

JRPP PLANNING REPORT (Sydney West Region)

JRPP No	2013SYW029
DA Number	824/2013/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	RESIDENTIAL DEVELOPMENT INCLUDING SIX (6) RESIDENTIAL FLAT BUILDINGS (174 APARTMENTS), AT-GRADE AND BASEMENT CAR PARKING, LANDSCAPING AND COMMUNAL FACILITIES.
Street Address	LOT 31 DP 247442, NO. 28 FAIRWAY DRIVE, KELLYVILLE
Applicant/Owner	ARDEN CH (NSW) PTY LTD
Number of Submissions	SEVEN (7)
Regional Development Criteria (Schedule 4A of the Act)	CAPITAL INVESTMENT VALUE EXCEEDS \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • The Hills LEP 2012 • The Hills DCP 2012 • SEPP No. 65 – Design Quality of Residential Flat Development • Residential Flat Design Code
Recommendation	DEFERRAL
List all documents submitted with this report for the panel's consideration	NIL
Report by	SENIOR TOWN PLANNER SOPHIA BROWN

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Arden CH (NSW) Pty Ltd	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R4 High Density Residential and SP2 Infrastructure	2.	<u>The Hills LEP 2012</u> - Satisfactory
Area:	19,693m ²	3.	<u>SEPP 65 – Design Quality of Residential Flat Development</u> – Satisfactory
Existing Development:	Dwelling house	4.	<u>DCP Part D Section 7 – Balmoral Road Release Area</u> – Satisfactory
		5.	<u>DCP Part B Section 5 – Residential Flat Buildings</u> – Satisfactory
		6.	<u>DCP Part C Section 1 – Parking</u> – Satisfactory
		7.	<u>BHSC Multi Unit Housing Guidelines</u>

			Satisfactory
		8.	<u>Section 94 Contribution</u> – Currently \$3,419,959.66
		9.	<u>Capital Investment Value:</u> \$71,400,000

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	1 st - Yes, 31 days. 2 nd – N/A	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	1 st - Yes, 21 days. 2 nd – Yes, 14 days		
3. Number Advised:	Nine		
4. Submissions Received:	1 st - Six 2 nd – One (After the notification period)		

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential development including 7 x four storey residential flat buildings with a total of 174 units consisting of 65 x 1 bedroom units, 89 x 2 bedroom and 20 x 3 bedroom units. Three hundred and seventy (370) off-street car parking spaces are proposed. The Capital Investment Value is \$71,400,000.

The Development Application initially sought approval for 8 x four and five storey residential flat buildings with a total of 233 units consisting of 79 x 1 bedroom units, 139 x 2 bedroom and 15 x 3 bedroom units, and three hundred and fifty nine (359) off-street car parking spaces. The applicant modified the proposal to be more compliant with the relevant DCP controls and the Residential Flat Design Code.

The proposed development includes variations to The Hills DCP Part B Section 5 – Residential Flat Buildings in respect to parking, building setbacks, and building length.

The proposal was exhibited and notified to adjoining property owners on two occasions. In response to the first notification period, six (6) submissions were received. One (1) submission was received in response to the second notification period.

The applicant recently provided amended concept plans with an increased setback to Horatio Avenue (see Attachment No. 7). These amendments are being formalised.

It is recommended that the matter be deferred to allow the applicant to provide amended plans and for the application to be renotified to adjoining owners and assessed.

HISTORY

13/02/2013	Subject Development Application lodged.
21/02/2013 to 26/03/2013	Proposal was advertised and notified to adjoining and surrounding properties. Six submissions were received.
04/04/2013	Letter sent to applicant seeking additional information

	regarding access engineering and stormwater matters, waste, sediment and erosion, survey and ecological assessment, assessment of significance and a recovery plan.
24/04/2013	Letter sent to the applicant seeking additional information regarding the road layout, density and car parking.
24/05/2013	Letter sent to the applicant requesting that the additional information be submitted within 14 days.
25/06/2013	Letter sent to the applicant requesting that the additional information be submitted within 7 days.
	Applicant requested a time extension to submit additional information. A 21 day time extension was granted.
04/07/2013	Meeting held with applicant regarding Council's letters dated 4 and 24 April 2013.
15/07/2013	Letter received from applicant indicating an undertaking to submit amended plans complying with density and car parking. A 30 day time extension was requested and granted.
26/08/2013	Applicant transferred from Belinda Lewis, RPS Group, to Arden CH NSW LTD.
29/08/2013	Additional information received.
03/09/2013 to 18/09/2013	Amended plans notified to adjoining and surrounding properties.
13/12/2013	Letter sent to the applicant seeking additional information regarding car parking, unit layout and design, road layout, Water Sensitive Urban Design, Sydney Water requirements, survey and ecological assessment, assessment of significance, recovery plan, cycleway, waste management, BASIX Certificate and revised architectural plans and a SEPP 65 Design Verification Statement.
13/01/2014	Meeting with the applicant regarding Council's letter dated 13 December 2013.
26/02/2014	Correspondence sent to the applicant requesting them to advise of an indicative date for lodgement of the additional and amended information.
11/03/2014 to 12/05/2014	Draft plans submitted from applicant for Council's review.
13/05/2014	Ecological report received.
30/05/2014	Additional information received.
26/06/2014	Meeting with the applicant to discuss outstanding flora and fauna issues. Applicant advised that they would proceed with a biobanking agreement given the impact on the ecological community on site.

- 08/07/2014** Report considered at Council's Ordinary Meeting which recommend amendments to Council's DCPs to insert amended/additional criteria regarding apartment sizes and mix of unit sizes.
- It was resolved that:
- The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be publicly exhibited.*
- 22/07/2014** Correspondence sent to applicant requesting increased setbacks to Horatio Avenue.
- 23/07/2014** Amended Concept Plan received detailing an increased setback to Horatio Avenue. A 10m building setback and 8m balcony setback provided in lieu of a 6m setback.

PROPOSAL

The proposal is for the construction of 7 x four storey residential flat buildings. Specifically the works include:

- Site preparation including earthworks, removal of trees and infrastructure and service works.
- Construction of 3 x one level basement levels with 161 parking spaces in Carpark 1 (accessible from Buildings 1, 2 and 3), 167 parking spaces in Carpark 2 (accessible from Buildings 4, 5 and 6) and 21 parking spaces in Carpark 3 (accessible from Building 7). Of the 370 car spaces provided, 71 spaces are for visitors and 299 spaces are resident spaces.
- Construction of 7 x four storey residential flat buildings containing a total of 174 units comprising:
 - 65 x 1 bedroom units;
 - 89 x 2 bedroom units; and
 - 20 x 3 bedroom units.
- Construction of Lucinda Avenue to dissect the site from north to south.
- Associated landscaping and infrastructure works.

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 \$71,400,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with LEP 2012

The site is zoned R4 High Density Residential and SP2 Infrastructure under The Hills Local Environmental Plan 2012. Under The Hills LEP 2012, the proposed development is defined as 'residential flat building' as follows:

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

The development is wholly located within the portion of the site zoned R4 High Density Residential. Residential flat buildings are a permissible form of development on land zoned R4 High Density Residential under The Hills LEP 2012 subject to consent granted by Council. Accordingly, the proposal is considered satisfactory with regard to The Hills LEP 2012.

In addition to the above, Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 19,693m².

3. Compliance with The Hills Development Control Plan

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2012:

- Part D Section 7 – Balmoral Road Release Area;
- Part B Section 5 – Residential Flat Buildings;
- Part C Section 1 – Parking; and
- Part C Section 3 – Landscaping.

The concept plans for the proposal have been assessed against the relevant requirements under The Hills DCP 2012, and achieves compliance with Part D Section 7 – Balmoral Road Release Area and Part C Section 3 – Landscaping subject to conditions of consent.

Variations have been identified against the requirements under The Hills DCP Part B Section 5 – Residential Flat Buildings with regards to building setbacks to the street and building length, and Part C Section 1 – Parking with regards to number of parking spaces. The proposed variations are discussed as follows:

a) Part B Section 5 – Residential Flat Buildings

The proposed development complies with all of the numerical requirements under The Hills DCP Part B Section 5 – Residential Flat Buildings with the exception of building setbacks. The proposed development complies with the minimum apartment sizes as indicated in the following table:

APARTMENT TYPES	REQUIRED (MIN)	PROPOSED	COMPLIANCE
1 bedroom	75m ²	75m ² to 85m ²	Yes
2 bedrooms	110m ²	110m ²	Yes

3 bedrooms	135m ²	135m ² 140m ²	to	Yes
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It is also noted that the apartment sizes comply with the minimum apartment sizes required under SEPP 65.

It is noted that a report was considered by Council on 8 July 2014 outlining intended amendments to Council's relevant Development Control Plans in relation to unit floor areas. Council resolved as follows:

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

The recommended controls are as follows:

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

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

Council resolved that the amendments be publicly exhibited.

An assessment of the proposal against the draft controls finds that 100% of the 174 units comply with the type 3 apartment size categories. In addition, 65 out of the 174 units (37%) comprise of one bedroom, and 20 out of the 174 units (11.4%) comprise apartments with three or more bedrooms. Whilst these are draft controls only, it is considered that the level of compliance is satisfactory when considered on merit with the exception of the one bedroom apartment dwelling yield.

As such the proposed apartment sizes are considered satisfactory.

(i) Building Setbacks

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

APARTMENT	REQUIRED	PROPOSED	COMPLIANCE
Apartment Block 1 (one street frontage to Fairway Drive)	Front (one street frontage = 10 metres Side = 6 metres	Front = 11.2 metres Side = 7.8 metres	Yes Yes
Apartment Block 2 (one street frontage to Fairway Drive)	Front (one street frontage = 10 metres Side = 6 metres	Front = 11.9 metres Side = 6 metres	Yes Yes
Apartment Block 3 (internal to the site)	Side = 6 metres	Side = 6.8 metres	Yes
Apartment Block 4 (one street frontage to Horatio Avenue)	Front (one street frontage = 10 metres	Front = 6 metres	No. The applicant has recently submitted concept plans identifying a 10m building and 8m balcony setback from Horatio Avenue.
Apartment Block 5 (internal to the site)	Side = 6 metres	Side = 6 metres	Yes
Apartment Block 6 (primary street frontage to Lucinda Avenue and secondary street frontage to Horatio Avenue)	Front (primary frontage to Horatio Avenue) = 10 metres Front (secondary frontage to Lucinda Avenue) = 6 metres	Front = 6 metres Front = 6 metres	No. The applicant has recently submitted concept plans identify a 10m building and 8m balcony setback form Horatio Avenue.
Apartment Block 7 (primary street frontage to Lucinda Avenue and secondary street frontage to Horatio Avenue)	Front (primary frontage to Horatio Avenue) = 10 metres Front	Front = 6 metres Front = 7.2	No. The applicant has recently submitted concept plans identify a 10m building and 8m balcony setback form Horatio Avenue. Yes

	(secondary frontage to Lucinda Avenue) = 6 metres Side = 6 metres	metres Side (south) = 6m	Yes
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The objectives for setbacks under Clause 3.3 of The Hills DCP Part B Section 5 – Residential Flat Building are as follows:

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

In support of the variation, the applicant has provided the following justification:

- *The proposed encroachments are minor and relate to articulated building components and balconies and will enable sufficient landscaping to be established around the site perimeter.*
- *There is no unreasonable impact on the privacy or solar access of adjoining properties and will not result in adverse amenity impacts on surrounding development.*
- *The proposed setback to Horatio Avenue is consistent with the setbacks approved along the opposite side of Horatio Avenue at No. 24 – 26 Fairway Drive which approved townhouses setback 5m to 7m from Horatio Avenue.*
- *The proposed landscaping across the site exceeds Council's requirements and will be provided within the setbacks, improving visual amenity and privacy.*
- *Internal separation distances between buildings have been provided.*

The applicant has provided amended concept plans with an increased setback to Horatio Avenue. The applicant has provided a concept plan with a main building setback of 10 metres and a setback of 8 metres to balconies fronting Horatio Avenue.

In view of the above, it is considered to defer the application to allow for the amendments to be formalised and renotified.

ii) Building Length

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

Apartment Block 2 has a building length measuring approximately 81 metres and Apartment Block 5 has a building length measuring approximately 77 metres.

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

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

The purpose of the building length control is largely to limit visual bulk and scale. The submitted plans provide stepped treatment and landscape feature planting to assist in screening the development from view and reduce the bulk and scale of the development.

b) Part C Section 1 – Parking

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

APT BEDROOM NO.	NO. OF UNITS	DCP PARKING RATE	REQUIRED
1 bedroom	65 x 1 bed units	1 parking space per 1 bed unit	65 spaces
2 bedroom	89 X 2 bed units	2 parking spaces per 2 bed unit	178 spaces
3 bedroom	20 x 3 bed units	2 parking spaces per 3 bed unit	60 spaces
TOTAL RESIDENTIAL PARKING REQUIRED: 303 spaces		TOTAL RESIDENTIAL PARKING PROPOSED: 306 spaces (299 basement spaces, 7 at-grade spaces)	
VISITOR PARKING	DCP RATE	DCP REQUIRED	PROPOSED
Apartments	2 spaces per 5 dwellings	70 visitor spaces for 174 dwellings	71 visitor spaces

In view of the above table, the proposed number of car parking spaces complies with the minimum requirements under The Hills DCP Part C Section 1 – Parking.

The objective for car parking under Clause 2.1 of The Hills DCP Part C Section 1 – Parking states *"To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development."*

The at-grade car parking to the eastern portion of the site is not supported as it is not in a central and accessible location which is convenient for the use of residents and visitors of the development. Further, it does not provide a 2 metre landscaped setback from the front and side boundaries as required under Clause 2.8 of The Hills DCP Part C Section 1 – Parking and Clause 3.12 of The Hills DCP Part C Section 3 – Landscaping.

A condition of consent will be recommended for the 7 at-grade car spaces to be deleted. As a result, the proposed development will result in a shortfall of four car parking spaces.

The variation is considered supportable given that the provided 299 car spaces and 71 visitor spaces are provided in the basement levels which are in a convenient and accessible location for the use of residents and visitors of the development.

4. Multi Unit Housing Guidelines

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

i. Character of the Area

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

ii. Site Analysis and Design

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

iii. Building Envelope and Siting

The massing of the built form provides a development which is considered appropriate both to the surrounding residential properties and future residential character of the locality.

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from side boundaries. The proposed setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of the street. The proposed setbacks apart from those adjacent Horatio Avenue are considered satisfactory as outlined within Section 3(b) of this report.

v. Building Height

The height of the buildings complies with the requirements under The Hills LEP 2012 and The Hills DCP 2012.

vi. Communal and Private Open Space

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

vii. Landscaping

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

viii. On-Site Car Parking and Access

The proposed car parking is considered satisfactory as outlined within Section 3(b) of this report. Council's Subdivision Coordinator has reviewed the proposal and has no objection to the proposed access subject to recommended conditions of consent.

ix. Solar Access

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

x. Resource, Energy and Water Efficiency

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

xi. Security

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

xii. Ecological Sustainable Design

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

xiii. Building Design

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

5. SEPP 65 – Design Quality of Residential Flat Buildings

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

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	The proposed building height is considered satisfactory and is consistent with the future character of the area to be zoned R3 Medium Density and R4 High Density.	Yes
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	While the building depths exceed the SEPP suggested depths, the design of the buildings are articulated with all units provided with adequate sunlight and ventilation through dual aspect orientations.	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	The submitted concept plans identify a 10m building and 8m balcony setback from Horatio Avenue.	No

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
	quality, type and use of gardens and landscaped areas facing the street.		
Side and rear setback	<p>Relate side setback to existing streetscape patterns.</p> <p>Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones).</p> <p>Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</p>	Landscaped area and solar access is considered satisfactory and appropriately considered by the applicant in the design of the development.	Yes
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"> - Building height - Building footprint - The three dimensional building envelope - Open space requirements 	There is no specific floor space ratio within the DCP. However, it is noted the development is satisfactory in regard to building height and built form. The development complies with the required density under The Hills Development Control Plan Part B Section 5 – Residential Flat Buildings.	Yes
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The submitted Design Verification Statement confirms that 25% of the common open space area of the site is provided with deep root zone planting.	Yes
Open Space	<p>The area of communal open space required should generally be at least 25-30% of the site area.</p> <p>The minimum recommended</p>	The proposed common open space area is 25% of the site area.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
	area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m ² .		
Pedestrian Access	Identify the access requirement from the street or car parking area to the apartment entrance. Provide barrier free access to at least 20% of dwellings in the development.	Ensures compliance. Access is provided by way of lifts throughout the development and from the basement car parking areas and ground floor to all units.	Yes Yes
Vehicular Access	Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The driveway widths are compliant with the Australian Standards and ensure sufficient manoeuvring is available within the site. The basement access is not in direct conflict with pedestrian paths of travel.	Yes Yes
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	The majority of the proposed units are provided with dual aspect orientations and where a dual aspect is not available, an 8m maximum depth is proposed from window to rear wall.	Yes
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	Mixed apartment sizes and bedroom capacities proposed.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies comply as per the DCP requirements.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	All units ensure compliance with the 2.7m floor to ceiling height requirements as per the BCA.	Yes
Ground floor apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.</p> <p>Provide ground floor apartments with access to private open space (i.e. terrace, garden).</p>	<p>Accessible unit provision is compliant with the DCP requirements.</p> <p>All ground floor units are provided with at grade access and ground floor private open space access.</p>	<p>Yes</p> <p>Yes</p>
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	The maximum number of apartments off any single lift and stair lobby is six. No access corridors form part of the development.	Yes
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> - Studio – 6m² - 1 bed – 6m² - 2 bed – 8m² - 3 bed+ - 10m² 	Accessible storage is provided to all units within the unit floor area and within designated storage areas within the basement and unit.	Yes
Daylight Access	Living rooms and private open spaces for at 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	Sufficient solar access has been provided / demonstrated as outlined within the submitted shadow diagrams and Design Verification Statement.	Yes
Natural Ventilation	Building depths, which supports natural ventilation typically range from 10 to 18 metres.	72% of units achieve natural cross ventilation and 43% of units have natural ventilation to the	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
	60% of residential units should achieve natural cross flow ventilation and 25% of kitchens should have access to natural ventilation.	kitchen.	
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	Waste Management Plans have been submitted, assessed by Council's Resource Recovery Section and considered satisfactory.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	Satisfactory rainwater collection, re-use and disposal proposed. Note that there are no offensive or hazardous roofing materials proposed.	Yes

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 Fairway Drive and the development conforms to the future desired character of the area being zoned for residential flat buildings. 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 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.

(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 for 174 units complies with Council's maximum density requirements and is considered to be appropriate for the site and locality.

(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 having regard to the principles of Crime Prevention through Environmental Design. The common open spaces, balconies and windows provide opportunities for 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. The development provides an apartment mix to accommodate a range of budgets.

(x) Aesthetics

The building mass is articulated to provide smaller scale forms, with variable setbacks, using colours, and a diversity of material textures which is sympathetic to the future character of the area.

6. Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners on two occasions. In response to the first notification period, six (6) submissions were received. One (1) submission was received in response to the second notification period. The following issues raised in the submissions are addressed in the following table:

ISSUE/OBJECTION	COMMENT	OUTCOME
The proposal is an overdevelopment of the site, particularly given the proximity to integrated	The proposed development is permissible on land zoned R4 High Density Residential under The Hills LEP 2012. The	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
housing at No. 24 – 26 Fairway Drive.	proposed development is consistent with the aims and objectives of the R4 High Density Residential zone.	
The development will look like an office building and is out of character with the surrounding development which comprises of two storey residences, town houses and small scale apartment buildings.	The residential flat building has the appearance of apartment blocks and is permissible on land zoned R4 High Density Residential. The area has been zoned R4 High Density Residential and R3 Medium Density Residential and it is considered that the development is consistent with the future character of the area.	Issue addressed.
The building length of proposed Apartment Block 2 exceeds the required length permitted under the DCP by 27.5 metres. The size of Apartment Block 2 to the south is disproportionate in size compared to other blocks in the development.	The proposed building length for Apartment Block 2 and 5 are considered satisfactory as discussed under Section 3(a)(ii) of this report. The purpose of the building length control is largely to limit visual bulk and scale. The submitted plans provide stepped treatment and landscape feature planting to assist in screening the development from view and reduce the bulk and scale of the development.	Issue addressed.
All of the apartment sizes are smaller than the permitted sizes under the DCP. The applicant's use of SEPP 65 is typical to inner city locations and cannot be considered within the Bella Vista area.	Amended plans have been received reducing the number of proposed units from 233 to 174 units, with the apartment sizes increased to comply with the minimum size requirements under the DCP.	Issue addressed.
The storage sizes for the apartments do not comply with the DCP.	Sufficient storage spaces have been provided within the basement and units in accordance with the DCP.	Issue addressed.
The development has insufficient car parking and proposes 313 parking spaces for 233 apartments and has only provided 387 parking spaces and Horatio Avenue will become a car parking facility. Existing public transport is practically non-existent and the North West Rail Link may not commence until 2017.	The revised development requires 303 car spaces. Amended plans have been submitted providing 306 car spaces (299 basement spaces, 7 at-grade spaces) and 71 visitor spaces. Car parking is considered satisfactory and has been discussed in Section 3(b) of this report.	Issue addressed.
The traffic report is incorrect. The report is	The Roads and Maritime Services and Sydney Regional	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
inaccurate with regards to the increase in traffic generation, the time delay from Solent Circuit to Norwest Boulevard, and no bus routes servicing the city outside peak times and weekends.	Development Advisory Committee has assessed the application including the traffic assessment submitted with the application and raised no objection to the proposed development subject to conditions of consent.	
The proposed 227 persons per hectare density exceeds the required 150 – 175 persons per hectare density under the DCP.	Amended plans have been submitted proposing 174.3 persons per hectare which complies with the maximum density per hectare under The Hills DCP Part B Section 5 – Residential Flat Building.	Issue addressed.
The five storey buildings are higher than what is permitted under the DCP.	Amended plans have been submitted reducing the buildings to a maximum 4 storeys which complies with the maximum 4 storey requirement under The Hills DCP Part B Section 5 – Residential Flat Building.	Issue addressed.
One bedroom apartments would not be desirable in the area. Little information has been provided in relation to the market value of the properties.	No evidence is provided to substantiate this claim. The development provides an apartment mix to accommodate a range of budgets as required under SEPP 65.	Issue addressed.
The easement for transmission line affects the southern part of the site which is to be removed and put underground. The application should have a condition for the southern buildings to be constructed after the power lines are physically relocated.	Subject to consent being granted, a condition of consent is recommended requiring that the Construction Certificate cannot be issued until an agreement has been reached with Endeavour Energy, confirmed in writing, in relation to the undergrounding/relocation of the existing high voltage overhead power lines and the removal of the associated easement from the title of the property.	Issue addressed (Refer to Condition No. 34)
The area is prestigious and the development will make the area an overcrowded, ghetto style area. The development will create precedence for future development applications on Fairway Drive.	Residential flat buildings are permissible in the zone under The Hills LEP 2012. The development is consistent with the future desired character of the area.	Issue addressed.

BUILDING COMMENTS

No objection is raised to the proposal.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal.

ECOLOGY COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation including the requirement of an amended landscape plan and biobanking to offset the loss of biodiversity from the site including the removal of Cumberland Plain Woodland.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal.

NSW OFFICE OF WATER

The proposal is defined as 'Nominated Integrated Development' under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979. General Terms of Approval dated 14 March 2013 have been received from the Office of Water under the provisions of the Water Management Act 2000.

ROADS & MARITIME SERVICES COMMENTS

Comments and recommendations from the Roads and Maritime Services and Sydney Regional Development Advisory Committee are to form part of any recommended conditions of consent.

SYDNEY WATER COMMENTS

Comments and recommendations from Sydney Water will form part of any recommended conditions of consent.

NSW POLICE COMMENTS

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

Comments and recommendations from the NSW Police will form part of any recommended conditions of consent.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2012, and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

The applicant has been requested to provide amended plans with an increased setback to Horatio Avenue. The applicant has provided a concept plan with a main building setback of 10 metres and a setback of 8 metres to balconies fronting Horatio Avenue.

In view of the above, it is considered appropriate to defer the application to allow for the amendments to be formalised and renotified.

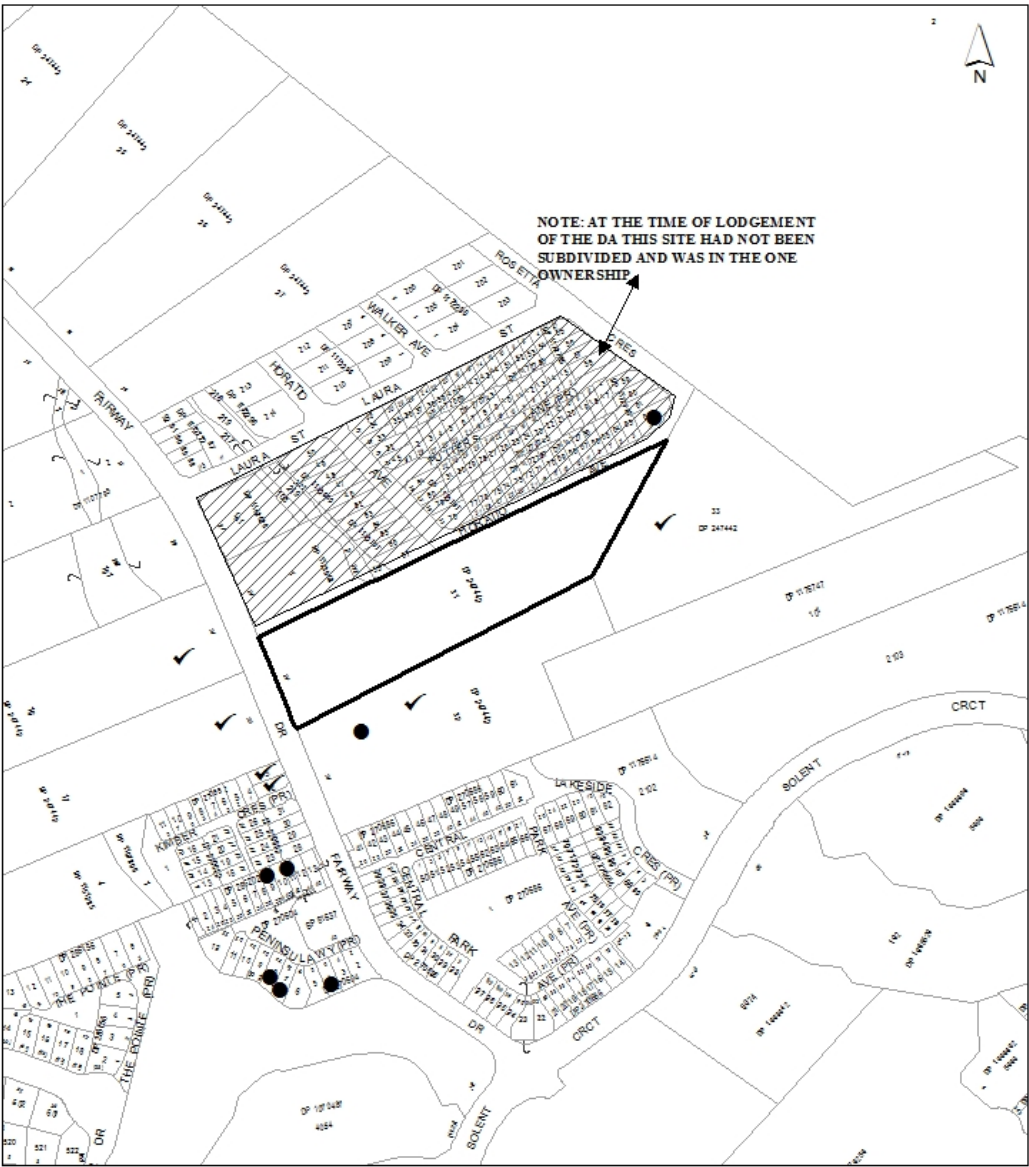
RECOMMENDATION

The Development Application be deferred to allow the applicant to finalise their application.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Site Plan
5. Elevations
6. Office of Water General Terms of Approval
7. Amended Setbacks to Horatio Avenue Concept Plan

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

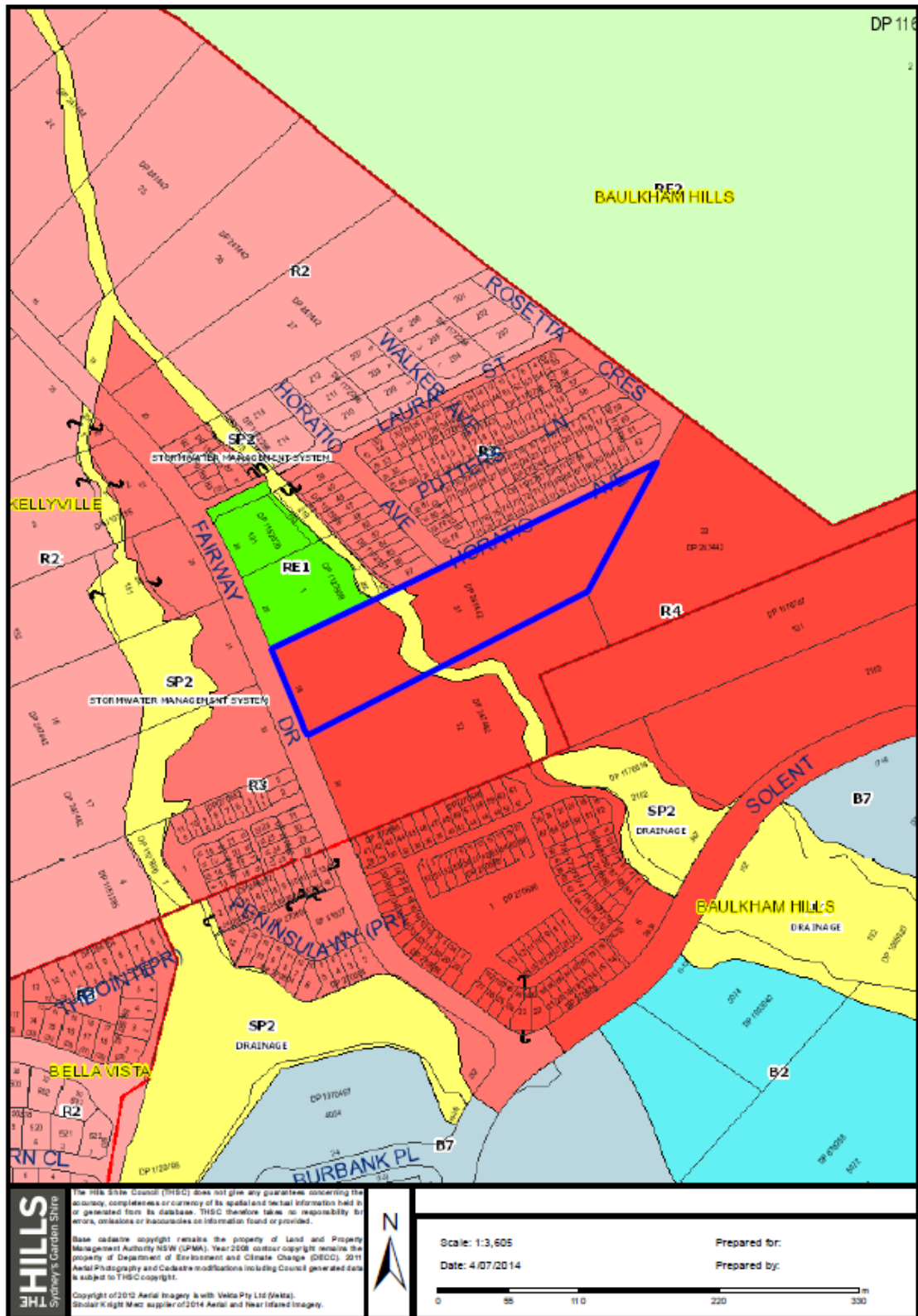
THE HILLS SHIRE COUNCIL

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 COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – ZONING MAP

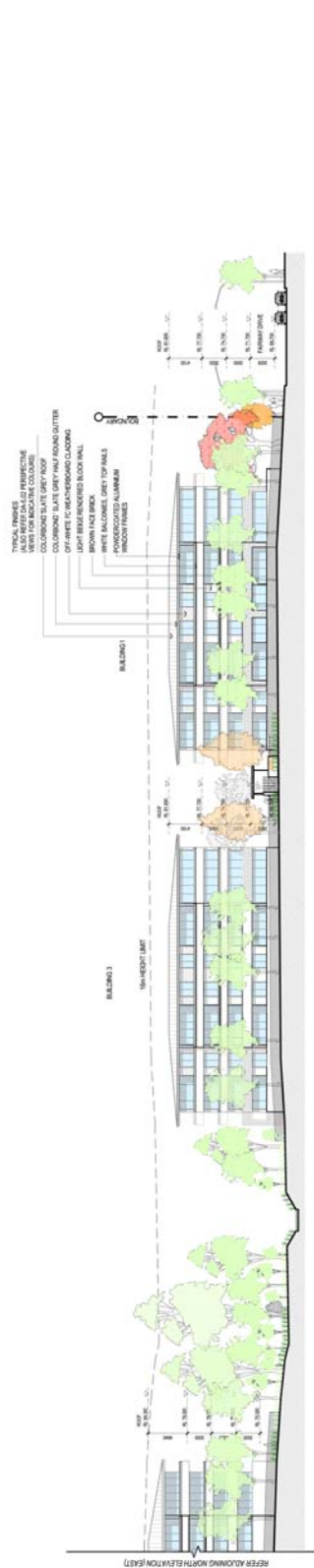


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ATTACHMENT 5 – ELEVATIONS

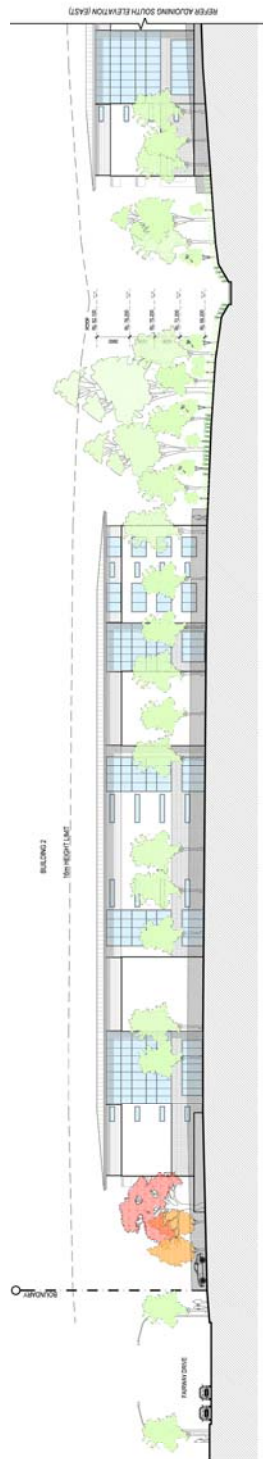


NORTH ELEVATION (EAST)
SCALE 1:250

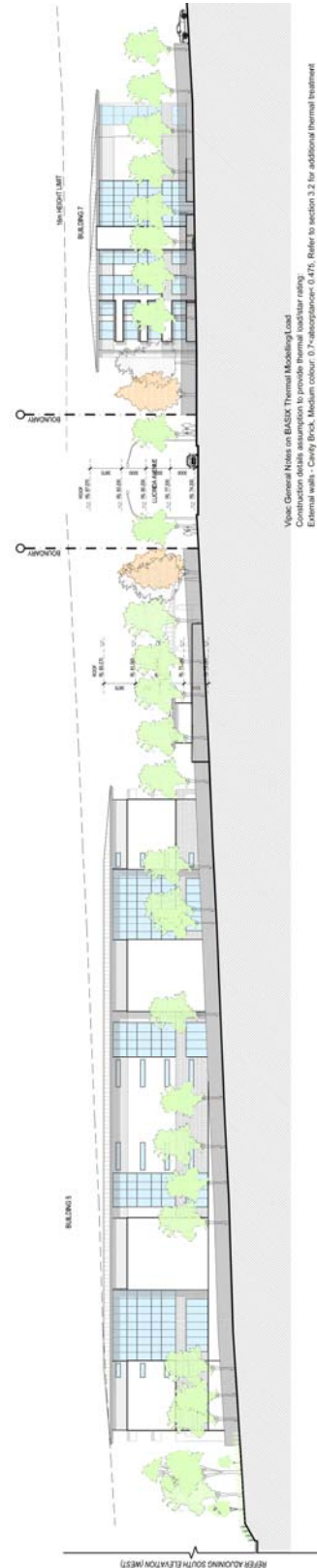


NORTH ELEVATION (WEST)
SCALE 1:250

Notes: General Notes on BASIX Thermal Modelling Tool
Construction details assumption to provide thermal loadstar rating
External walls - Concret Block, Medium colour 3.7<absorptance 0.475. Refer to section 3.2 for additional thermal treatment
Roof - 100mm concrete, 100mm insulation, 100mm concrete
Party walls - 100mm concrete
Windows - 6mm double glazed clear with aluminium frame Total Window System Performance 0.475



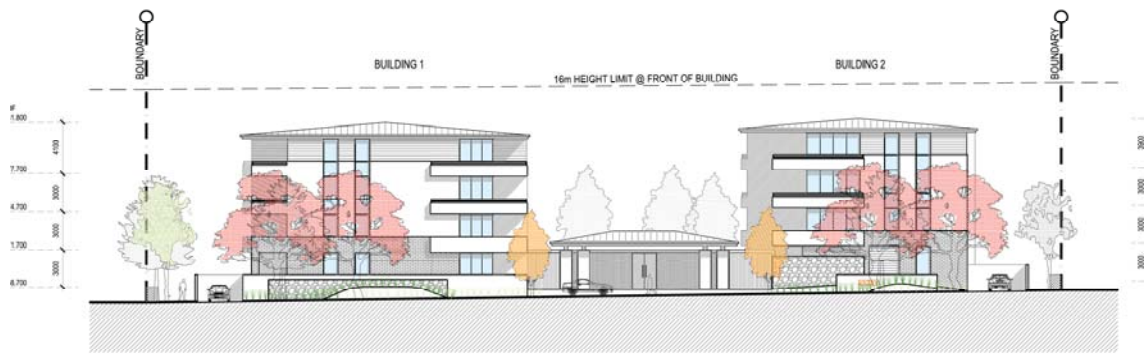
SOUTH ELEVATION (WEST)
SCALE 1:250



SOUTH ELEVATION (EAST)
SCALE 1:250

Refer General Notes on BASIX Thermal Modelling Load
Construction details assumption to provide thermal loadstar rating
Internal walls - Plasterboard
Internal walls - Plasterboard
Partly walls - Plasterboard
Windows - firm Single glazed, clear with Aluminium frame. Total Window System Properties: U-value 6.57 & Solar Heat Gain Coefficient 0.70. Refer to section 3.2 for additional thermal loadstar rating
Roof - Concrete. Medium colour 0.70 absorptance 0.475. Refer to section 3.2 for additional thermal loadstar rating
Ceilings - Plasterboard
Floors - Concrete. Tiles floor covering. Wet areas with. Carpet floor covering: Elsewhere





WEST ELEVATION
SCALE 1:250



EAST ELEVATION
SCALE 1:250

ATTACHMENT 6 – OFFICE OF WATER GENERAL TERMS OF APPROVAL



Department of
Primary Industries
Office of Water

Contact: Gina Potter
Phone: 02 8838 7566
Fax: 02 8838 7554
Email: gina.potter@water.nsw.gov.au
Our ref: 10 ERM2012/0981
Our file: 322
Your ref: DA2013/824/JP

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Sophia Chin



14 March 2013

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2013/824/JP
Description of proposed activity: pre DA advice
Site location: 28 Fairway Drive Kellyville

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

Temporary dewatering of an amount above 3 ML may require a water licence to be obtained from the Office of Water before construction commences.

Please note that the proposal must not incorporate provision for the permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au

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- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Gina Potter
Water Regulation Officer
Office of Water - Hunter, Sydney & South Coast

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 10 ERM2012/0981 **File No:** 322
Site Address: 28 Fairway Drive Kellyville
DA Number: DA2013/824/JP
LGA: The Hills Shire Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/824/JP and provided by Council: (i) Site plan, map and/or surveys Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan (iv) Amendments to plans: basement can not extend into riparian offset area
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures (iv) Watercourse crossings
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

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Our Reference: 10 ERM2012/0981 **File No:** 322
Site Address: 28 Fairway Drive Kellyville
DA Number: DA2013/824/JP
LGA: The Hills Shire Council

Number	Condition
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.
Access-ways	
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
11	N/A
Bridge, causeway, culverts, and crossing	
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
13	N/A
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

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170912

Our Reference: 10 ERM2012/0981 **File No:** 322
Site Address: 28 Fairway Drive Kellyville
DA Number: DA2013/824/JP
LGA: The Hills Shire Council

Number	Condition
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
20-21	N/A
River bed and bank protection	
22	N/A
23	The consent holder must establish a riparian corridor along Strangers Creek in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

www.water.nsw.gov.au

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ATTACHMENT 7 – AMENDED SETBACK CONCEPT PLAN

