

JRPP PLANNING REPORT

JRPP NO:	2013SYW089
DA NUMBER:	DA 383/2014/JP
LOCAL GOVERNMENT AREA:	THE HILLS SHIRE COUNCIL
PROPOSED DEVELOPMENT:	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT
STREET ADDRESS:	LOT 7 DP 280013, CADDIES BOULEVARD, ROUSE HILL
APPLICANT/OWNER:	INSIGHT CAPITAL PTY LTD
LODGEMENT DATE:	26 SEPTEMBER 2013
NUMBER OF SUBMISSIONS:	NIL
REPORT BY:	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Insight Capital Pty Ltd	1.	<u>LEP 2012</u> – Permissible with consent.
Zoning:	The Minister Administering the EP & A Act	2.	<u>SEPP 32 - Urban Consolidation</u> – Satisfactory.
Area:	4606m ²	3.	<u>SREP 19 – Rouse Hill Development Area</u> – Satisfactory.
Zoning:	B4 Mixed Use	4.	<u>SREP 20 – Hawkesbury/Nepean River</u> – Satisfactory.
Existing Development:	Vacant	5.	<u>DCP Part D – Section 6 Rouse Hill Regional Centre</u> – Variations required, see report.
		6.	<u>Section 79C</u> – Satisfactory.
		7.	<u>Section 94 Contributions</u> – Yes, currently \$1,185,175.72

SUBMISSIONS

REASON FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days.	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	Seven		
4. Submissions Received:	Nil		

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 80 units. The units are proposed within two separate seven storey buildings with a centralised courtyard area. Basement style parking is proposed.

The development includes variations to the DCP part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks and area of landscape on natural ground level. In addition, variations are proposed to the Town Centre Precinct Plan in regard to bike parking station, height, building depth, mixed use and pedestrian link, and also to SEPP 65 – Design of Residential Flat Buildings in relation to balcony area.

The development site has a relatively narrow depth of approximately 32 metres. The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site also adjoins Caddies Creek and is therefore located in a park setting. The variations are considered reasonable in that context.

The proposal has been assessed and it is considered that the design and layout of the proposal is satisfactory.

The proposal was exhibited and notified to adjoining property owners and no submissions were received.

The proposal is recommended for approval subject to conditions.

HISTORY

26/03/2004	Development Application for the Masterplan for Rouse Hill Regional Centre approved by Council (1604/2004/HB).
26/07/2005	Development Application for Town Centre Core Precinct Plan approved by Council (1581/2005/HB).
26/09/2013	Subject Development Application lodged.
11/11/2013	Letter sent to the applicant requesting further information regarding owner's consent for vehicle access over private property, compliance with DCP, Precinct Plan and Design Guideline requirements, waste collection, landscaping, engineering and drainage matters.
23/12/2013	Additional information submitted by the applicant.
10/02/2014	Acoustic report submitted by the applicant.
25/02/2014	Email sent to the applicant regarding owner's consent, landscape area, and unit typology.
03/03/2014	Additional information submitted by the applicant.

PROPOSAL

The proposal is for the erection of two x seven storey residential flat buildings. Specifically the works include:

- Site preparation works including earthworks, removal of trees and infrastructure and service works.
- Construction of a two level basement common to both buildings with 99 parking spaces on Basement Level 1 and 98 parking spaces on Basement Level 2. Of the 197 car spaces provided, 32 spaces are for visitors and 165 spaces are resident spaces.
- Construction of two seven storey residential flat buildings containing 80 units (40 per building) comprising:
 54 x 3 bedroom units; and
 26 x 2 bedroom units.
- Vehicular access to the basement provided off the existing cul-de-sac at the end of Rouse Hill Drive.
- Associated landscaping and infrastructure works.

The subject site is currently vacant.

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 \$21,377,400 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with LEP 2012

The subject site is zoned B4 Mixed Use. The proposal is best described as a residential flat building which is defined in LEP 2012 as:

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

A residential flat building is a permissible use in the B4 Mixed Use zone.

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 4606m².

3. Compliance with DCP Part D Section 6 – Rouse Hill Regional Centre

The following criteria applying to residential flat buildings are contained in the Rouse Hill DCP. In terms of the prevailing instrument, the DCP states:

All residential development within the Rouse Hill Regional Centre is required to comply with the provisions of this Section of the DCP. In addition, the provisions of other residential Sections of the DCP will also apply where relevant. Depending upon the type

of development proposed the provisions of the following Sections of the DCP may also apply:

- Part B Section 2- Residential
- Part B Section 4 - Multi Dwelling Housing
- Part B Section 5 - Residential Flat Buildings

For example where residential flat buildings are proposed within the Regional Centre, the relevant provisions of this plan will apply in addition to Part B Section 5 – Residential Flat Buildings.

In the event of any inconsistency between this Section of the DCP and any other Section of the DCP, the provisions of this Section of the DCP shall prevail only to the extent of the inconsistency.

It may be noted that during the assessment of the Development Application a revised/updated DCP came into force.

The following table outlines the proposal's compliance with the relevant standards:

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Density Per Hectare	In the B4 Mixed Use zone, a minimum of 40 dwellings/net hectare. There is no maximum density.	A minimum of 18.42 dwellings are required on the site, with 80 dwellings proposed.	Yes
Site Frontage	20m	The site has a road frontage of approx. 145m to Caddies Boulevard and approx. 43m to Rouse Hill Drive.	Yes
Building Height	Building heights to be consistent with LEP 2012. The LEP limits height to 36 metres.	The proposed height is 28.8 metres to the top of the plant building.	Yes
	Attached Dwellings and Residential Flat Buildings: (i) Ground floor/ living Spaces: minimum of 2.7 metres floor to ceiling; and (ii) Upper Levels/ Bedrooms: 2.55 metres.	Satisfactory ceiling heights are provided.	Yes
Building Setbacks	Ground floor for buildings 5 storeys or greater: 5 metres	2 metres to Caddies Boulevard.	No, however the proposed setbacks are consistent with the approved Precinct Plan.

	Side setback: 1.5 metres	2 metre setback to Rouse Hill Drive and Leisure Square.	Yes
	Rear setback: 4 metres	2 metres to the rear boundary.	No, however the proposed setbacks are consistent with the approved Precinct Plan.
Building Appearance, Articulation and Orientation	Address all street frontages, provide articulation and direct entry points to the street.	The proposed buildings are satisfactory in regard to external appearance and provide appropriate articulation.	Yes
Apartment Layout and Design	<p>Minimum floor areas: 1 bed – 75m² 2 bed – 110m² 3 bed – 135m²</p> <p>A maximum of 10% of the units can have the following minimum internal floor layouts: 1 bed – 65m² 2 bed – 90m² 3 bed – 110m²</p>	<p>There are no 1 bedroom units proposed. Proposed unit sizes are: 2 bedroom – 82m² – 139m² 3 bedroom – 144m² – 183m² 12 units in total do not comply with the minimum 2 bedroom unit area. 5% (4 units) are less than the maximum reduced floor area.</p>	<p>No, however a range of 2 bedroom units are provided.</p> <p>All 3 bedroom units comply with the minimum floor area.</p> <p>The minimum internal floor areas comply with the SEPP.</p>
Storage	1 bed – 6m ³ 2 bed – 8m ³ 3+ bed – 10m ³	Provided as required in relevant units. In addition, 400m ³ of storage has been provided in each basement garage and each apartment is allocated 10m ³ .	Yes
Roof Design	Use of a variety of roof forms which are in character with modern design principles.	The proposed roof design is satisfactory.	Yes
Parking	1 bed – 1 space per dwelling 2 bed – 1.5 spaces per dwelling 3+ bed – 2 spaces per dwelling	Based on 26 x 2 bedroom and 54 x 3 bedroom units, a total of 147 resident spaces are required, with 165 resident spaces provided.	Yes

	Visitor parking for developments with more than 60 units: 1 space per 5 units	Based on 80 units, 16 visitor spaces are required, with 32 visitor spaces proposed.	Yes
	Bike parking: 1 space per 5 dwellings	Based on 80 units, 16 bike spaces are required. Two bike racks will be provided accommodating 20 bikes.	Yes
	Underground or semi-underground parking is preferred. If parking is provided at or above ground level it must be behind the building line and screened from view. The maximum projection above the ground is one metre.	Basement and semi basement parking is proposed. Access to the parking areas is satisfactory and will be in a forward direction.	Yes
Solar Access	Apartments are to comply with SEPP 65 in regard to solar access. Appropriate external sun shading is required to main windows.	External sun shading has been provided and direct sun access is provided to units. The orientation of the lot is appropriate for the form of development proposed.	Yes
Landscaping	A minimum 30% of the site is to be landscaped. At least 25% of ground level open space or 50sqm (whichever is greater) should be provided on natural ground. Rooftop gardens, terraces, and courtyards should incorporate substantial landscaping and minimal hard paving.	The design provides 47% of landscape area however 626.5m ² of the landscape area is on natural ground level which is 13.6%.	No, however the design provides basement parking for residents and adjoin open space at Caddies Creek.
Open Space (Private and Common)	Ground level dwellings are to have private open space with dimensions of 4 m x 3m, and above ground to have a minimum depth of 2m and area of 8m ² .	Adequate private open space at both ground and upper levels is provided.	Yes
	Common open space is to be provided at a rate of 10m ² per dwelling (including courtyards,	Based on 80 units, an area of 800m ² is required. An area of	Yes

	gardens and balconies).	1340m2 is provided.	
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a. Setbacks

The DCP requires the following setbacks:

Ground floor for buildings 5 storeys or greater: 5 metres
Side setback: 1.5 metres
Rear setback: 4 metres

The following setbacks are proposed:

2 metre setback to Caddies Boulevard to the building.
2 metre setback to Rouse Hill Drive.
2 metre setback to the rear boundary.
2 metre setback to Leisure Square.

It may be noted that at the time of lodgement of the Development Application, the DCP in force at that time did not contain any specific setback controls for residential flat buildings.

Comment:

The Principles within the DCP relate to defining the built area, provision of solar access to rear yards, minimising impact to adjoining property, streetscape appearance and minimising bulk of garages, and allowing landscape works to be undertaken.

The Precinct Plan and Design Guidelines contain the following setback requirements:

2m setback to Caddies Boulevard, Rouse Hill Drive and the rear boundary and a nil setback to Leisure Square.

The following setbacks are proposed:

2 metre setback to Caddies Boulevard to the building.
2 metre setback to Rouse Hill Drive.
2 metre setback to the rear boundary.
2 metre setback to Leisure Square.

It is noted that two courtyard areas are located within the setback to Caddies Boulevard and that retaining walls and landscape features are also proposed in the setbacks. The Design Guidelines state that setbacks are a minimum from the property line to the front façade of the ground floor residential uses.

The proposed setbacks are considered satisfactory in that the site is effectively separated from adjoining future residential development to the north and south and is also separated from the Town Centre development opposite (which is across Caddies Boulevard). The site is discrete in that it has two street frontages, and adjoins Leisure Square and Caddies Creek area. The site is therefore considered to be located in a park setting. The variation is considered reasonable in that context.

The proposed design of the development and the setbacks and landscape planting proposed will provide a satisfactory streetscape outcome. The development will effectively define built upon area, minimise impacts to adjoining properties and allows adequate solar access.

As such the proposal is considered satisfactory in regard to the DCP requirements.

b. Apartment Layout and Design

The DCP requires the following unit areas:

Minimum floor areas:

1 bed – 75m²

2 bed – 110m²

3 bed – 135m²

A maximum of 10% of the units can have the following minimum internal floor areas:

1 bed – 65m²

2 bed – 90m²

3 bed – 110m²

There are no 1 bedroom units proposed. The following unit sizes are proposed:

2 bedroom – 82m² – 139m²

3 bedroom – 144m² – 183m²

Twelve units in total do not comply with the minimum 2 bedroom unit area comprising four units with an area of 82m², four units with an area of 95.5m² and four units with an area of 99m².

5% (4 units) are less than the maximum reduced floor area which complies with the DCP requirement.

It may be noted that at the time of lodgement of the Development Application, the DCP in force at that time did not contain any specific unit size controls for residential flat buildings.

Comment:

The objective of the DCP is:

Ensure that there is a diverse range of apartment sizes with a high amenity.

The proposal includes a range of apartment units which will cater for residents. The two bedroom units range from 82m² to 139m² which, at the upper level, exceeds the minimum requirements of the DCP. All of the 3 bedroom units exceed the minimum requirements of the DCP.

The proposed units are considered to have a high level of amenity with the units adjoining Caddies Creek open space area, a broad range of commercial, retail and social facilities within the Town Centre.

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

As such the proposed apartment sizes are considered satisfactory.

c. Landscape Area on Natural Ground Level

The DCP requires that a minimum 25% of the site area is to be landscaped area on natural ground level. The proposed area of landscape on natural ground level is 626.5m² which is 13.6%.

The applicant has submitted the following as justification:

The proposed development provides private open space directly accessible from the main living areas of each apartment. The private open space areas have a north east orientation and receive good level of solar access.

In addition, 1,340m² of communal open space is provided on ground level, which is accessible to all residents. A minimum of 20m² of private and communal open space per dwelling is provided, as required by the DCP. The ground floor units sit above a basement car park, in a podium form and therefore have balconies/terraces rather than outdoor gardens. Screening between each ground floor private open space area is provided for privacy.

The natural ground level of the site is already highly modified as part of the early infrastructure works and temporary landscaping undertaken for the town centre establishment. Further, due to the site's topography opportunity and the nature of the building works there is limited opportunity for ground level open space to be provided on natural ground level. The landscaping in the northern corner of the site is approximately at existing ground level.

Balconies are a minimum of 2m deep and more than 70% of the balconies receive 3 hours of solar access during mid-winter.

Comment:

The principles of the DCP are:

- (i) *Provide landscape areas for planting of screening and decorative trees, site amenity, open space, ground water recharge, site drainage management and other landscape outcomes.*
- (ii) *High quality landscaping and open space (including private open space) is required to each dwelling to enhance the visual appeal, improve environmental performance and increase liveability for residents.*

The proposal provides basement carparking with residential units above. Due to the extent of the basement carpark a reduced area for landscape works on natural ground level is available. The proposal satisfies SEPP 65 Design Quality of Residential Flat Buildings which requires that a minimum of 25% of the open space area be on natural ground level. On this basis an open space area of 29% is provided being 627m² based on an open space area of 2142m².

The development is located beside the open space area along Caddies Creek and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate common and private open space for residents. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome.

As such the proposal is considered satisfactory in regard to the objective of the DCP.

4. Compliance with the Approved Precinct Plan 1581/2005/HB

a. Compliance with Conditions of Consent

Development Consent 1581/2005/HB was approved by Council on 26 July 2005. The following conditions of consent are relevant to the current proposal.

Condition	Comment	Satisfactory
<u>1. Development In Accordance with Plans</u> The development being carried out in accordance with the approved plans and details, stamped and returned with this consent, being: (list of plans)	The proposal is generally consistent with the approved plans.	Yes
<u>2. Level 3 Development Applications for Construction Works</u> Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.	The subject application is a level 3 Development Application.	Yes
<u>3. Design Guidelines</u> The draft design guidelines are to be finalised prior to the submission of the first Level 3 Development Application for works within the Town Centre Core Precinct. The guidelines are to be updated to reflect the conditions of consent and Design Review Panel comments. The guidelines relating to shade structures must indicate that the structures must not enclose the Town Centre Core Precinct.	The Design Guidelines have been finalised and are in force.	Yes
<u>4. Development of Trunk Drainage Land</u> The proposed residential and mixed use development on the land adjacent to Caddies Creek and the proposed leisure square is not to form part of Stage 1. Submission of Level 2 Development Applications in this portion of the Precinct is not permitted until the zoning is amended.	The zoning has been amended. The site is zoned B4 Mixed Use.	Yes
<u>9. Cycleways & Pedestrian Links</u> The proposed cycleway and pedestrian links are to connect into the proposed network within the adjoining precincts.	The propose works will not conflict with the existing established cycleway and pedestrian links.	Yes
<u>12. Safer by Design</u> All Level 3 Development Applications within the Town Centre Core Precinct are to be designed in accordance with the comments	The proposal has been referred to Castle Hill Police for review and comment.	Yes

contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the "Safer By Design" Guidelines.		
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b. Compliance with Approved Plans

The consent requires future works to be carried out in accordance with documentation and plans submitted with the Development Application.

The proposal is generally consistent with approved Precinct Plan with the exception of the following:

- (i) DA-001B, Town Centre Linkage and Concept Plan – the plan does not show the required bike parking station or public pedestrian link through the site – see comments below.
- (ii) DA-002, Land Use – Ground Floor – the plans shows the site as predominantly residential with a small mixed use component. The mixed use component is not provided – see comments below.
- (iii) DA-12, Public Realm Plan – the plan identifies a 6m wide 'pedestrian way' through the centre of the site. This has not been provided – see comments below.
- (iv) DA-013, Pedestrian and Cyclist Circulation Plan – the plan identifies a pedestrian only route through this site. This has not been provided – see comments below.
- (v) DA-015A, Maximum Building Height Plan (and including various sections) – see comments below on height.

c. Compliance with Design Guidelines

Condition 2 of Development Consent 1581/2005/HB stated as follows:

2. Level 3 Development Applications for Construction Works

Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.

Final Design Guidelines were submitted on 08 November 2005. The following table addresses the relevant sections of the Design Guidelines which are specific to the subject site or to residential flat buildings:

Section	Required	Provided	Complies
A02: Siting and Massing: Setbacks	2m setback to Caddies Boulevard, Rouse Hill Drive and the rear boundary and a nil setback to Leisure Square.	A 2m setback is proposed to the front, side and rear boundaries.	Yes
A03: Siting and Massing: Building Heights and	Heights - See comments below.	See comments below.	No, see comments below.

Dimensions			
A03: Siting and Massing: Building Heights and Dimensions	Floor Heights: 2.7m	The floor to ceiling heights are 2.7m.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Depth: 8-18m deep	Building depth approx. 19.9 metres.	No, see comments below.
A03: Siting and Massing: Building Heights and Dimensions	Building Length: 80m maximum. For buildings more than 40m in length, the façade must be articulated.	Both buildings are 53.8m in length. Appropriate articulation is used in the design.	Yes
B01: Built Form: Building Uses	The site is identified for SOHO/residential use (single occupancy home office) with a mixed use component at the corner of Caddies Boulevard and Leisure Square.	Mixed use component not provided.	No, see comments below.
B02: Built Form: Facades	Appropriate articulation is to be used to reinforce a modern residential design. Balconies for the apartments are to add to the design of the buildings. All balconies are to have an area of 10m ² and be functional.	The buildings incorporate appropriate articulation. All balconies have a minimum 12m ² area and are functional areas.	Yes
B04: Built Form: Building Entries	Building entries to units are to be defined and identifiable.	The entries provided are appropriate and easily identified.	Yes
B05: Built Form: Grade Changes	Staircase and/or ramp to be provided for pedestrian access from Caddies Boulevard to the pond.	No pedestrian access proposed.	No, see comments below.
B09: Sun and Shadowing and Energy Use: Built Form	Apartments are to comply with SEPP 65 and have appropriate BASIX outcomes.	The proposal is satisfactory in regard to SEPP 65 and BASIX.	Yes
B11: Built Form: Materials and Colour	Use of a palette appropriate to a contemporary urban character.	The proposed materials and colours are appropriate to a modern character.	Yes
B12: Built Form: Residential Open Space	Each dwelling is to be provided with an appropriate amount of private open space in the form of balconies or at-ground. Each dwelling shall be provided with a minimum of 20m ² of open space/unit (includes common open space and setback areas).	Each dwelling is provided with an appropriate amount of private open space. Communal areas equate to the general 20m ² area required.	Yes

C01: Character: Vision	Plans indicate the site has a 'waterfront esplanade residential' character which is required to respond to the water and natural landscape setting.	The building design responds to the character of the site.	Yes
D01: Public Realm: Public Realm Masterplan	A link is to be provided between the two residential buildings. Due to grade changes the link will need to contain stairs and will not be fully accessible. The link is to be 6m wide.	A public link has not been provided.	No, see comments below.

In regard to the Precinct Plan and Design Guidelines, the applicant has addressed the variations as follows:

a. Bike Parking Station

The Design Guidelines require that a bike parking station be provided.

The applicant has submitted the following as justification:

We note the Pedestrian and Cyclist Circulation plan indicates a bicycle parking station at the southern corner of Lot 7 (Block B). DFP is of the view that the bicycle stations, as with the transit centre/bus stops, are public facilities to be provided in the public domain. The development application does not preclude the provision of a public bicycle parking station on Caddies Boulevard.

Notwithstanding this, it is proposed to provide bike racks in front of each building on Lot 7 which will accommodate parking for 20 bikes.

Comment:

As stated by the applicant, it is agreed that a bike parking station is not a matter for a private development. There is adequate area provided in the adjoining Leisure Square for a public bike parking facility to be provided in the development of Leisure Square. The applicant has provided appropriate bike parking to cater for the subject development.

As such no objection is raised to the non-provision of a bike parking station.

b. Building Height

The DCP limits residential flat buildings in commercial precincts to 6 storeys and up to 9 storeys in limited locations. The proposed development is seven storey in height.

The applicant has submitted the following to justify the proposed height:

The THDCP seeks to achieve a diversity of building form and scale in the Rouse Hill Regional Centre. The DCP also seeks to create a strong urban feel and sense of containment in streetscapes. Further the DCP also seeks to achieve a high urban quality environment and a consistent design style.

The DCP establishes the residential flat buildings in commercial precincts (i.e. the Town Centre Core precinct) be six storeys and up to nine storey in some locations. It is should

also be noted that The Hills LEP 2012 has also increased the maximum building height limit to 36m on the site, which would allow for a building of up to 11 storeys, in part.

A seven storey building is proposed to maximise the opportunity for residential dwellings on the site (and in the town centre) and to achieve the 143 dwellings identified for Blocks A-D as specified in the Town Centre Core Precinct Plan.

The seven storey building height also reflects previous design schemes for the site and has been endorsed by the Design Review Panel. The proposed building heights for Blocks A, B and C are delivering a consistent scale along Caddies Boulevard in the town centre core area.

Comment:

The building height plan and various sections indicate that the height across the site varies from RL 62.5 (19.5m) to RL 44.5 (6.5m). The building height plan proposes the higher built form adjacent to Caddies Boulevard and the lower built form adjacent to the pond. The height is also shown in storeys with the height at 6 storeys, 5 storeys, 4 storeys and 2 storeys at various locations across the site. The sections reflect the overall height plans and demonstrate the height reduction across the site from Caddies Boulevard to the pond. The height plans and sections show the full area of the site for development.

The LEP 2012 height limit for the site is 36 metres.

The proposed height is RL 67.7 to the top of the plant roof area for both Blocks A and B and RL 63.9 to the roof of both Blocks A and B. The maximum height of the building is approximately 28.8 metres.

The proposed buildings vary in height from the proposed height plan contained with the Precinct Plan with development focussed on the Caddies boulevard frontage. The proposed height is consistent with the LEP 2012 height limit.

The proposed height is considered to be satisfactory in terms of streetscape and relationship to the Town Centre.

The proposed height is satisfactory and can be supported.

c. Building Depth

The Design Guidelines limit the building depth to 8-18m deep. The proposed depth is a maximum 19.8 metres.

The applicant has submitted the following as justification:

The Residential Flat Design Code (RFDC) provides that building depths of 10m-18m are appropriate. Further, the RFDC also notes that freestanding tower buildings may have a depth greater than 18m if they can achieve satisfactory daylight access and cross ventilation.

The proposed buildings have depth of between 19.2m to 19.8m. Whilst these depth are greater than the DCP, 95% of the apartments are cross ventilated and 96% of apartments receive very good solar access given the north east orientation of the majority of units with living areas receiving 3 hours of sunlight between 9am and 2pm in mid-winter.

Comment:

The proposed design of the buildings is considered satisfactory. The proposed buildings will provide an appropriate streetscape outcome reflecting the modern development style within the area. The design will provide an appropriate level of internal amenity for future residents with access to light and solar access. The design is considered satisfactory in respect to SEPP 65 and the Residential Flat Design Code.

As such the proposed building depths are considered satisfactory and can be supported.

d. Non-provision of Mixed Use Component

In the Design Guidelines the site is identified for SOHO/residential use (single occupancy home office) with a mixed use component at the corner of Caddies Boulevard and Leisure Square. A mixed use component has not been provided.

The applicant has submitted the following as justification:

The Precinct Plan identifies a small area of floor space adjoining Leisure Square as Mixed Use which is noted to include commercial and/or residential and/or retail space. As the plan nominates residential uses it is considered the proposed development is consistent with the approved Land Use plan.

Comment:

Whilst the development does not provide a mixed use component, the proposed development is supported by the adjoining existing Town Centre which provides appropriate commercial and retail uses for the area. The non-provision of a mixed use component will not adversely impact upon the subject development or the future development of the Town Centre.

As such no objection is raised to the non-provision of a mixed use component.

e. Pedestrian Link

The Design Guidelines require a link to be provided between the two residential buildings from Caddies Boulevard to the pond. Due to grade changes the link will need to contain stairs and will not be fully accessible. The link is to be 6m wide. This has not been provided

The applicant has submitted the following as justification:

The Precinct Plan identifies a Pedestrian through-site link on Blocks A and B. As discussed above, due the sites topography and the provision of basement parking it is not possible to provide a through site link. A through-site link is not considered necessary as public access to Caddies Lake and the lakeside walkway is available from Rouse Hill Drive, Leisure Square and White Hart Drive, which are the preferred public pedestrian/cycle links.

Comment:

As outlined by the applicant, there is adequate area for access to the pond and Caddies Creek area from public roads or from the adjoining Leisure Square. The site slopes through the central portion of the site from approximately RL 42.61 to RL 38.22 which is a fall of 4.3 metres. Whilst there is opportunity for the design to be amended to facilitate an accessible pathways, this would adversely impact on the design and would not result in an efficient use of the site area.

As such the proposed design is considered satisfactory.

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

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

Primary Controls Part 1 – Local Context	Guideline	Compliance
Building Height	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.	There is no FSR applicable. The proposed height is considered satisfactory. See comments above regarding height. The proposed height is consistent with LEP 2012.
Building Depth	In general, an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day light and natural ventilation are to be achieved.	Proposed depth of some sections of the residential apartment buildings will exceed 18m. See comments above. The proposal has been designed with sufficient articulation and stepping across all building facades. The proposal allows for sufficient day lighting and solar access. Natural ventilation will occur throughout the site and accordingly satisfy the aim of the building depth control.
Building Separation	Design and test building separation controls in plan and section. 5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms	Adequate separation is provided with 18m between balconies.
Street Setbacks	Identify the desired streetscape character, the	See compliance table in Section 3 above.

	<p>common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p> <p>Test street setbacks with building envelopes and street sections.</p> <p>Test controls for their impact on the scale, proportion and shape of building facades.</p>	Buildings are well articulated and in proportion with respect to the locality of the development.
Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	<p>See compliance table in Section 3 above.</p> <p>Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.</p>
Floor Space ratio	Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.	There is no FSR applicable to the site under LEP 2012. The proposal is considered satisfactory.
Part 2 – Site Design		
Site Configuration		
Deep Soil Zones	<p>A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable.</p> <p>Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.</p>	29% deep soil zone is provided (627m ² based on an open space area of 2142m ²). The development has adequate stormwater detention to cater for run-off.
Open Space	The area of communal open space required should generally be at least between 25% and 30% of the site area. Larger sites	29% of common open space is provided (1342m ²).

	and brownfield sites may have potential for more than 30%.	
Planting on structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. A range of plant sizes are outlined.	Adequate site landscaping is provided.
Site Amenity		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	The Police have assessed the proposal and made recommendations. See Section 6 below.
Visual privacy	Refer to building separation minimum standard.	Adequate separation between buildings has been provided to ensure visual privacy.
Site Access		
Pedestrian access	<p>Identify the access requirements from the street or car parking area to the apartment entrance.</p> <p>Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20 percent of dwellings in the development</p>	<p>Ground level entrances provided and lift access to each floor is available from all basement levels.</p> <p>Accessibility report submitted and satisfactory.</p> <p>All units are accessible by lift.</p>
Vehicle access	<p>Generally limit the width of driveways to a max. of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	Adequate vehicle entry points are provided. In accordance with Australian Standards which will not conflict with pedestrian access.
Part 3 – Building Design		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8m from a window.	There are two single aspect units which have an appropriate depth.

	The back of a kitchen should be no more than 8m from a window.	Satisfactory kitchen locations.
Apartment mix	<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	<p>A variety of unit sizes has been provided. Unit sizes are proposed at:</p> <p>2 bedroom – 82m² – 139m²</p> <p>3 bedroom – 144m² – 183m²</p> <p>Some balcony areas do not meet the unit typology table – see comments below.</p>
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All balconies meet the minimum depth.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Adequate ceilings heights are provided.
Ground Floor Apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	Satisfactory ground floor layouts provided with access to ground floor open space where appropriate.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible	Proposal designed to maximise residential amenity.

	<p>from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).</p>	
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>studio apartments 6m³;</p> <p>one-bedroom apartments 6m³;</p> <p>two-bedroom apartments 8m³;</p> <p>three plus bedroom apartments 10m³</p>	<p>Provided as required in relevant units. In addition, 400m³ of storage has been provided in each basement garage and each apartment is allocated 10m³.</p>
Building Amenity		
Daylight Access	<p>Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how</p>	<p>96% of units receive 3 hours sunlight between 9am and 3pm.</p> <p>Northern orientation has been maximised.</p> <p>2% of single aspect units are south facing.</p>

	energy efficiency is addressed (see Orientation and Energy Efficiency).	
Natural Ventilation	<p>Building depths, which support natural ventilation typically range from 10m to 18m.</p> <p>60% of residential units should be naturally cross-ventilated.</p>	<p>Generally unit depths are less than 18m however maximum building depth is 19.8m.</p> <p>The proposed depths are satisfactory as the development is of a scale that is consistent with the desired existing and future context.</p> <p>95% of units are cross ventilated.</p>
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW Waste Board.	Satisfactory waste management details provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Satisfactory.

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

(i) Context

The development responds to and reflects the context into which it is placed. The site is located at the corner of two roads and is close to public transport. The site is part of the envisaged Masterplan for development of the Rouse Hill Regional Centre. The Town Centre precinct is currently characterised by predominantly retail/commercial land uses with some residential use. The context is likely to change over the coming years as further residential development occurs.

(ii) Scale

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

Development Control Plan provisions by maintaining the development height within the LEP.

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

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

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

(iii) Built Form

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

(iv) Density

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the Town Centre area.

(v) Resources, Energy and Water Efficiency

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

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

(vi) Landscape

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

(vii) Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates

satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) Safety and Security

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

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

(ix) Social Dimensions

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

(x) Aesthetics

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

a. Unit Size

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

Development Unit Type	RFDC Apartment Type	RFDC Required Internal Area	Proposed Internal Area	RFDC Required External Area	Proposed External Area
Type 4 (3 bedroom)	Type 5 (3 bedroom)	124m ²	182.5m ²	24m ²	17.5m ² – 27m ²
Type 5 (3 bedroom)	Type 5 (3 bedroom)	124m ²	142.5m ²	24m ²	17.5m ²

The applicant has submitted the following as justification:

DFP prepared a letter dated 20 December 2013 which provided a table which assessed the proposed units against the table on page 69 of the RFDC. The table indicated that the only variations related to the balcony sizes of the three bedroom units. The RFDC on page 69 provides one example of a three bedroom unit which provides a balcony of 24m². The balcony size for the type 4 and 5 three bedroom units is 17.5m². These balconies are 2.5m in depth and face north east and accordingly have very good solar access during the morning and early afternoon at the winter solstice. On page 72 of the RFDC detail is provided in relation to balcony requirements. Clause 03.16.B states "a

2.4m balcony is needed for a table and four chairs." The proposed units' balconies have a depth of 2.5m and an area of 17.5m² which allows a table and six chairs to be accommodated. These units have stackable doors that open from the living room to the balcony which is consistent with point C of Clause 03.16 which states "operable walls may be more appropriate in some contexts."

It is therefore considered that the provision of a 17.5m² balcony with a minimum dimension of 2.5m provides very good opportunities for a BBQ and tables and chairs to be accommodated on the balcony. Furthermore, the stackable doors that open directly onto the living room provide additional entertaining opportunities and provides very good ventilation opportunities.

As stated on page 23 of the SEE, 96% of the units receive 3 hours of sunlight between 9am and 3pm in mid-winter and 95% of the units are naturally cross ventilated which significantly exceeds the requirements of the RFDC of 60% cross ventilation and 70% solar access. Providing a 17.5m² balcony does not impact on the natural daylight or cross ventilation for these units however, as stated above, the stackable doors to the balcony will significantly improve ventilation opportunities compared to a sliding door to the balcony.

The proposal provides a range of two bedroom units of which Type 3, Type 3a and Type 6 units are not equivalent to any of the two bedroom units identified in the table on page 69 of the RFDC and were identified in our letter of 20th December 2013.

There are 2 x Type 3 two bedroom plus study units which are both located on ground floor, both of these units are orientated to the north east, thereby receiving more than 3 hours of solar access during the morning to mid-afternoon and have in excess of 26m² of private open space. These units are provided with stackable doors from the living area into the private open space area which provides good ventilation opportunities. As the living room is directly adjacent to the private open space, it receives solar access for more than 3 hours of the day at the winter solstice.

There are 2 x Type 3a units which are also located on the ground floor and enjoy in excess of 26m² of private open space. These units are orientated to the north east and accordingly the open space and the adjoining living room receive more than 3 hours of solar access at the winter solstice. The stackable door is located adjacent to the living room providing direct access to the private open space area. Therefore, there is good solar access to the living room and the stackable doors provide very good ventilation opportunities to the living room and the rest of the unit.

There are 2 x Type 6 two bedroom plus study units located on the first, second, third, fourth and fifth floors making a total of 10 units. These units are naturally cross ventilated as they are cross flow units. These units are orientated to the north east with the balcony orientated to the north east overlooking Caddies Lake. These units have balconies of 17.5m² with a minimum dimension of 2.5m allowing a table and six chairs to be accommodated on the balcony. The living room is located directly adjacent to the balcony and is accessible via the stackable doors. The stackable doors will significantly increase the ventilation opportunities to the unit and provide increased entertainment opportunities for the residents. Accordingly, it is considered that the amenity of these units is very good with all the above mentioned units receiving more than 3 hours of solar access to their balcony/ground level open space and living rooms at the winter solstice.

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

Comment:

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

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

It is noted that the internal floor area of all of the proposed units complies with the SEPP requirements. As outlined in the table above, the units which seek to vary the balcony area exceed the minimum internal floor area standard of the SEPP. In this respect the Type 4 unit has an additional floor area of 41.5m² and the Type 5 unit has an additional floor area of 18.5m² above the SEPP requirement. This allows additional internal area for passive recreation.

The proposed units have been designed to have regard to the views of the Caddies Creek area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a park-like setting in that it adjoins the Caddies Creek area and future Leisure Square. In addition Council's Iron Bark Ridge Park is located to the east.

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

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

6. Public Authority Comments

The proposal was referred to the NSW Roads and Maritime Services (RMS) and Castle Hill Police. The following comments were received:

a. RMS Comments

The proposal was referred to RMS given that the proposal exceeds 75 dwellings. RMS have raised no objection to the proposal subject to the following:

- i. 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 and AS 2890.2- 2002 for heavy vehicle usage.
- ii. The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
- iii. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

The above comments have been reviewed. In regard to Comment (ii) above, the proposal is adjacent to the signalised access at the intersection of Caddies Boulevard and Rouse Hill Drive which allows appropriate pedestrian access. As such this component of the condition has not been included in the recommendation. Condition recommended – see Condition 4.

b. Police Comments

The proposal was referred to Police in accordance with Council's Protocol. The Police have raised no objection to the proposal and made the following comments:

- i. Fencing should be vertical style to stop unauthorised access to ground floor units;
- ii. Materials chosen should have regard to the potential for graffiti.
- iii. Potential for unauthorised access to car parks and tenant storage areas. Police suggest a use of a swipe card or keypad access for residents to access these areas. Each garage door should be secured and it is recommended that an alarm system be installed.
- iv. The development is not expected to have an unacceptable impact to key intersections.
- v. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

Condition recommended – see Condition5.

SUBDIVISION ENGINEERING COMMENTS

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

TRAFFIC MANAGEMENT COMMENTS

Council's Manager Infrastructure Planning has reviewed the proposal and advised that sight distances area satisfactory for the access point and intersection capacity will not be affected by the development.

TREE MANAGEMENT COMMENTS

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

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

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

WASTE MANAGEMENT COMMENTS

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

SECTION 94 OFFICER

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

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to the DCP part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks and area of landscape on natural ground level. In addition,

variations are proposed to the Town Centre Precinct Plan in regard to bike parking station, height, building depth, mixed use and pedestrian link, and also to SEPP 65 – Design of Residential Flat Buildings in relation to unit area.

The proposal is satisfactory and is recommended for approval.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of smaller lots with a known built form outcome.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA101A	Cover and Locality Sheet	01/14/13
DA103B	Basement Carpark Plans	03/08/13
DA104C	Ground Floor and Typical Floor Plans	3/04/2013
DA105B	Sixth Floor & Roof Plan	3/04/2013
DA106B	Elevations Block A	Sept 2013
DA107B	Elevations Block B	Sept 2013
DA108B	Sections Blocks A & B	3/04/2013
DA109B	Shadow Diagrams	3/04/2013
DA110	View to Board Walk Block A	Sept 2013
DA111	North Aerial View	Sept 2013
---	External Finishes	---
1167	Survey Plan	20/12/2008 Rev. D
0604.LA.02	Landscape Concept Plan – Buildings A & B	December 2013 Issue D
0604.LA.05	Plant Schedule and Example Plant Images	December 2013 Issue D

0604.L.06	Landscape Details & Specification	December 2013 Issue D
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No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Construction Certificate

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

3. 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.

4. RMS Requirements

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

- a. 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 and AS 2890.2- 2002 for heavy vehicle usage.
- b. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

5. Police Requirements

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

- i. Fencing should be vertical style to stop unauthorised access to ground floor units;
- ii. Materials chosen should have regard to the potential for graffiti.
- iii. There is potential for unauthorised access to car parks and tenant storage areas. Police suggest a use of a swipe card or keypad access for residents to access these areas. Each garage door should be secured and it is recommended that a alarm system be installed.
- iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

6. Bushfire Requirements

Compliance is required with the Bushfire Hazard Assessment Report dated 2nd December 2013 prepared by Building Code & Bushfire Hazard Solutions Pty Limited and including the following requirements:

Asset Protection Zones

- a. That the layout and building footprint complies with the Site Analysis Plan prepared by Leffler Simes Architects, job no 3576, dwg no DA102A, dated 02/12/13.
- b. That all grounds not built upon within the subject property be maintained as an Asset Protection Zone as detailed in the NSW Rural Fire Service's document

'Standards for Asset Protection Zones' and Appendix 2 of Planning for Bush Fire Protection 2006.

Construction

- c. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush fire Protection".

Landscaping

- d. That all landscaping is to comply with Appendix 5 'Landscaping and Property Maintenance' under Planning for Bush Fire Protection 2006.

Grounds Management Plan

- e. That a fuel management plan for the Asset Protection Zones is prepared and is required to address:
- Contact person / department and details
 - Schedule and description of works for establishing and continued maintenance of the Asset Protection Zones
 - Management strategies and description of works for landscaped areas within the site

Bushfire Emergency Management Plan

- f. That a Bushfire Emergency Management Plan is prepared and is to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'. This will require an Bushfire Emergency Management Plan to be prepared consistent with the NSW Rural Fire Service document Guidelines for the Preparation of Emergency/Evacuation Plan detailing the following:
- i. under what circumstances will the complex be evacuated;
 - ii. where will occupants be evacuated to;
 - iii. roles and responsibilities of persons co-ordinating the evacuation;
 - iv. roles and responsibilities of persons remaining with the complex after evacuation; and
 - v. a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

7. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

165 resident car parking spaces;

32 visitor car parking spaces; and

Two bike racks accommodating a minimum of 20 bikes.

8. Tree Removal

Approval is granted for the removal of trees planted as temporary landscaping as shown on amended landscape concept plan as prepared by Greenland Design dated December 2013 Issue D

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.

9. Separate Application for Strata Subdivision

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

10. 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.

11. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

12. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

13. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) Parking DCP
- d) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

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

14. Gutter and Footpath Crossing Application

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

15. Minor Engineering Works

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

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. 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 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

ii. 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.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event generally in accordance with the plans prepared by CAM Consulting dated 12 December 2013.

16. 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.

17. 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.

18. Washing of Vehicles

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

19. 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.

20. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by EMM Pty Ltd, referenced as J13130RP1, dated 3 February 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6 - Recommendations

21. Adherence to Waste Management Plan

All requirements of the Waste Management Plan prepared by DFP Planning Consultants, dated 25 September 2013 and submitted as part of the Development Application must be implemented during construction of the development, except where amended by other conditions of consent. A copy of the Waste Management Plan together with receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

22. Management of Construction Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Any waste material removed from the site must be transported in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and only to a place that can lawfully be used as a waste disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. Receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place.

23. Surplus Excavated Material

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

24. Commencement of Domestic Waste Service

The Strata Management must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days prior to occupancy of the development. Notifications must be made by the Strata Management by telephoning Council on (02) 9843 0310.

25. Construction of Domestic Bin Rooms

All work involving construction of the domestic bin rooms shall comply with the requirements of Council's *Bin Storage Facility Design Specifications* and the rooms must also be mechanically ventilated. Storage facility in each bin room is to be provided for a minimum of eight (8) 660 litre and twenty-two (22) 240 litre mobile garbage bins.

26. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is:

Units 1-80 / Lot 7 Caddies Boulevard Rouse Hill

Applicant is to contact Land Information Section prior to lodgement of final draft plan of subdivision for street number. Units are to be numbered ascending from each lift well as listed below and as per plans marked by Land Information.

Building A

Lift 1 - Units 1-14

Lift 2 – Units 15-26

Lift 3 – Units 27-40

Building B

Lift 4 – Units 41-54

Lift 5 – Units 55-66

Lift 6 – Units 67-80

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all lift/foyer entrances including basement level.

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.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

27. Section 94 Contribution

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

Payments comprise of the following: -

	<i>2br per Unit</i>	<i>3br per Unit</i>	<i>Credit</i>	<i>2 Bedroom: 26</i>	<i>3 Bedroom: 54</i>	<i>Sum of Units</i>	<i>Credits: 1</i>	<i>Section 94</i>
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 149,226.22	\$ 398,483.28	\$ 547,709.50	\$ 10,112.40	\$ 537,597.10
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 61,376.12	\$ 163,894.32	\$ 225,270.44	\$ 4,159.19	\$ 221,111.25
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 217.91	\$ 3,215.68	\$ 8,587.08	\$ 11,802.76	\$ 217.91	\$ 11,584.85
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 27,839.50	\$ 74,340.18	\$ 102,179.68	\$ 1,886.55	\$ 100,293.13
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 4,280.90	\$ 11,431.80	\$ 15,712.70	\$ 290.11	\$ 15,422.59
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 24,587.16	\$ 65,655.90	\$ 90,243.06	\$ 1,666.16	\$ 88,576.90
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 58,455.54	\$ 156,095.64	\$ 214,551.18	\$ 3,961.28	\$ 210,589.90
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 328,981.12	\$ 878,488.20	\$ 1,207,469.32	\$ 22,293.60	\$ 1,185,175.72

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

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

This condition has been imposed in accordance with Contributions Plan No 8.

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

28. Basement Car Park and Subsurface Drainage

The stormwater pump-out system (for the second basement level only, the remainder of the site must drain under gravity) must provide for the following:

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

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

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

29. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

30. 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.

31. 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.

32. 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 \$90,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (150m) plus an additional 50m on either side (250m) and the width of the road measured from face of kerb on both sides (12m).

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.

33. Bank Guarantee Requirements (Development)

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 383/2014/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.

34. 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).

PRIOR TO WORK COMMENCING ON THE SITE

35. Principal Certifying Authority

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment

contamination the filters will be regularly inspected and replaced during the duration of the works.

42. Erosion and Sedimentation Controls – Minor Works

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).

43. 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).

44. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

45. 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. 483432M 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.

46. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

47. 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.

48. 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.

49. Survey Report

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

50. 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.

51. Landscaping Works

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

52. Compliance with Requirements of Development Consent

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

53. 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.

54. 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.

55. Pump System Certification

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

56. 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. Positive Covenant – Stormwater Pump Maintenance

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

ii. Restriction – Bedroom Numbers

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The

restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

b) Registration of Request Documents

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

57. Final Inspection of Domestic Bin Rooms

Prior to an Occupation Certificate being issued, a final inspection of the domestic bin rooms and bin holding areas must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

THE USE OF THE SITE

58. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

59. 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*.

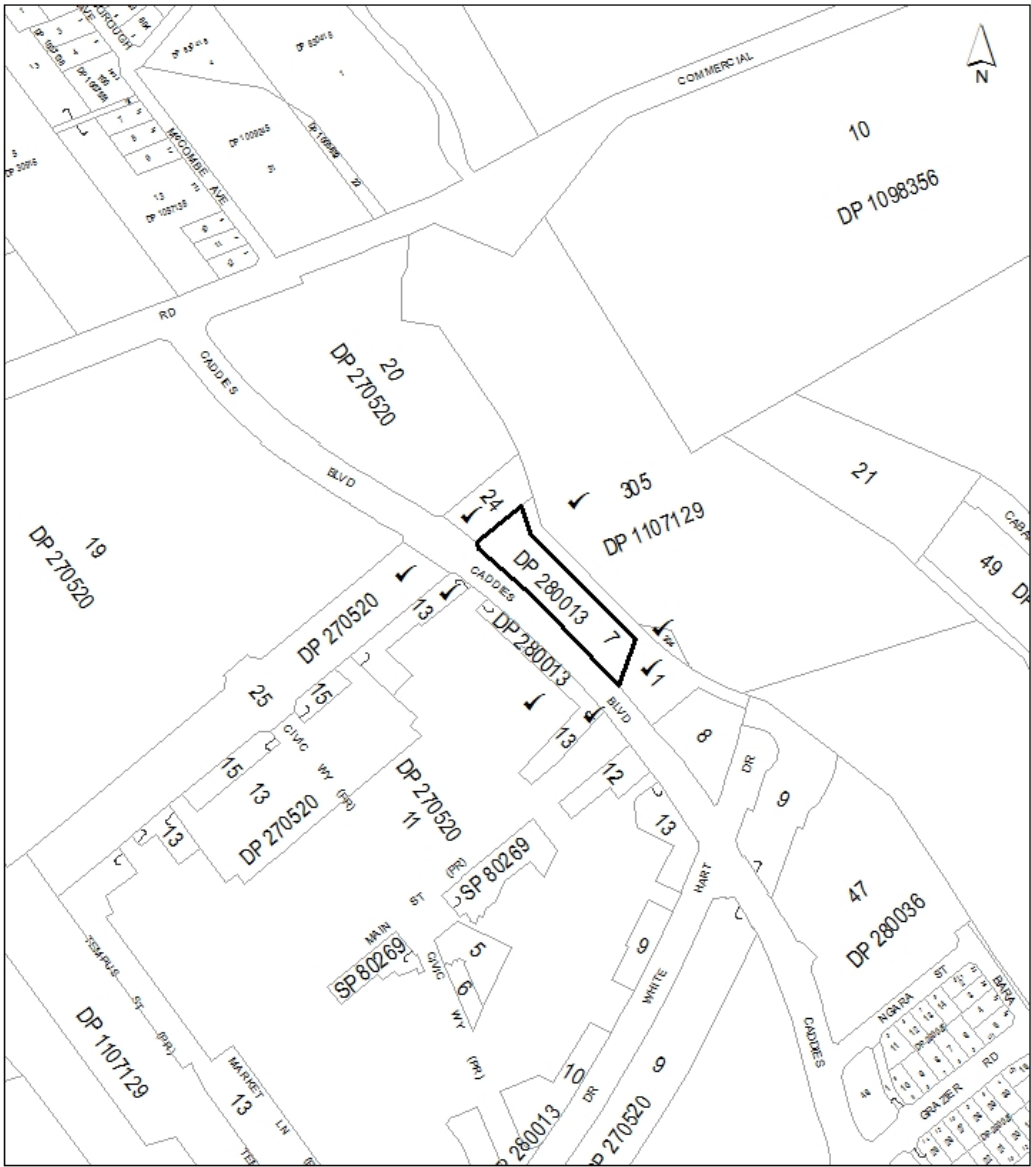
60. Waste and Recycling Collection

Engagement of a caretaker or manager, responsible for the movement of all garbage and recycle bins to and from their respective bin stand area on the allocated day of collection. The empty bins are to be returned to the domestic bin rooms within 2 hours of collection.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Elevation to Caddies Boulevard
5. Landscape Plan

ATTACHMENT 1 – LOCALITY PLAN



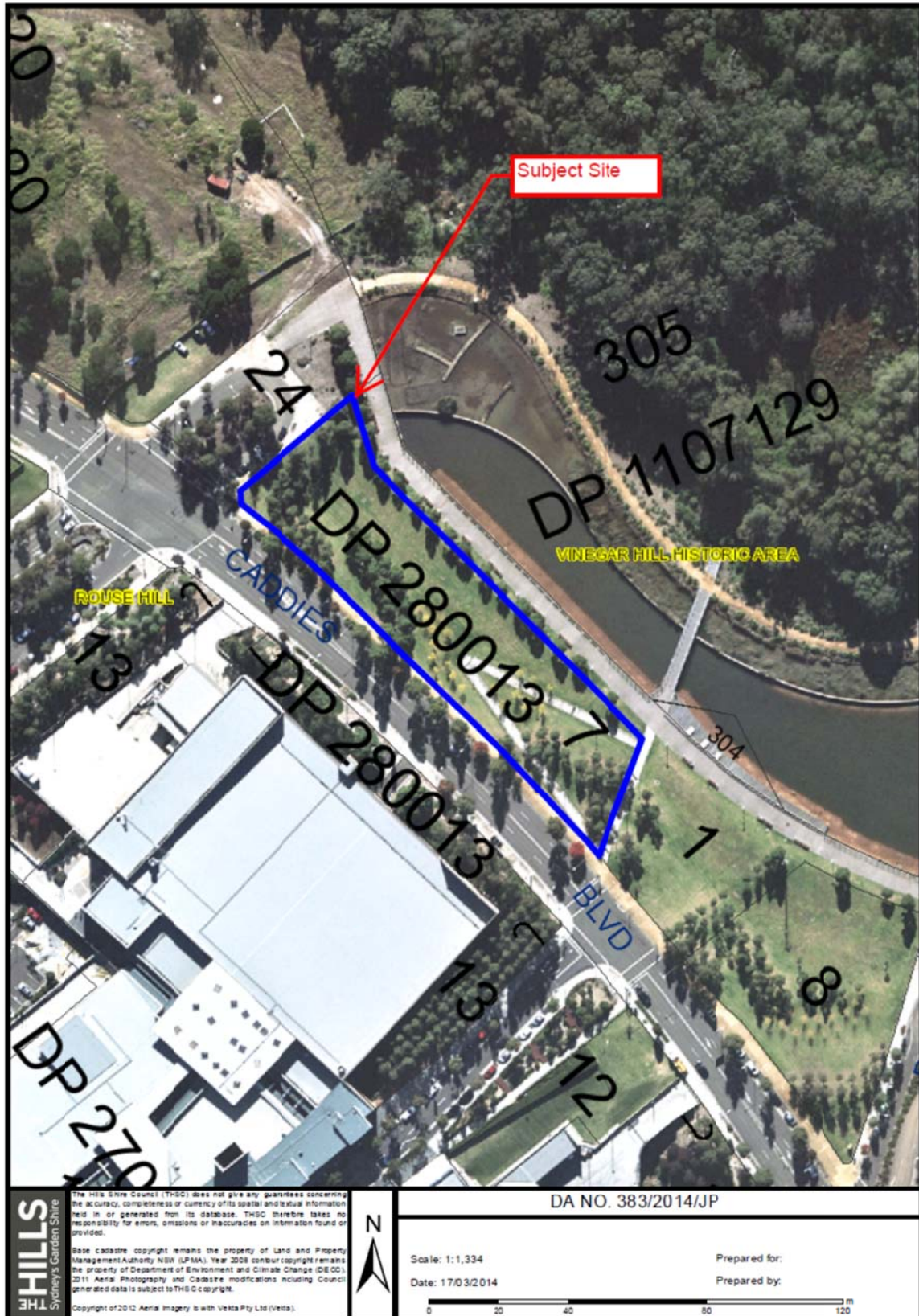
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SITE PLAN



ATTACHMENT 4 – ELEVATIONS TO CADDIES BOULEVARD



ATTACHMENT 5 – LANDSCAPE PLAN

It may be noted that at the time of lodgement of the Development Application, the DCP in force at that time did not contain any specific setback controls for residential flat buildings.



