 6. Issues Raised in Submissions

The proposal was exhibited and notified for 14 days. The issues raised in the submission are summarised below.

ISSUE/OBJECTION	COMMENT	OUTCOME
On looking at the plans I feel that this site will be totally overdeveloped as the proposed development will encompass the whole site. This will change the nature of the area which is still regarded as relatively rural.	The subject site is zoned B1 – Neighbourhood Centre and RU6 – Transition. The site was rezoned as part of The Hills LEP 2012. The development has a substantial footprint but will provide a high quality landscaped outcome to minimise the impact of the built form.	Issue addressed.
Will the area be designated as commercial and high density, especially with flats being proposed on this site.	The locality has been rezoned and the area now includes land zone B1 Neighbourhood Centre. The development proposed is permissible.	Issue addressed.
Does the zoning allow for such a diversified development to be built on this site.	The uses proposed are all permissible on the site. Each of the uses are specifically addressed in Section 2 of this report.	Issue addressed.
What will the height of the building be, relative to the surrounding land use.	The proposed development has a maximum height of 11.9 metres above natural ground level. It is acknowledged that the proposed development will appear higher than the surrounding uses but it is considered that the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	development outcome is reasonable and the height of the building is in-keeping with the desired future character of the locality.	
Due to the massive area of hard surfaces, water will not be retained on this site and will flow onto the property directly behind it as well as my property. The overflow water will eventually end up in the creek which runs through my property as well as adjoining 5 acre lots. The creek will be eventually polluted.	A detailed stormwater concept has been submitted by the applicant and reviewed by Council's engineers. Ultimately the stormwater system has been designed to ensure that pre development discharge does not exceed post development discharge. The system includes various mechanisms to ensure water quality is improved when it is discharged from the site.	Issue addressed.
Will the development be sewerred or rely on tanks or a pump out system.	The development will be connected to sewer to the existing Sydney Water pumping station in Pellitt Lane which is approximately 1.3 kilometres from the subject site. These works are subject a Section 73 Approval by Sydney Water.	Issue addressed.
Noise will emanate from the car parks which will be built adjoining my property. This will mean that I will have car parks on both sides of my land.	The majority of parking for the development will be contained within the basement of the development. Based on modelling it is considered that distance and existing shielding will ensure that the development complies in relation to the relevant noise criteria.	Issue addressed.
Due to the number of vehicles entering and exiting the site from Old Northern Road, this will cause traffic chaos resulting in many accidents.	The proposed development is expected to generate an additional 145 peak hour trips. The net effect on the operational efficiency of Old Northern Rd and the surrounding intersections such as Galston Road has determined that the road network will continue to operate at a Level of Service B or better. The application was referred to the Road and Maritime Services who raised no objection subject to a number of items which have been incorporated into a	Issue addressed, Refer Condition No. 4.



ISSUE/OBJECTION	COMMENT	OUTCOME
	condition of consent.	

#### **SUBDIVISION ENGINEERING COMMENTS**

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

#### **TRAFFIC MANAGEMENT COMMENTS**

The supporting traffic consultants report for this application concludes that the proposed development is expected to generate an additional 145 peak hour trips. The net effect on the operational efficiency of Old Northern Rd and the surrounding intersections such as Galston Road has determined that the road network will continue to operate at a Level of Service B or better.

The access arrangements proposed on Old Northern Road have been discussed with representatives from the Roads and Maritime Services and designed according to their requirements in terms of left turn deceleration and right turn lanes. In this regard there is no objection to the proposal.

#### **TREE MANAGEMENT COMMENTS**

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

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

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

#### **WASTE MANAGEMENT COMMENTS**

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

#### **HERITAGE COMMENTS**

The archaeological site of Old Northern Road covers a great distance from Dural to Wisemans Ferry. The proposed development is not in the vicinity of any notable historic features of Old Northern Road such as culverts or retaining walls. The streetscape of Old Northern Road is varied and maintains little consistency. The streetscape around the immediate vicinity of the subject site has little localised character with rural, residential and commercial land uses adjoining Old Northern Road. While the development would change the character of the site and the immediate streetscape, it is unlikely to have any significant impact on the heritage value of Old Northern Road.

The site currently has two 6 metre wide tarmac driveways to Old Northern Road, one at the northern end and the other at the southern end of its frontage. The proposed works would result in widening and resurfacing the driveway at its northern end to create a 14 metres wide driveway constructed to Hills Shire Council regulations. Amalgamation of the two driveways is unlikely to impact the heritage value of Old Northern Road.

No objection is raised to the proposed development on heritage grounds. No heritage conditions are required.

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

Below are RMS's comments on the subject application. Should Council approve the application, RMS request that the following requirements be incorporated into the determination (see Condition 4):

- i. *The subject property is affected in the manner shown by pink colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act, 1993 - as shown on DP617176. However, the Roads and Maritime Services has no objections to the proposed development on property grounds provided any new buildings or structures are erected clear of the land reserved for road widening (unlimited in height and depth).*

*The proposed slip lane along Old Northern Road shall be designed to meet RMS's requirements, and endorsed by a suitably qualified practitioner.*

*The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant RMS supplements (available on [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)). The certified - copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of a construction certificate by the appointed Private Certifier or Council and commencement of road works.*

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

*The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to RMS's assessment of the detailed civil design plans, a copy of the WAD Pack is available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)*

- ii. *"No Stopping" restrictions to be installed on Old Northern Road across the frontage of the development.*
- iii. *A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*
- iv. *The swept path of the longest vehicle (to the service site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
- v. *The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.*
- vi. *The developer is to comply with the requirements of the attached Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.*

*This report would need to address the following key issues:*

- a) *The impact of excavation/rock anchors on the stability of Old Northern Road and detailing how the carriageway would be monitored for settlement.*

- b) *The impact of the excavation on the structural stability of Old Northern Road.*
  - c) *Any other issues that may need to be addressed. (Contact: Geotechnical Engineer on phone 8837 0246 or 88370245 for details).*
- vii. *Council should ensure that the post development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.*

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

- viii. *The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable materials and comply with requirements of Clause 102 - (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.*
- ix. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.*

## **CONCLUSION**

The proposed development has been assessed against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions of THDCP Part B Section 1 – Rural, Part B Section 5 – Residential Flat Buildings, Part B Section 6 – Business, Part C Section 1 Parking, Part C Section 2 – Signage and Part C Section 3 Landscaping and is considered satisfactory.

One submission was received to the proposal relating to amenity impacts, acoustic impacts, scale and traffic. This matters are addressed in the report and do not warrant refusal of the application.

Approval is recommended subject to conditions.

## **RECOMMENDATION**

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

## **GENERAL MATTERS**

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

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

The amendments in red include: - Deletion of signage from land zoned SP2.

## **REFERENCED PLANS**

DRAWING NO	DESCRIPTION	REVISION	DATE
A.0401	PUBLIC DOMAIN LAYOUT PLAN.	W	06 August 2013
A.0503	SIGNAGE MASTER PLAN	V	04 April 2013

A.0504	CARPARK ALLOCATION (Weekday)	V	04 April 2013
A.0505	CARPARK ALLOCATION (Evening and Weekend)	V	04 April 2013
A.1003	SITE PLAN	W	06 August 2013
A.1004	COLOUR SAMPLE SHEET	V	04 April 2013
A.1005	STREETSCAPE ELEVATION	V	04 April 2013
A.2001	LOWER GROUND 01	W	06 August 2013
A.2002	LOWER GROUND 02	V	04 April 2013
A.2003	LOWER GROUND 03	V	04 April 2013
A.2004	LOWER GROUND 04	V	04 April 2013
A.2005	LOWER GROUND 05	V	04 April 2013
A.2006	LOWER GROUND 06	V	04 April 2013
A.2007	GROUND LEVEL 01	V	04 April 2013
A.2008	GROUND LEVEL 02	V	04 April 2013
A.2009	GROUND LEVEL 03	V	04 April 2013
A.2101	ROOF LEVEL	V	04 April 2013
A.3001	ELEVATION	V	04 April 2013
A.3002	ELEVATION	V	04 April 2013
A.3003	ELEVATION	V	04 April 2013
A.3101	SECTION	V	04 April 2013
A.3102	SECTION	V	04 April 2013
A.4101	VERTICAL CIRCULATION(RAMPS)	W	06 August 2013
-	LANDSCAPE PACKAGE	-	-

## **2. External Finishes**

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

## **3. Compliance with Department of NSW Rural Fire Service Requirements**

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix A to this consent and dated 11 February 2013

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

Compliance with the following requirement of the Roads and Maritime Services

- i. *The subject property is affected in the manner shown by pink colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act, 1993 - as shown on DP617176. However, the Roads and Maritime Services has no objections to the proposed development on property grounds provided any new buildings or structures are erected clear of the land reserved for road widening (unlimited in height and depth).*
- ii. *The proposed slip lane along Old Northern Road shall be designed to meet RMS's requirements, and endorsed by a suitably qualified practitioner.*

*The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant RMS supplements (available on [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)). The certified - copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of a construction certificate by the appointed Private Certifier or Council and commencement of road works.*

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

*The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to RMS's assessment of the detailed civil design plans, a copy of the WAD Pack is available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)*

- iii. "No Stopping" restrictions to be installed on Old Northern Road across the frontage of the development.*
- iv. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*
- v. The swept path of the longest vehicle (to the service site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
- vi. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.*
- vii. The developer is to comply with the requirements of the attached Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.*

*This report would need to address the following key issues:*

- d) The impact of excavation/rock anchors on the stability of Old Northern Road and detailing how the carriageway would be monitored for settlement.*
  - e) The impact of the excavation on the structural stability of Old Northern Road.*
  - f) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer on phone 8837 0246 or 88370245 for details).*
- viii. Council should ensure that the post development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.*

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

- ix. *The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable materials and comply with requirements of Clause 102 - (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.*
- x. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.*

## **5. Illumination**

Illuminated signage is to be turned off no later than 15 minutes after the close of the business to protect residential amenity.

## **6. Property Numbering**

The responsibility for property numbering is vested solely in Council.

A plan is to be submitted to Council's Land and Information Section for approval prior to occupation of the development.

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

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors 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.

## **7. Provision of Parking Spaces**

The development is required to be provided with 214 off-street car parking spaces including 5 stacked spaces. These car parking spaces shall be available for off street parking at all times in accordance with the approved carpark allocation plans A.0504 and A.0505 Revision V dated 04 April 2013.

## **8. Australia Post Mail Box Requirements**

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

## **9. Separate Development Application for Occupations**

A separate development application is required for the occupation of the approved tenancies. This application is required to provide assessment against:

- Local Environmental Plan 2012; and
- Baulkham Hills Development Control Plan 2012

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

## **10. Separate application for other signs**

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.

#### **11. 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.

#### **12. 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.

#### **13. Sound Level Output**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

#### **14. Contamination**

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

#### **15. Stockpiles**

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

#### **16. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Dynamics Pty Ltd, referenced as Project 3084, dated 30 November 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 6 – Discussion and Recommendations:

- 6.1 – Mechanical Noise Emission;
- 6.2 – Recommendations for Cafes and Restaurants;
- 6.3 – On-site Vehicles and Traffic;

or as otherwise specifically conditioned.

#### **17. Tree Removal**

Approval is granted for the removal of fifteen trees as identified in the Aboricultural Assessment by Redgum Horticultural dated 21 November 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.

#### **18. Landscaping Plan to be Submitted**

An amended Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to include:

- *Substantially more locally indigenous trees, shrubs, climbers, grasses and groundcovers – and the deletion of known bushland weeds.*
- *Locally indigenous canopy trees, are to be replaced with trees from the following list of locally indigenous canopy trees sourced from Shale Sandstone Transition Forest species (from original vegetation community on site).*

Angophora costata	Smooth-barked Apple
Angophora floribunda	Rough-barked Apple
Corymbia eximia	Yellow Bloodwood
Corymbia gummifera	Red Bloodwood
Eucalyptus crebra +	Narrow-leave Ironbark
Eucalyptus agglomerata	Blue-leaved Stringybark
Eucalyptus eugenioides	Thin-leaved-Stringybark
Eucalyptus fibrosa	Broad-leaved Ironbark
Eucalyptus globoidea	White Stringybark
Eucalyptus haemastoma	Scribbly Gum
Eucalyptus paniculata	Grey Ironbark
Eucalyptus pilularis	Blackbutt
Eucalyptus resinifera	Red Mahogany
Eucalyptus sclerophylla	Hard-leaved Scribbly Gum
Eucalyptus sparsifolia	Narrow-leaved Stringybark
Eucalyptus squamosa	Scaly Bark
Eucalyptus tereticornis	Forest Red Gum
Syncarpia glomulifera	Turpentine

### **19. 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<sup>2</sup>.

### **20. Protection of Existing Vegetation**

Vegetation not authorised for removal by this consent shall be protected during construction to ensure that natural vegetation and topography on the subject site is not unnecessarily disturbed.

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

### **21. Street Trees**

Street trees and tree guards must be provided for the section of Old Northern Road fronting the development site spaced 7m to 10m apart. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

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

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

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

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

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;



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

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

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

#### **24. Separate Application for Strata Subdivision**

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

#### **25. 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.

#### **26. 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. 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.

### **27. Supervision of Works**

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

### **28. 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.

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

### **29. Construction Management Plan**

Prior to the Issue of a Construction Certificate, a Construction Management Plan is to be submitted to Council's Manager Development Assessment for approval addressing the provision of on-site parking and access arrangements during construction.

### **30. Design Verification**

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

### **31. 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.

### **32. Erosion & Sediment Control Plan**

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

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

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

### **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 **\$304,493.37**

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

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

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

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

#### **34. Landscape Bond**

To maintain the public amenity of the streetscape a landscape bond in the amount of \$20,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

#### **35. 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.

#### **36. Stormwater Discharge Acceptance**

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

#### **37. 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.

#### **38. 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 \$10,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

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

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

#### **39. 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.

#### **40. 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 658/2013/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.

#### **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.

The following engineering works are required:

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

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

The total carriageway width must be increased by 3.8m to provide for a new slip lane fronting the site, generally as shown on the approved public domain layout plan dated 6 August 2013.

The final design/ layout of this slip lane must comply with the requirements of Council and the NSW RMS relevant and applicable at the time.

**ii. Concrete Footpath Paving**

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided in Old Northern Road fronting the site in accordance with the above documents.

**iii. Footpath Verge Formation**

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

**iv. Driveway Requirements**

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

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

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

The driveway must be designed and constructed in accordance with Figure 3.2 from AS 2890.2-2002 with amended dimensions applying to an MRV as per "Note 2" of that figure.

**v. 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.

**vi. Inter-allotment Stormwater Drainage**

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of the site must be provided. The site must be graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to a legal point of discharge, requiring works on 638 Old Northern Road, 638A Old Northern Road or 6 Derriwong Road leading to the natural watercourse that traverses these properties.

The easement does not need to be created until before an Occupation Certificate is issued (see later in this consent), however the design and owner's consent for these works needs to be finalised prior to a Construction Certificate being issued.

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

Water sensitive urban design elements, consisting of rainwater tanks, ten "enviropods" and 15 "Stormfilter cartridges", are to be located generally in accordance with the plans and information submitted with the application prepared by Northrop.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

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

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

#### **viii. Local Pavement Widening – Right Turning Vehicles**

The existing road pavement in the vicinity of the access driveway on Old Northern Road must be widened to account for vehicles turning right into the site from the existing road and to minimise inconvenience to through traffic.

The existing road pavement in the vicinity of the proposed road must be widened to account for vehicles turning right into the subdivision from the existing road and to minimise inconvenience to through traffic.

#### **ix. Painted Centreline Relocation**

The existing painted centreline in Old Northern Road must be relocated following completion of the road works outlined above, transitioning back to the existing line marking at either end.

#### **x. OSD – Hawkesbury River Catchment Area (Rural)**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the rural portion of the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters to ensure the pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year ARI storm event.

The stormwater concept plan prepared by Northrop Drawing C3.01 Revision 3 and C3.21 Revision 3 is for development application 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 15 "Stormfilter cartridges" are to be provided in a separate chamber that is upstream of, and connects to, the discharge control pit otherwise the discharge control pit is too large in comparison to the storage; and high early discharge is not achieved.

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.

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

### **42. Principal Certifying Authority**

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

### **43. Builder and PCA Details Required**

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

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

### **44. 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.

### **45. 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.

#### **46. 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.

#### **47. Erosion and Sedimentation Controls**

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 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).

#### **48. 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).

#### **49. Protection of Existing Trees**

The tree/s that is/are to be retained is/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.

#### **50. 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 during construction activities.

#### **51. NSW Roads and Maritime Services Design Approval**

Prior to any works commencing, the design and construction of the works in Old Northern Road must be approved by the NSW Roads and Maritime Services. Four copies of the NSW Roads and Maritime Services' stamped approved construction plans and a covering letter from the NSW Roads and Maritime Services advising that suitable



arrangements have been made to enable the commencement of works must be submitted to Council.

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

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

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:  
The Hills Shire Council  
PO Box 75  
CASTLE HILL NSW 1765  
Phone (02) 9843 0555
- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

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

#### **53. Contractors Details**

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

#### **54. Separate OSD Detailed Design Approval**

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

#### **55. Pre-Construction Public Infrastructure Dilapidation Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

#### **56. Separate WSUD Detailed Design Approval**

No work is to commence until a detailed design for the WSUD system has been approved by either Council or an accredited certifier.

### **DURING CONSTRUCTION**

#### **57. 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.

#### **58. 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. 458435M 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.

#### **59. 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.**

#### **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. 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.

#### **62. Engineering Construction Inspections**

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;

- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

### **63. 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](http://www.sydneywater.com.au) and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

### **64. Provision of Electricity Services**

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

### **65. Provision of Telecommunications Services**

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

### **66. 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.

### **67. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Operational Noise Emission Assessment for DA, prepared by Acoustic Dynamics Pty Ltd dated 30 November 2012.

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

### **68. Water Feature Management Plan**

The applicant shall submit a Water Feature Management Plan to Council's Environmental Health Officer prior to the issue of an Occupation Certificate. The management plan shall take provide recommendations as to the (but not limited to):

- treatment of microbial growth (plant and animal);
- acoustic management; and

- overflow management.

#### **69. Landscaping Prior to Issue of Occupation Certificate**

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

#### **70. 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.

#### **71. 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.

#### **72. Confirmation of Pipe Locations**

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

#### **73. Stormwater CCTV Recording**

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

#### **74. 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.

#### **75. 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.

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

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

#### **77. 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.

#### **78. Dedication of Road Widening**

An Occupation Certificate must not be issued until the proposed road widening in Old Northern Road (necessary to encompass the 3.8m wide slip lane and a 3.5m wide footpath verge measured from the face of kerb) has been dedicated as public road in accordance with the undertaking relating to this subdivision dated 26 August 2013.

#### **79. Drainage Easement Registration/ Legal Point of Stormwater Discharge**

Before any Occupation Certificate is issued, a 1.5m wide (minimum) inter-allotment drainage easement must be created over 638 Old Northern Road, 638A Old Northern Road or 6 Derriwong Road over the inter-allotment stormwater pipeline/ outlet required earlier in this consent.

#### **80. OSD System Certification**

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

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

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

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

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

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

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

#### **82. Creation and Registration of Restrictions and Positive Covenants**

##### **a) Creation of Restrictions and Positive Covenants**

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

##### **i. Restriction – OSD Modification**

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

##### **ii. Positive Covenant – OSD Maintenance**

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

##### **iii. Restriction – WSUD Modification**

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

#### **iv. Positive Covenant – WSUD Maintenance**

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

#### **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.

### **THE USE OF THE SITE**

#### **83. 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*.

#### **84. 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.

#### **85. Water feature – hours of operation**

Any associated parts, including but not limited to pumps, or fountains of the water feature which may give rise to offensive noise shall be restricted to the following hours of operation:

- 7am to 10pm seven days per week.

Microbiological treatment and filtering may operate 24 hours, 7 days per week.

#### **86. Hours of operation of the loading dock**

Delivery of goods shall be restricted to the following times in the loading dock located in Car Park 3:

- Monday to Friday – 7.00am to 8.00pm
- Weekends and public holidays – 8.00am – 8.00pm.

Any deliveries outside these hours must be receipted at the loading dock located in Car Park 1.

#### **87. Restriction of outdoor dining**

The outdoor dining areas of restaurants and cafes shall be restricted to the following times:

- Sunday to Wednesday 7am to 10pm.
- Friday, Saturday and any day preceding a public holiday 7am to 12 midnight.

#### **88. Final Acoustic Report**

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give

rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

**89. Noise to Surrounding Area**

There shall be no amplified music or speakers external to the building.

**90. Service Vehicle Restrictions**

The design and layout of the driveways, parking modules, circulation roadways and ramps do not allow for access for all types of service vehicles. In this respect, access to some or all parts of the development is limited for certain classes of vehicle, as follows:

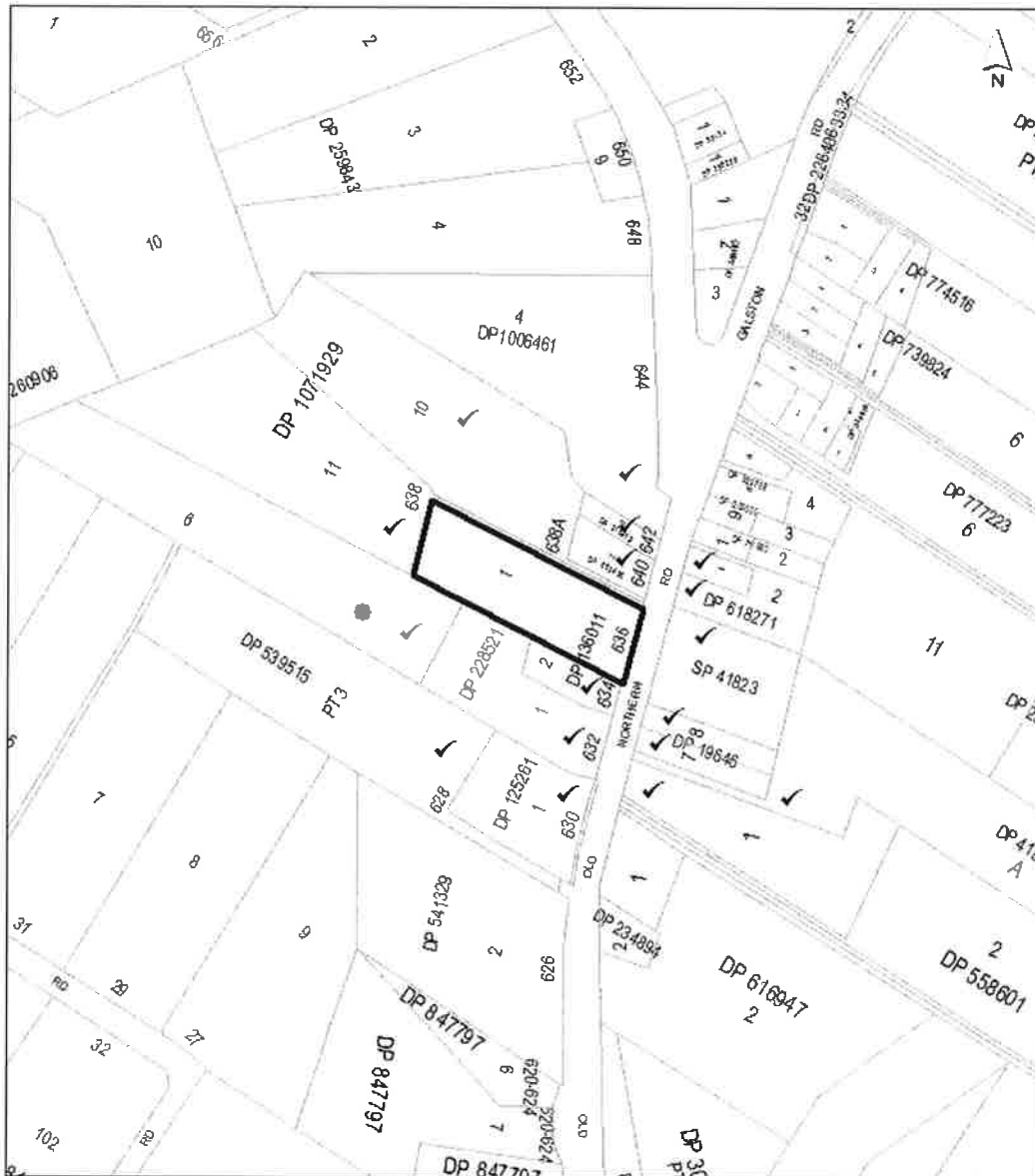
- Access to Lower Ground Level 1 and Lower Ground Level 2 for vehicles larger than a B99 design passenger vehicle from AS/ NZS 2890.1:2004 is restricted; and
- Access to all other parts of the site/ development for vehicles larger than a Medium Rigid Vehicle (MRV) from AS/ NZS 2890.6:2009 is restricted.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. Site Plan and Boundary Sections
5. Ground Level 01
6. Ground Level 02
7. Ground Level 03
8. Lower Ground 01
9. Lower Ground 02
10. Lower Ground 03
11. Lower Ground 04
12. Lower Ground 05
13. Lower Ground 06
14. Roof Level
15. Elevations
16. Section
17. Area of LEP height non compliance
18. Carpark Allocation – Weekday
19. Carpark Allocation – Weekend and Evening
20. Site Coverage Plan
21. Landscape Concept and Boundary Sections
22. Signage Details
23. Photomontage Images
24. Rural Fire Service Comments



## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

**NOTE: THE HILLS DISTRICT  
HISTORICAL SOCIETY, RMS  
AND HORNSBY SHIRE COUNCIL  
ALSO NOTIFIED**

**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

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

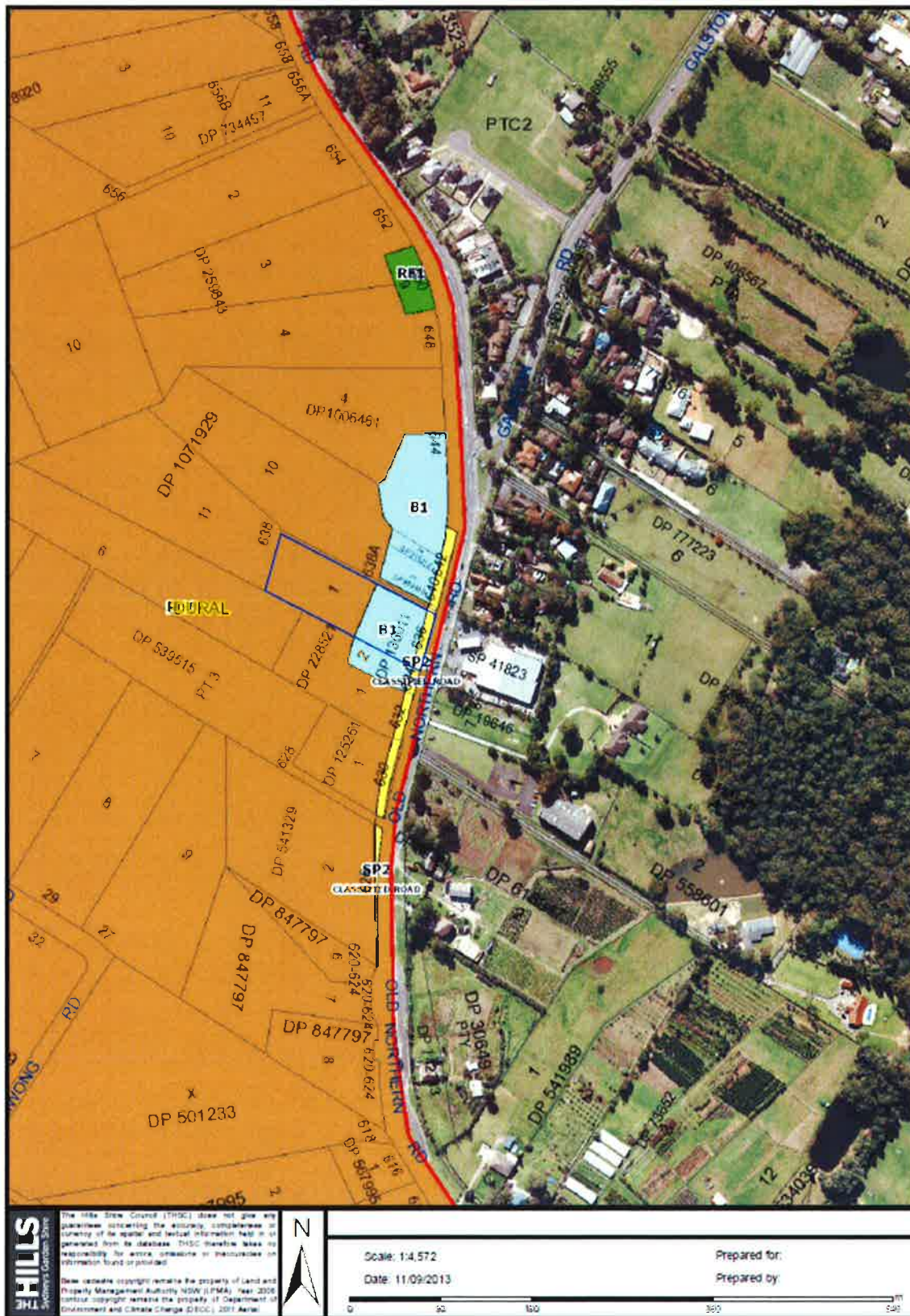
BASE CADASTRE COPY RIGHT LAND & PROPERTY INFORMATION NSW (LP); CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THE SC COPY RIGHT.

## ATTACHMENT 2 – AERIAL PHOTOGRAPH



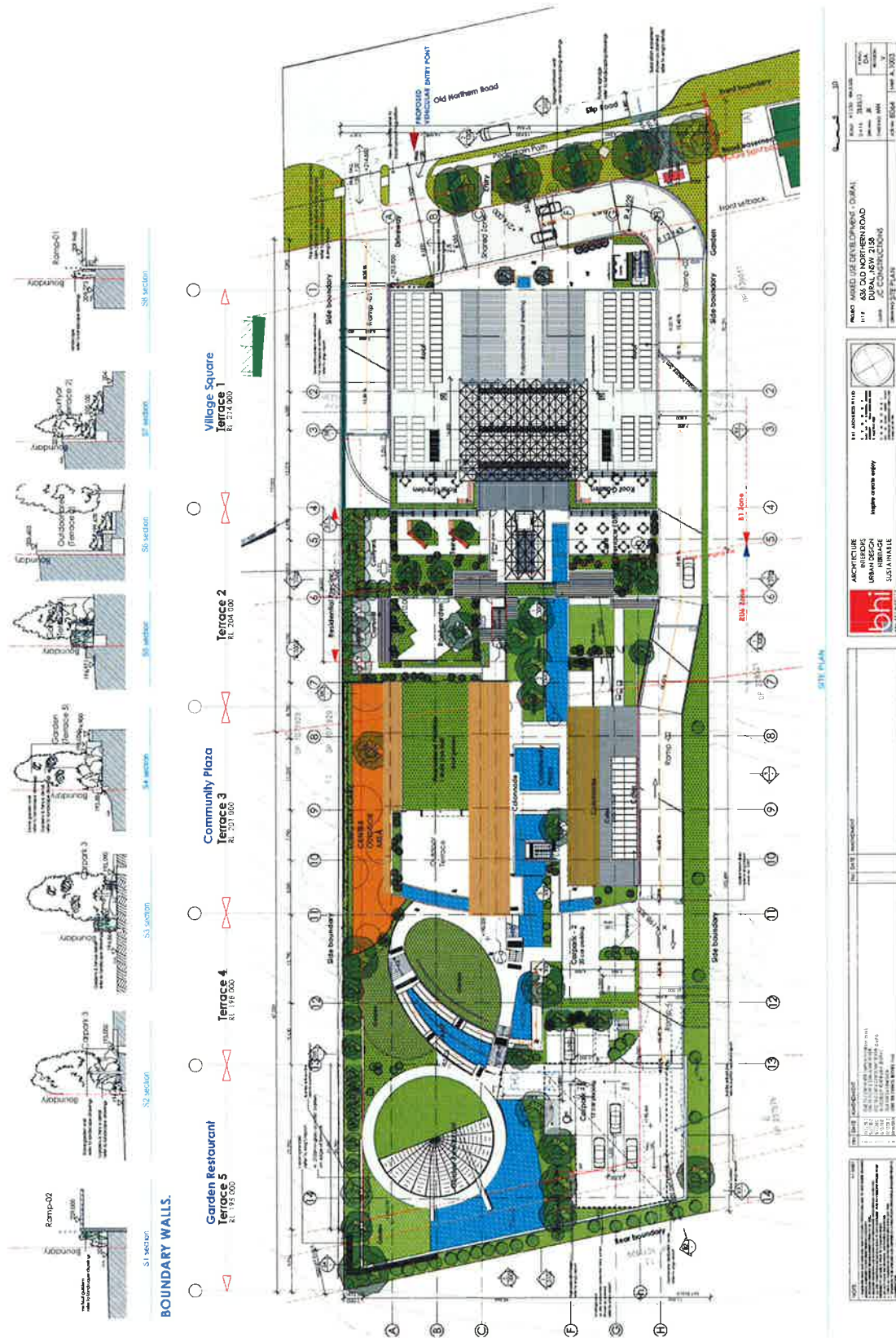


## ATTACHMENT 3 – LEP 2012 ZONING MAP

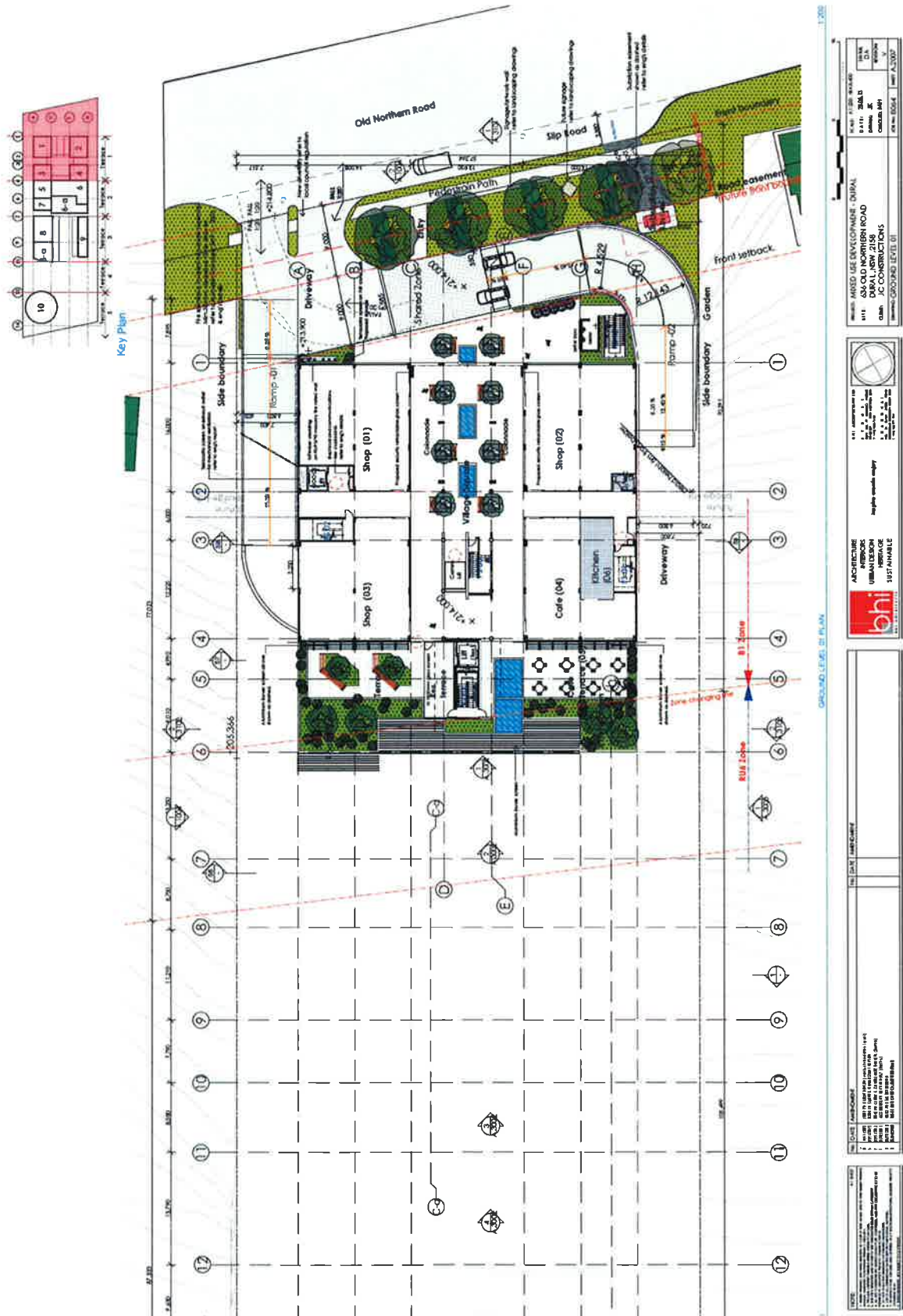




## ATTACHMENT 4 – SITE PLAN AND BOUNDARY SECTIONS



**ATTACHMENT 5 – GROUND LEVEL 01**

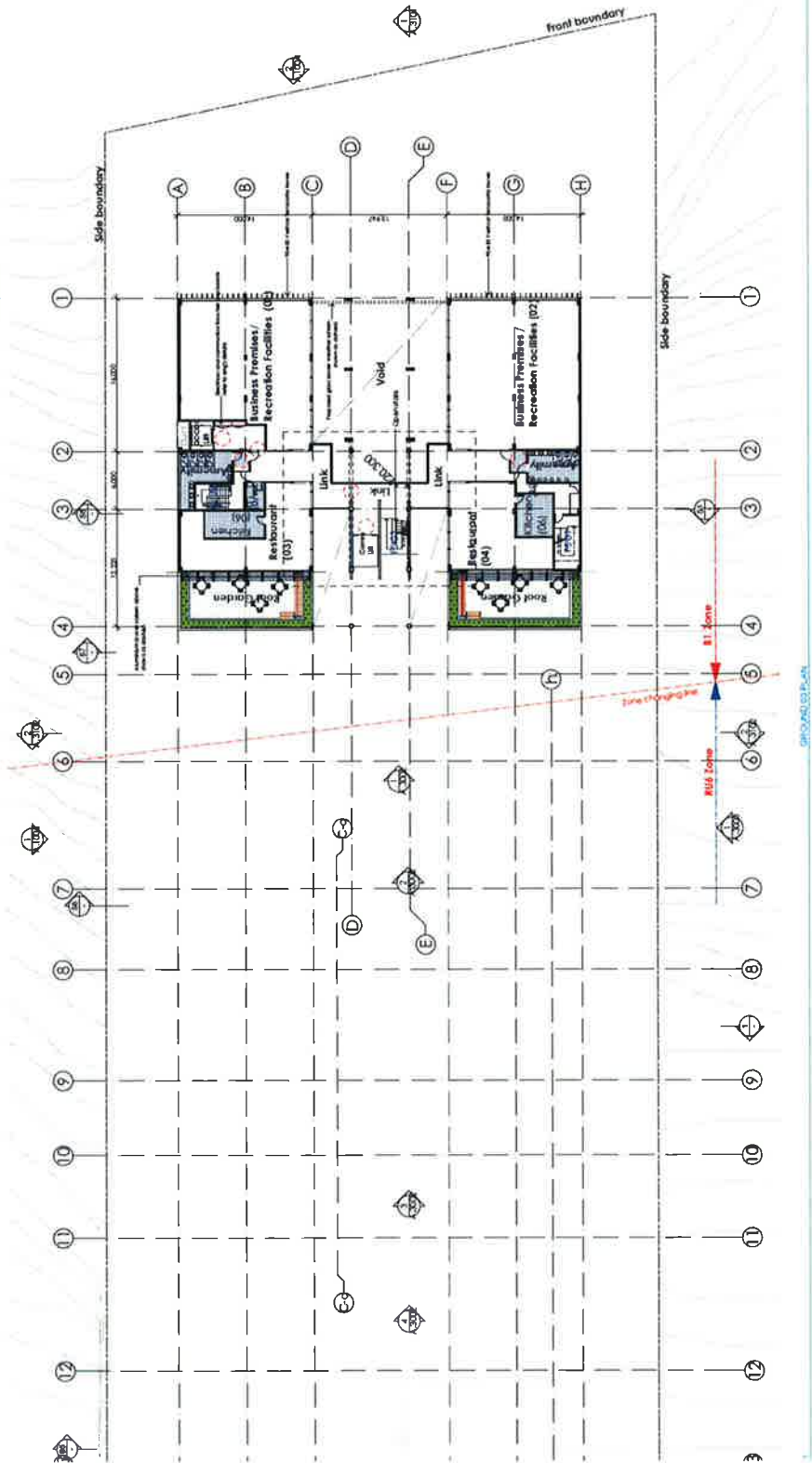
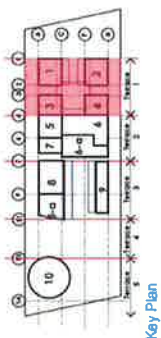


## 1,200





ATTACHMENT 7 – GROUND LEVEL 03



PROJECT NAME	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT ADDRESS	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT LOCATION	DUAL, NSW 2159
PROJECT TYPE	COMMERCIAL
PROJECT STATUS	PROPOSED
PROJECT DATE	10/01/2024

PROJECT NAME	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT ADDRESS	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT LOCATION	DUAL, NSW 2159
PROJECT TYPE	COMMERCIAL
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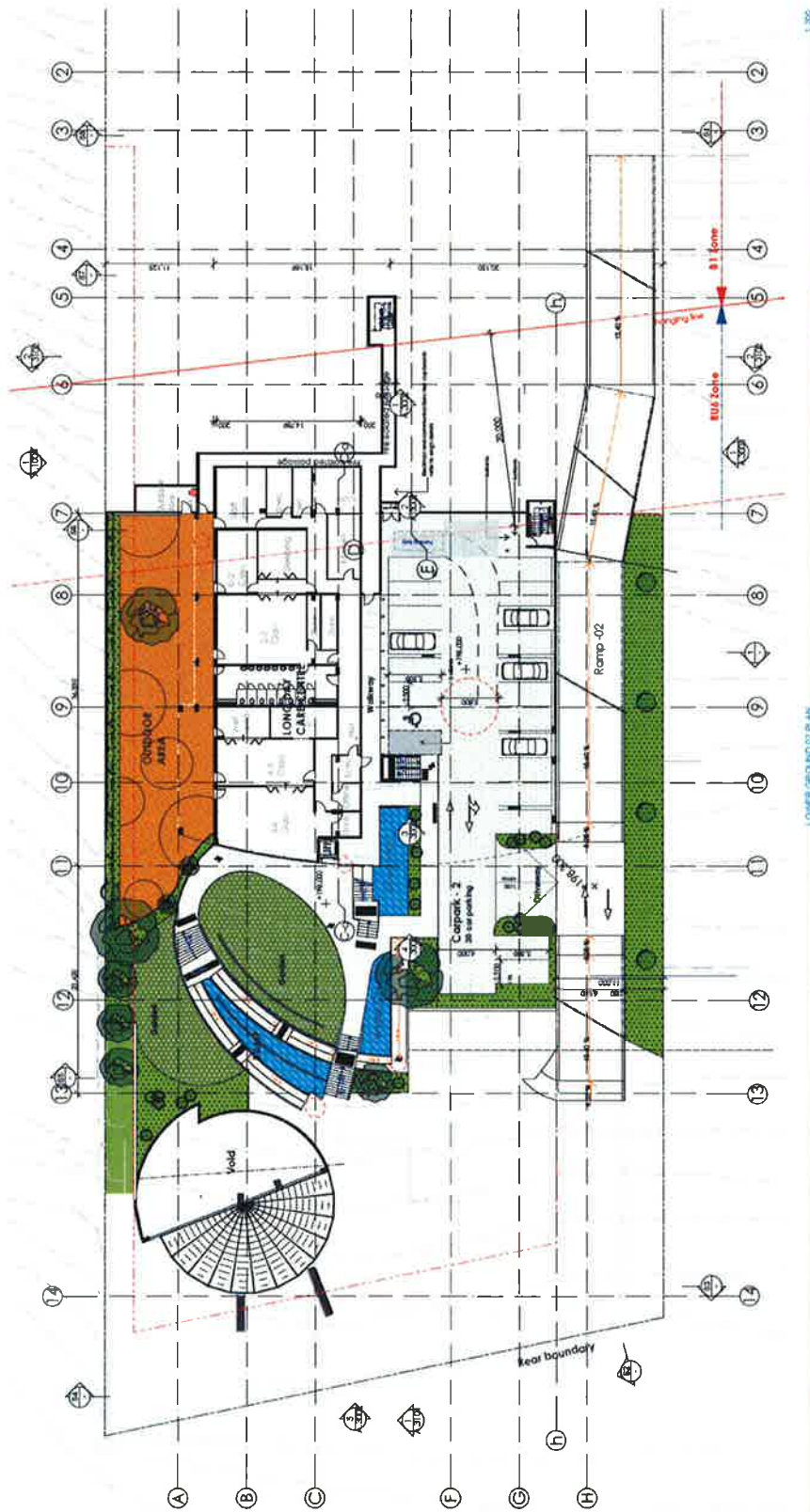
PROJECT NAME	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT ADDRESS	AMCO LIMITED DEVELOPMENT, DUAL
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PROJECT STATUS	PROPOSED
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PROJECT NAME	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT ADDRESS	AMCO LIMITED DEVELOPMENT, DUAL
PROJECT LOCATION	DUAL, NSW 2159
PROJECT TYPE	COMMERCIAL
PROJECT STATUS	PROPOSED
PROJECT DATE	10/01/2024

Architectural site plan for the Lower Ground Floor of a building. The plan shows a large circular auditorium with a stage, surrounded by an open space and a curved ramp. A long, narrow structure, possibly a library or study area, is located to the right. The plan includes various rooms, corridors, and outdoor spaces. A key plan in the top left corner shows the building's location within a larger site. The plan is oriented with North at the top. The title "LOWER GROUND FLOOR" is written vertically on the right side.



**Key Plan**



Lower Calving 02 PLAN

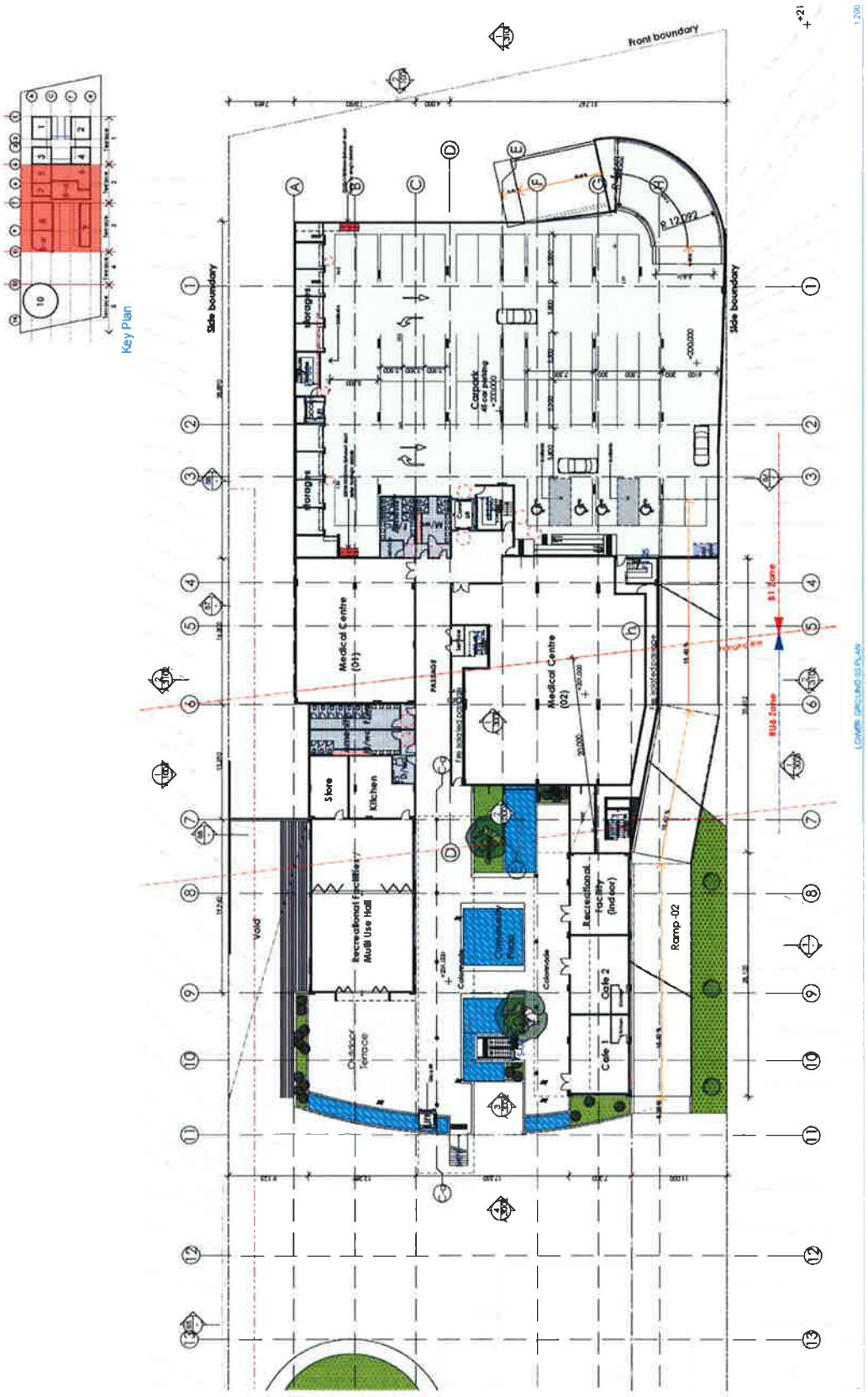
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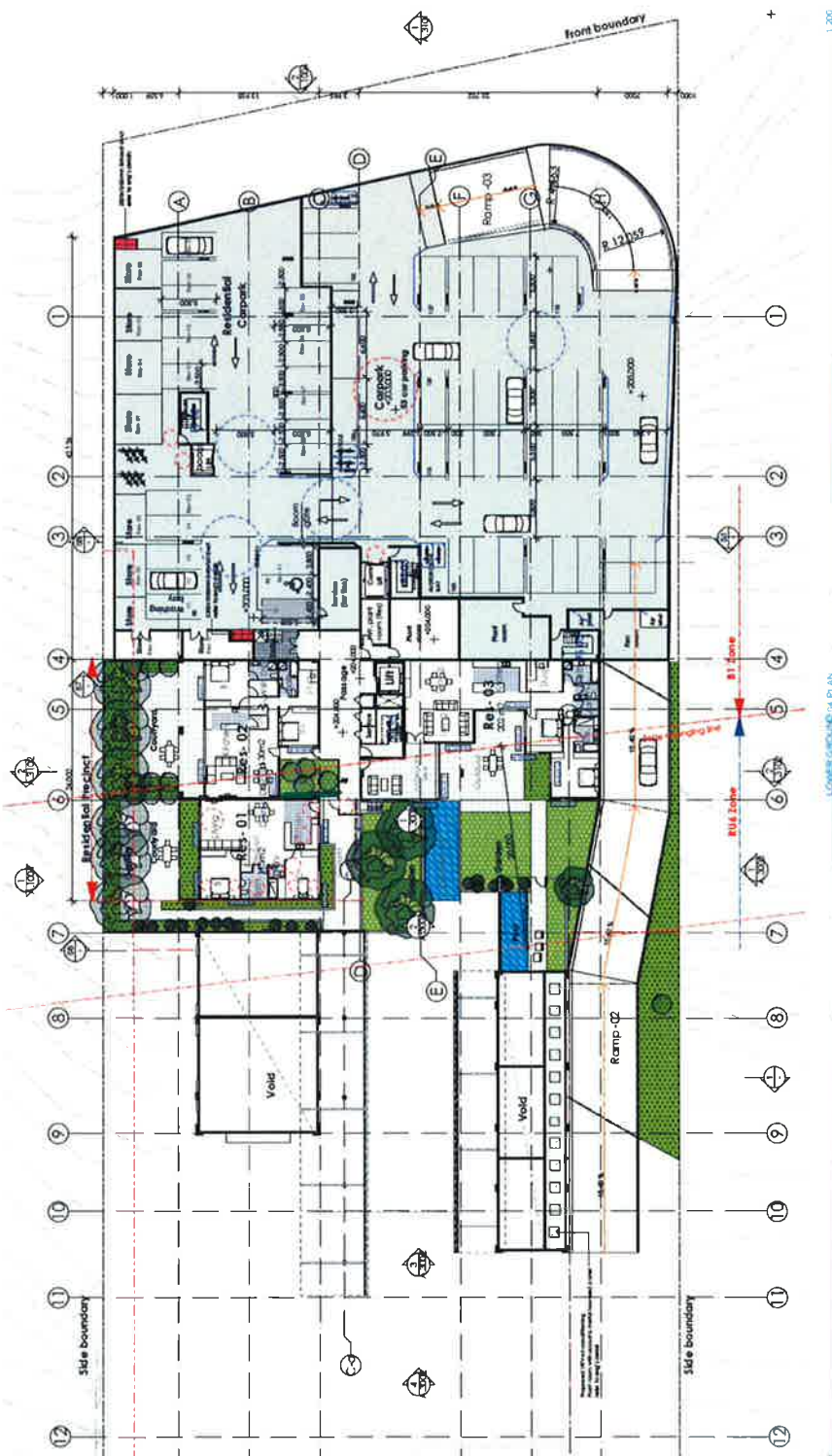
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ATTACHMENT 10 - LOWER GROUND 03



<b>PROJECT INFORMATION</b>	
PROJECT NAME	AS OLD NORTH ROAD
CLIENT	AS OLD NORTH ROAD
DESIGNER	JC CONSTRUCTIONS
DATE	10/05/2024
<b>REVISIONS</b>	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
<b>APPROVALS</b>	
DESIGNER	DATE
CHECKER	DATE
APPROVER	DATE
<b>NOTES</b>	
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.	
2. REFER TO OTHER ATTACHMENTS FOR FURTHER DETAILS.	
3. THE DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT.	
4. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DESIGN.	

Key Plan



<p>  </p>	<p> <b>NAME:</b> MIXED USE DEVELOPMENT - DURAL  <b>SITE:</b> 636 OLD NORTHERN ROAD  DURAL NSW 2158  <b>CLIENT:</b> JIC CONSTRUCTIONS </p>	<p> <b>DATE:</b> 21/11/2012  <b>DESIGNED BY:</b> JIC  <b>CHECKED BY:</b> JIC </p>	<p> <b>SCALE:</b> 1:500  <b>DATE:</b> 21/11/2012 </p>
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[illegible]

**Legume species and**

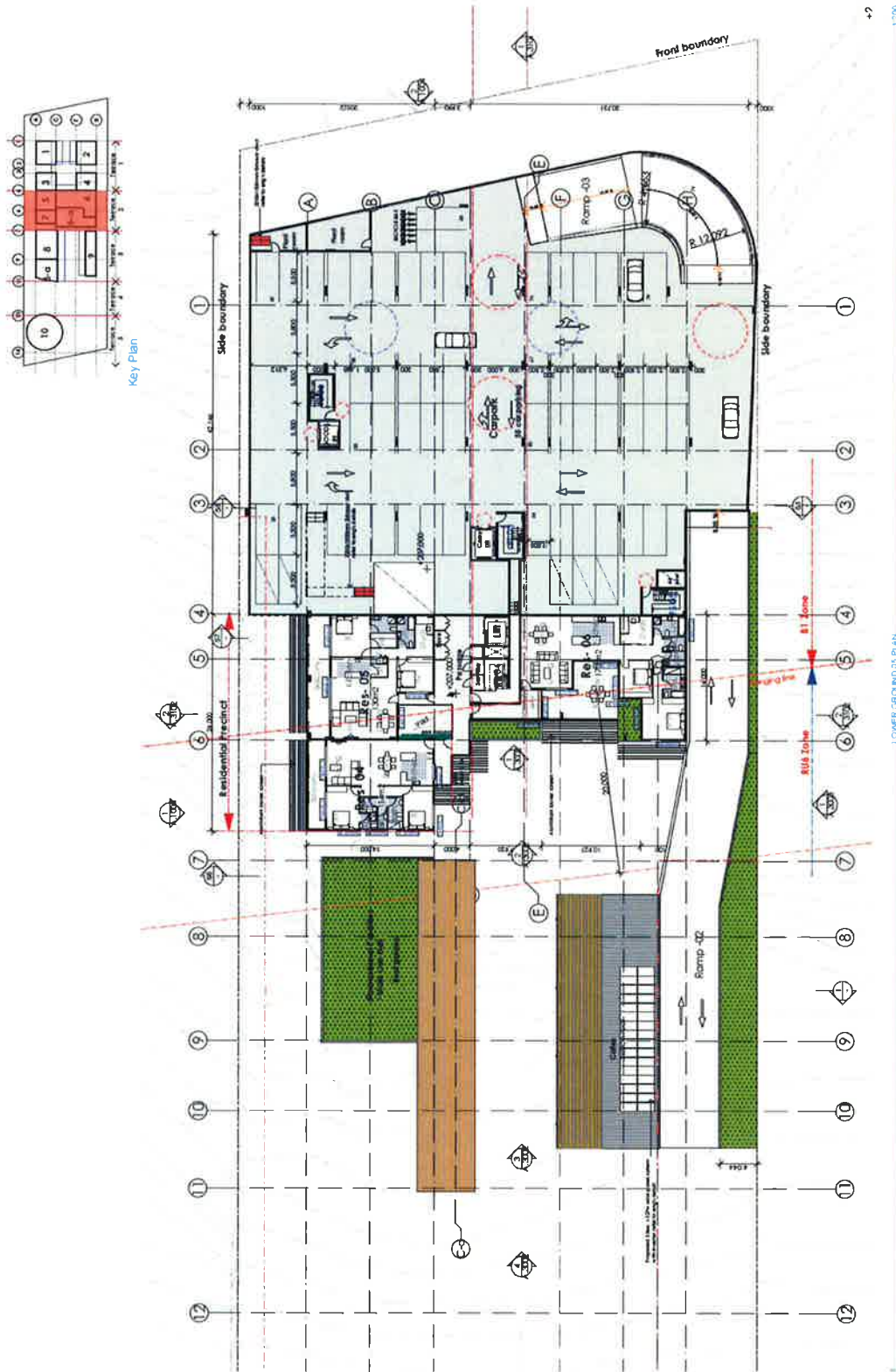
ARCHITECTURE  
INTERIORS  
URBAN DESIGN  
HERITA QZ  
SUSTAINABLE

[illegible]

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# ATTACHMENT 12 – LOWER GROUND 05



Project Name	NEW SOUTH WELLS DEVELOPMENT DUAL
Site No.	3111 - 3113
Owner	JC CONSTRUCTIONS
Architect	JC CONSTRUCTIONS
Scale	1:100
Date	10/04/2020

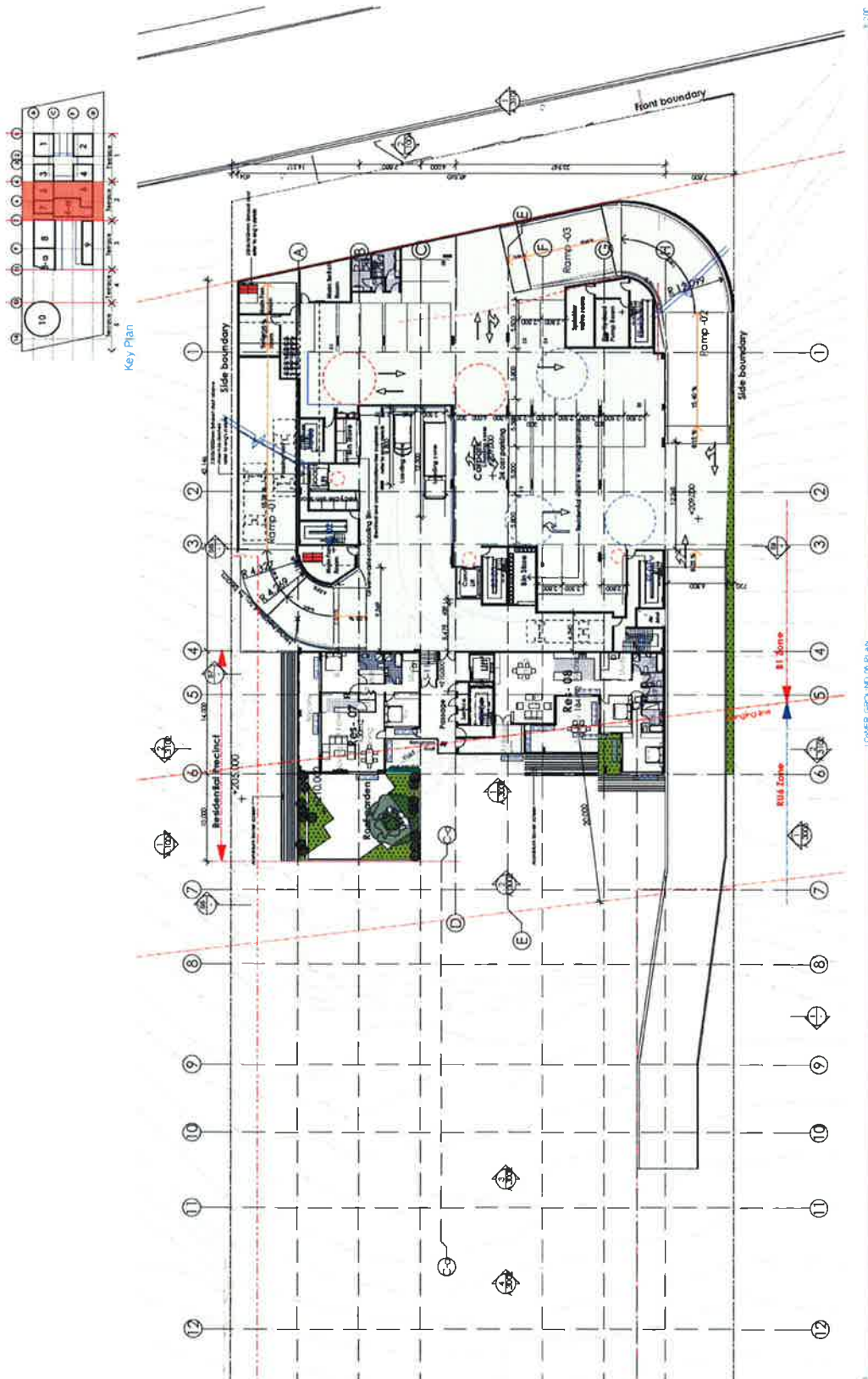
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Site No.	3111 - 3113
Owner	JC CONSTRUCTIONS
Architect	JC CONSTRUCTIONS
Scale	1:100
Date	10/04/2020

Project Name	NEW SOUTH WELLS DEVELOPMENT DUAL
Site No.	3111 - 3113
Owner	JC CONSTRUCTIONS
Architect	JC CONSTRUCTIONS
Scale	1:100
Date	10/04/2020

Project Name	NEW SOUTH WELLS DEVELOPMENT DUAL
Site No.	3111 - 3113
Owner	JC CONSTRUCTIONS
Architect	JC CONSTRUCTIONS
Scale	1:100
Date	10/04/2020

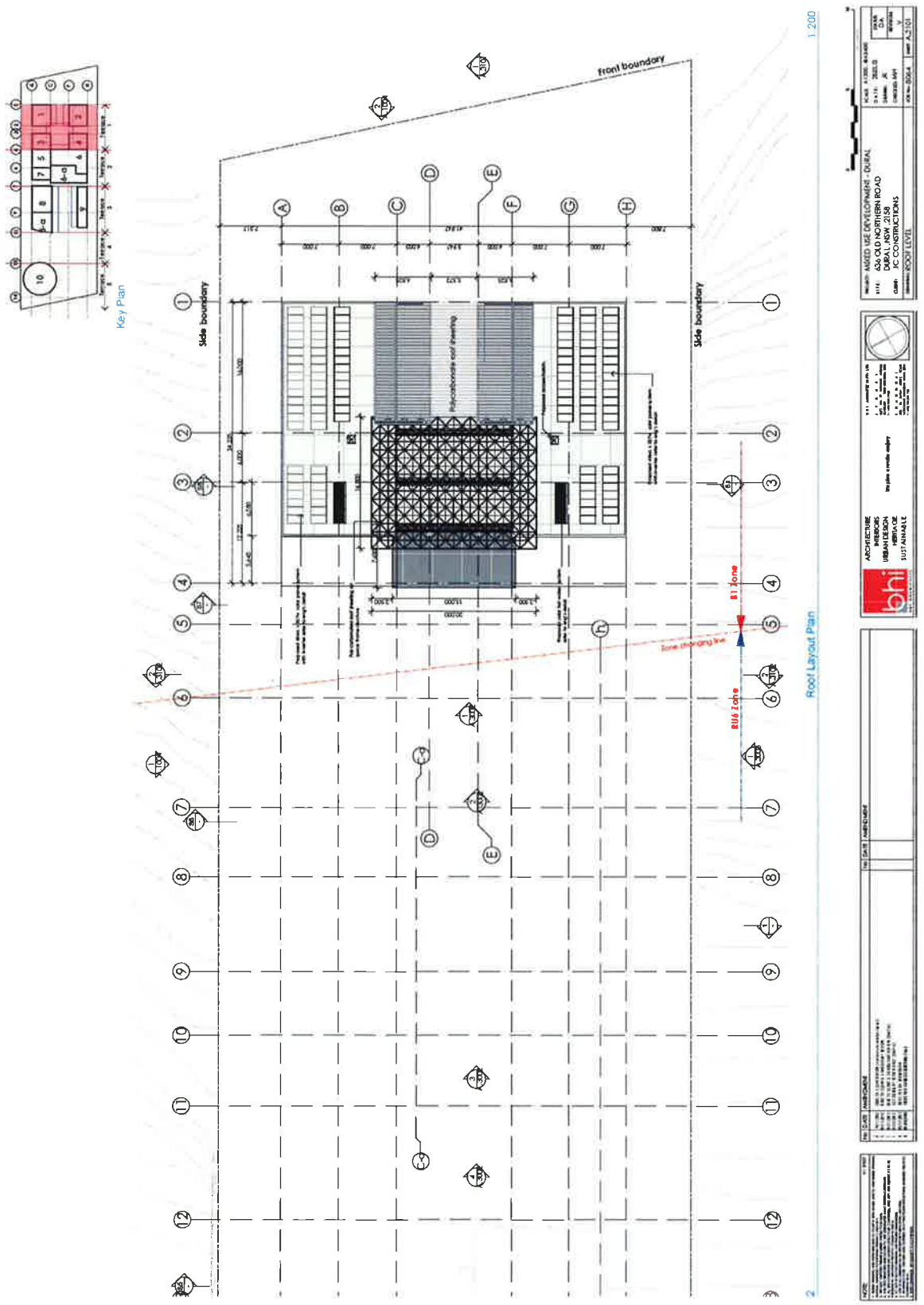
Project Name	NEW SOUTH WELLS DEVELOPMENT DUAL
Site No.	3111 - 3113
Owner	JC CONSTRUCTIONS
Architect	JC CONSTRUCTIONS
Scale	1:100
Date	10/04/2020

# ATTACHMENT 13 – LOWER GROUND 06



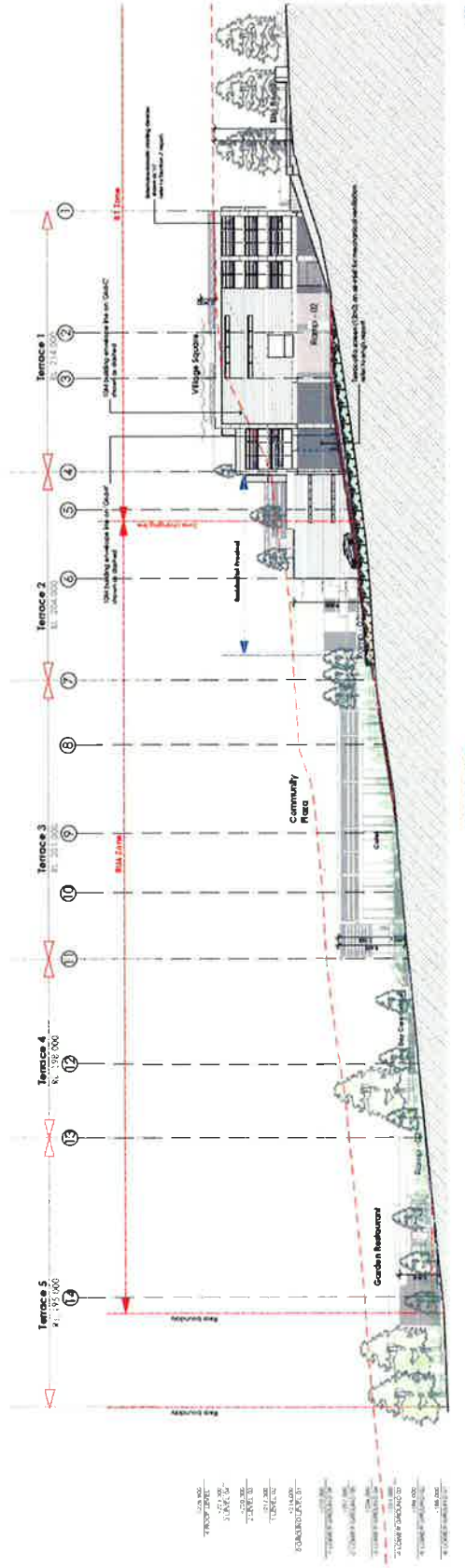
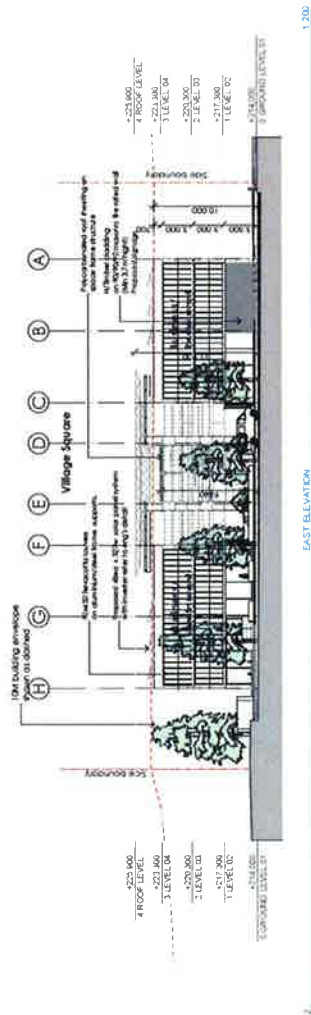
<b>PROJECT INFORMATION</b> PROJECT NAME: LOWER GROUND 06 PROJECT LOCATION: 1111 KALBAR ROAD, DURAL NSW 2158 CLIENT: JC CONSTRUCTIONS ARCHITECT: bhi DATE: 10/10/2023		SCALE: 1:200 DRAWN: JH CHECKED: JH DATE: 10/10/2023
<b>REVISIONS</b> NO.   DATE   DESCRIPTION 1   10/10/2023   INITIAL DESIGN 2   10/10/2023   REVISED DESIGN 3   10/10/2023   FINAL DESIGN		

ATTACHMENT 14 – ROOF LEVEL





## ATTACHMENT 15 - ELEVATIONS



PROJECT	MIXED USE DEVELOPMENT - DURAL
SITE	634 OLD NORTHERN ROAD DURAL NSW 2158
CLIENT	JCB CONSTRUCTIONS
DRAWING NO.	010-001
DATE	27/09/2007
BY	AJ
CHECKED BY	Y
SCALE	AS SHOWN
REVISIONS	

**bh**  
interior architecture

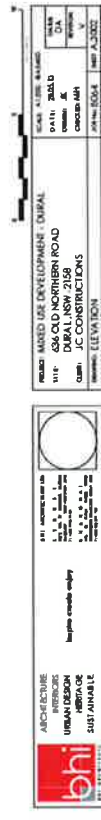
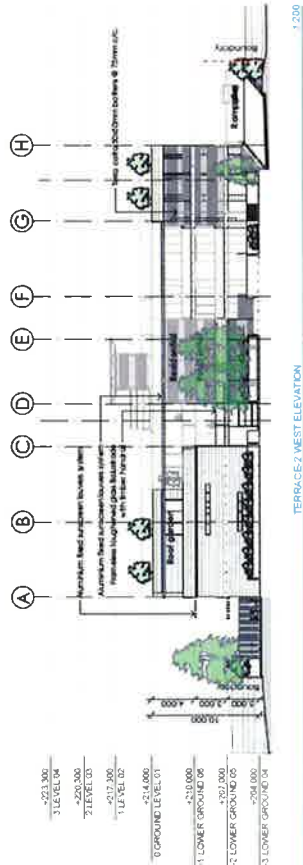
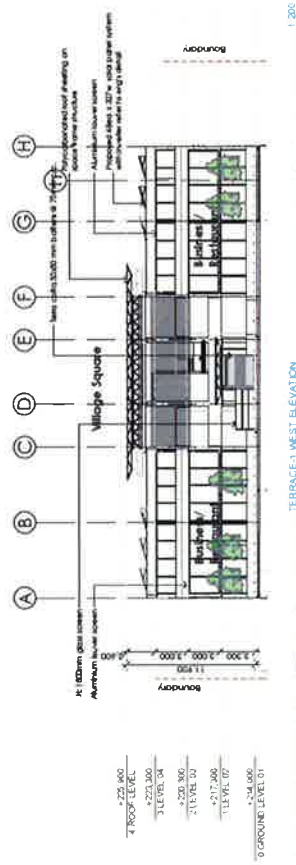
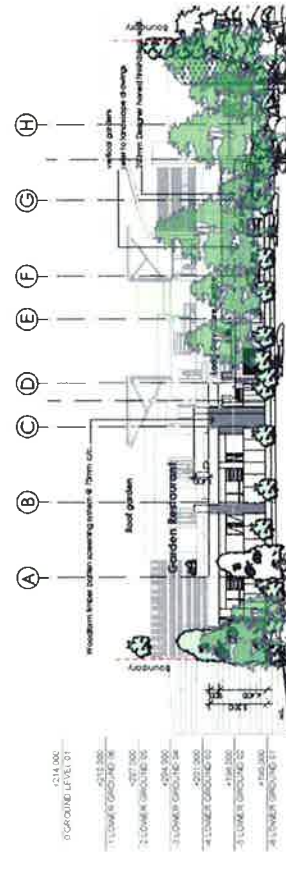
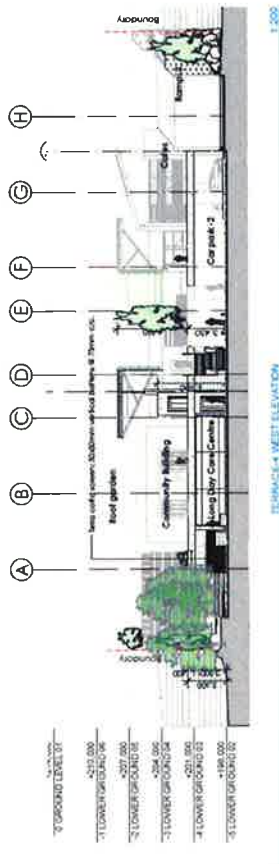
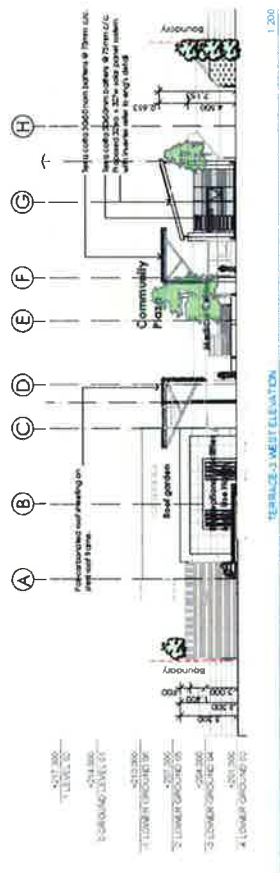
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LOS ANGELES, CA 90048  
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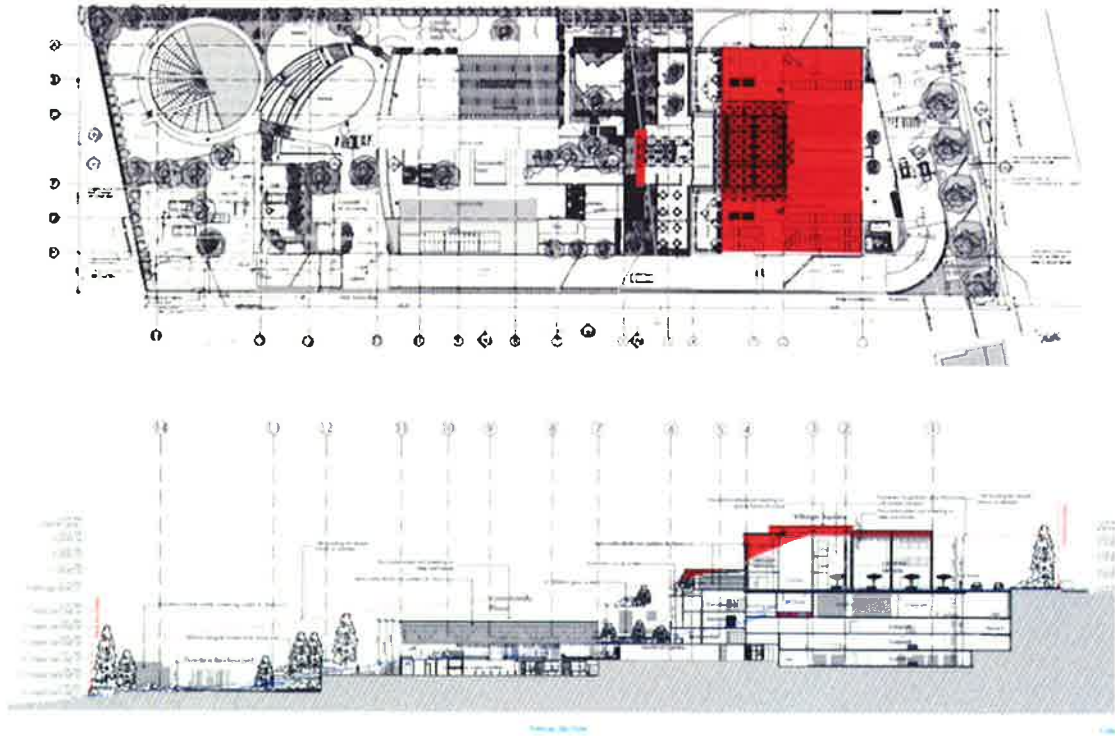
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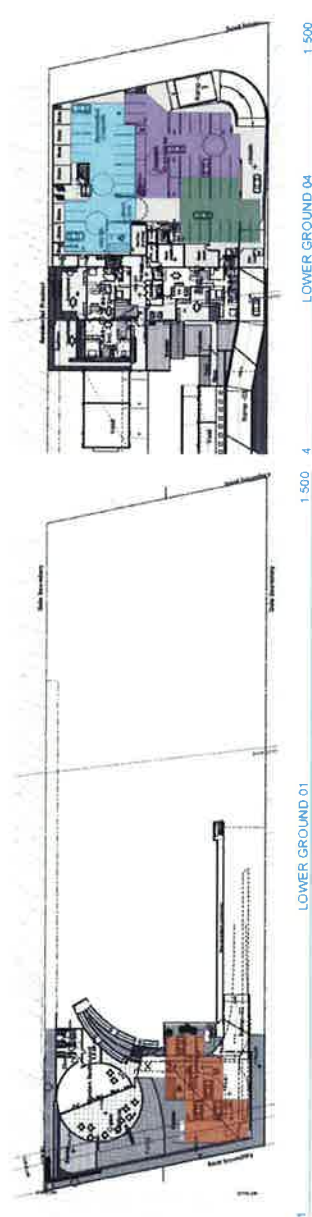
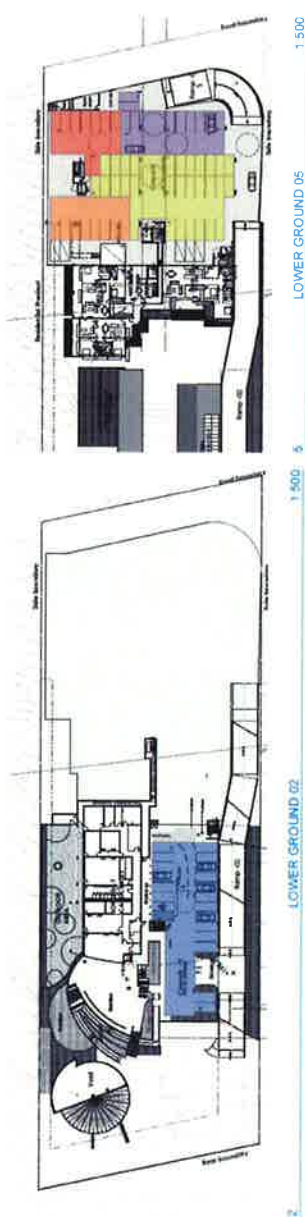
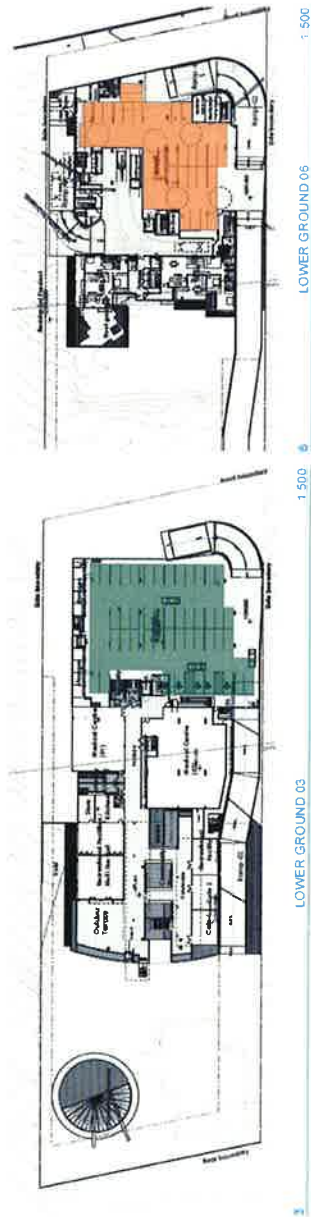


## ATTACHMENT 17 – AREA OF LEP HEIGHT NON COMPLIANCE



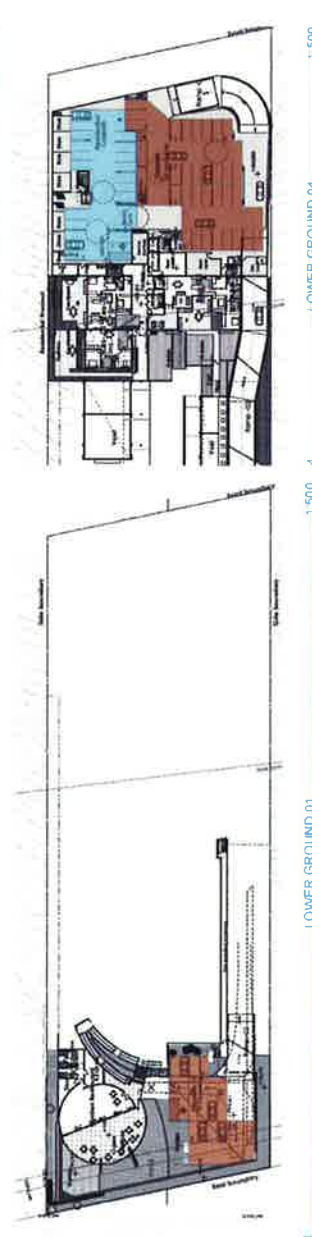
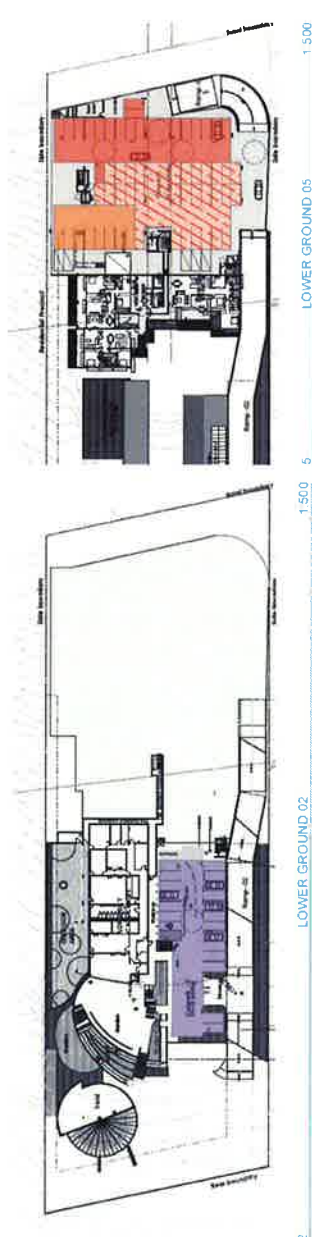
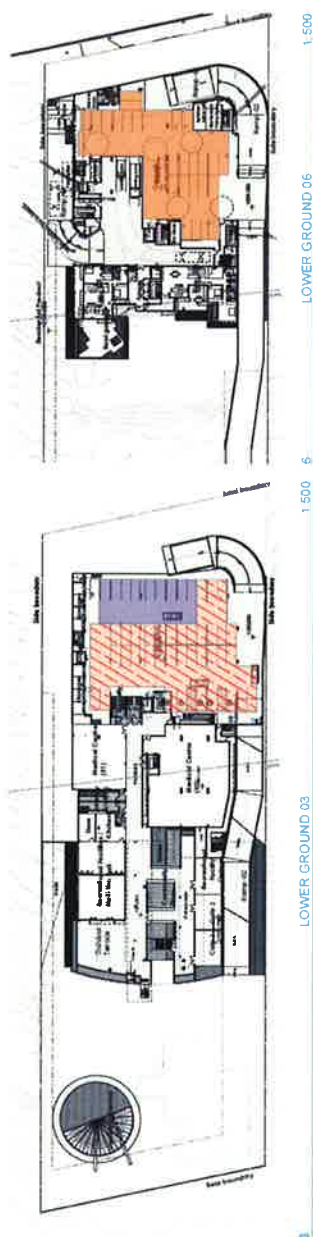
**Colour Filled Legend  
for Carpark Allocation (Weekday)**

USES	COLOUR
Residential	
Shop	
Business	
Hotel or Coaching	
Cafes	
Restaurants	
Long Day Care Centre	
Recreational Indoor Facility	
General Mixed use (for evening/weekend use)	

[illegible]

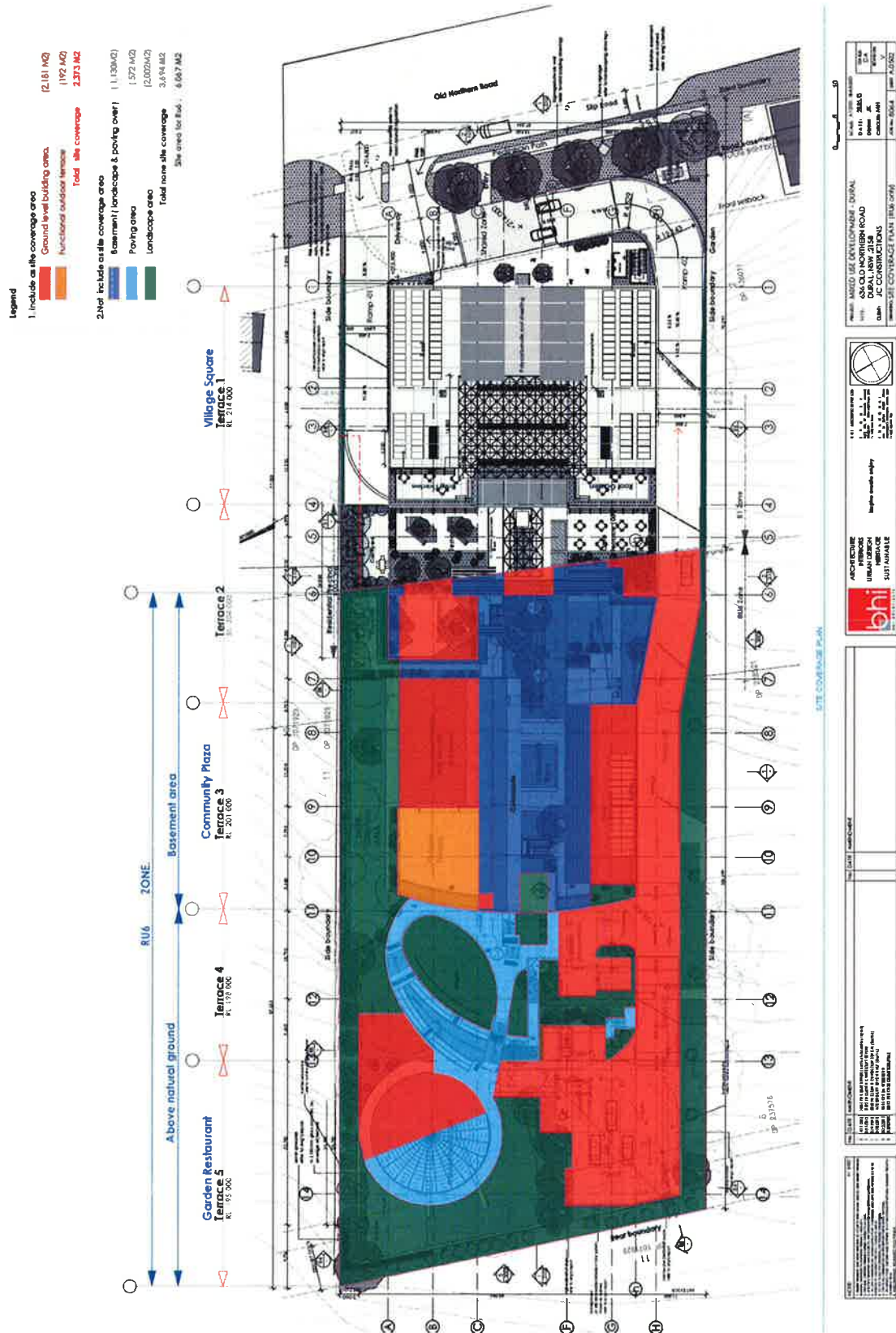
Colour Filled Legend  
or Carpark Allocation (Evening & Weekend)

LESS	COLOUR
Residential	
Shop	
Industrial	
Medical/Consulting	
Cable	
Restaurants	
Using the Car Centre	
Environment Indoor Facility	
Ground shared use	
For evening/weekend use	

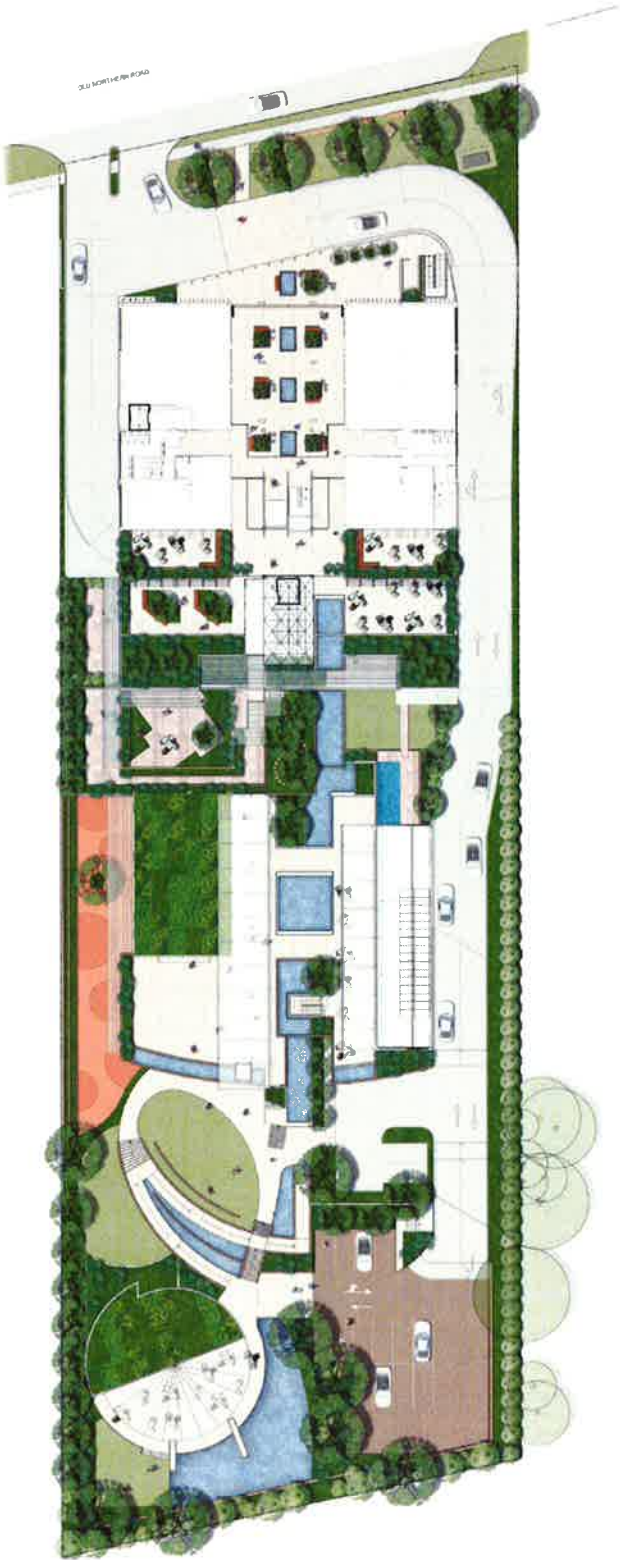




# ATTACHMENT 20 – SITE COVERAGE PLAN



**ATTACHMENT 21 – LANDSCAPE CONCEPT AND BOUNDARY SECTIONS**



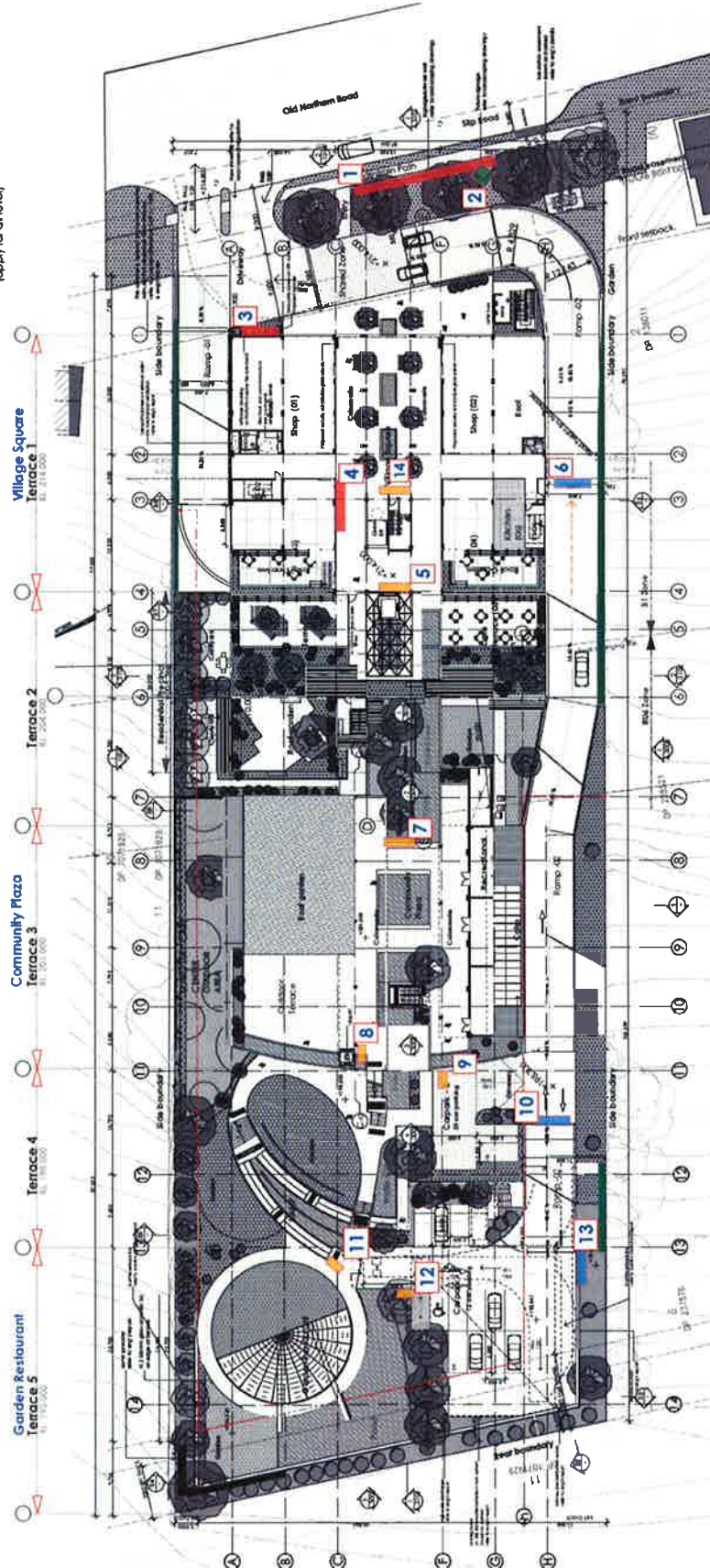




# ATTACHMENT 22 – SIGNAGE DETAILS

## Legend

- |   |  |    |  |
|---|--|----|--|
| 1 | Site signage.  | 7  | Pedestrian signage                       |
| 2 | Tenant boards  | 8  | Pedestrian signage                       |
| 3 | Key traffic director & major tenant director sign board. | 9  | Pedestrian signage                       |
| 4 | With director sign board.                                | 10 | Traffic director to terrace 4&5          |
| 5 | Pedestrian signage                                       | 11 | Pedestrian signage                       |
| 6 | Traffic director to terrace 3,4&5                        | 12 | Pedestrian signage                       |
|   |  | 13 | Traffic director to terrace 5            |
|   |  | 14 | Pedestrian signage (apply for all level) |



Project Name	454 OLD NORTHERN ROAD
Location	DUBLIN 15
Client	JC CONSTRUCTIONS
Scale	1:500
Date	10/01/2022

Author	ARCHITECT
Checker	ARCHITECT
Designer	ARCHITECT
Project Manager	ARCHITECT

Client	ARCHITECT
Checker	ARCHITECT
Designer	ARCHITECT
Project Manager	ARCHITECT

Project Name	454 OLD NORTHERN ROAD
Location	DUBLIN 15
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Scale	1:500
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Client	JC CONSTRUCTIONS
Scale	1:500
Date	10/01/2022





## ATTACHMENT 23 - PHOTOMONTAGE



**Photomontage image -A**  
(street view)



**Photomontage image -B**  
(rear view from block)

## ATTACHMENT 24 – RURAL FIRE SERVICE COMMENTS

All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
The Hills Shire Council  
PO Box 75  
CASTLE HILL NSW 1765

Your Ref: none  
Our Ref: D13/0130  
DA13011586147 MS

**ATTENTION:** Development Assessment Department

11 February 2013

Dear Sir/Madam

### **Integrated Development for 1//136011 636 Old Northern Road Dural 2158**

I refer to your letter dated 15 January 2013 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. A separate emergency and evacuation plan is to be prepared for the Long Day Care Centre within the development. This shall comply with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan' and section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Michelle Streater on 1300 NSW RFS.

Yours sincerely



Mark Hawkins

**Acting Team Leader Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.