

JRPP PLANNING REPORT

JRPP NO:	2013SYW103
DA NUMBER:	DA 586/2014/JP
LOCAL GOVERNMENT AREA:	THE HILLS SHIRE COUNCIL
PROPOSED DEVELOPMENT:	PROPOSED SEPP (AFFORDABLE RENTAL HOUSING DEVELOPMENT) 2009
STREET ADDRESS:	LOT 11 DP 280013, CORNER CIVIC WAY AND WHITE HART DRIVE, ROUSE HILL
APPLICANT:	WENTWORTH COMMUNITY HOUSING
LODGEMENT DATE:	7 NOVEMBER 2013
REPORT BY:	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	The Minister Administering the EP & A Act	1.	<u>LEP 2012</u> – Satisfactory, use is permissible under SEPP ARH
Zoning:	B4 Mixed Use	2.	<u>SEPP Affordable Rental Housing</u> – Satisfactory.
Area:	3050m ²	3.	<u>SEPP State And Regional Development</u> – Satisfactory.
Existing Development:	Vacant	4.	<u>SEPP 65 – Design of Residential Flat Buildings</u> – Satisfactory.
		5.	<u>SREP 19 – Rouse Hill Development Area</u> – Satisfactory.
		6.	<u>DCP Part D Section 6 – Rouse hill Regional Centre</u> - Satisfactory.
		7.	<u>Section 79C (EP&A Act)</u> - Satisfactory.
		8.	<u>Section 94 Contribution</u> – Yes, currently \$290,419.32

SUBMISSIONS

REASON FOR REFERRAL TO JRPP

1. Exhibition:	Not required.	1.	CIV exceeds \$5 million for Affordable Rental Housing.
2. Notice Adj Owners:	Yes, fourteen days.		
3. Number Advised:	Six		
4. Submissions Received:	one		

EXECUTIVE SUMMARY

The Development Application is for a residential flat building to be used for affordable housing under SEPP Affordable Rental Housing. The site is located at the corner of Civic Way and White Hart Drive and is part of the Rouse Hill Town Centre.

The development will assist in providing a range and diversity of housing within the Town Centre. The proposal is part of a commitment by the developer of the Regional Centre and the State Government to deliver affordable housing in the Regional Centre.

The proposal has been assessed under the provisions of State Environmental Planning Policy Affordable Rental Housing and is satisfactory.

The Development Application was notified to adjoining property owners and one submission was received. The issues raised relates to waste management. The proposed waste management arrangements have been reviewed and are satisfactory.

The Development Application is recommended for approval subject to conditions.

HISTORY

- | | |
|-------------------|---|
| 07/11/2013 | Subject Development Application lodged. |
| 26/11/2013 | Letter sent to the applicant requesting additional information regarding compliance with SEPP Affordable Rental Housing (SEPP ARH), engineering and drainage and salinity management. |
| 06/02/2014 | Additional information submitted by the applicant. |
| 25/02/2014 | Email sent to the applicant requesting additional information regarding the access ramp to the carpark, cross ventilation and waste management. |
| 07/03/2014 | Additional information submitted by the applicant. |

PROPOSAL

The Development Application is for a residential flat building to be used for affordable housing under SEPP Affordable Rental Housing. The proposed residential flat building has four levels over an under-croft basement containing 32 car parking spaces. Vehicle access to and from the basement is via a single driveway off Civic Way at the northern end of the building.

The building will have 28 dwellings in total which will comprise:

- 14 x one-bedroom;
- 13 x two-bedroom plus study;
- 1 x three-bedroom.

The site is located at the corner of Civic Way and White Hart Drive and is adjacent to the retail Town Centre. The area is currently used for temporary landscape planting. The site contains two areas of land which are attached by a vinculum. Attachments 1-3 shows the subject site.

Lend Lease, as one the developers of the Regional Centre site, have advised:

The agreement between Lend Lease GPT, DoPI and Urban Growth includes an obligation for Lend Lease GPT as developer of the Rouse Hill Regional Centre to provide land for the purpose of delivering affordable housing. This land is to be provided to the Minister for the purposes of delivering the housing within the Regional Centre. The application currently under assessment by The Hills Shire Council forms the first portion of this agreement. The application has been endorsed by the DoPI, Urban Growth NSW and Housing NSW.

DoPI, Urban Growth NSW, Housing NSW and Lend Lease GPT remain committed to positively contributing to housing affordability within North West Sydney.

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:-

6 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes:

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

The proposed development has a capital investment value of \$6,796,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with SEPP ARH 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (the "SEPP (ARH) 2009") contains the following aims:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The Development Application is made under Part 2 Division 1 of the SEPP (In-fill Affordable Housing).

Clause 6 of the SEPP states:

6 Affordable housing

Note. The Act defines affordable housing as follows:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household:

(a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

(2) In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation.

In regard to persons occupying the development, the applicant has advised:

All 28 dwellings will be owned and managed by Wentworth as rented apartments. There will be no privately owned or privately rented dwellings. 7 of the dwellings will be managed by Wentworth as social housing. These will be rented to low income households who earn less than 80% of the Sydney median income (\$75,244 at the 2011 Census). Rents will be capped at 30% of the household's actual gross income.

The other 21 dwellings will be managed by Wentworth as affordable housing. These will be rented to households who earn up to 120% of the Sydney median income. Rents will be discounted by 25% of the market rent for that unit. The focus of this affordable housing project is to provide affordable rental options for key workers (teachers, nurses, police etc) who need to work in Rouse Hill and surrounding suburbs.

Where the relevant controls prescribed by the SEPP are satisfied, this Policy provides for affordable rental housing to be developed. The relevant controls are:

Division 1: In-fill Affordable Housing			
Clause 10: Development to which Division Applies			
Clause	Requirement	Comment	Complies
Sub-clause 1	This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:		
Sub-clause 1(a)	the development concerned is permitted with consent under another environmental planning instrument, and	A residential flat building is permitted with consent in the zone under LEP 2012.	Yes

Sub-clause 1 (b)	the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <u>Heritage Act 1977</u> .	The site does not contain a heritage item and is not subject to an interim heritage order.	Yes
Sub-clause 2	Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	The development is within an accessible area.	Yes
Sub-clause 3	Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	The site is zoned B4 Mixed Use under LEP 2012.	Yes
Clause 13 Floor space ratios			
This clause applies if the percentage of the gross floor area of the development that is to be used for affordable housing is at least 20 per cent.			
The bonus FSR is N/A as Council has no FSR controls for the site under LEP 2012.		Proposed FSR of 0.6: 1 is reasonable.	Yes

The proposal has been assessed against the relevant controls prescribed by the SEPP for in-fill housing and the development's performance against the relevant controls of the Policy.

Standards that cannot be used to refuse consent			
Criteria	Requirement	Comment	Complies
Site Area	If the site area on which it is proposed to carry out the development is at least 450m ² .	The site area is 3050m ² .	Yes
Landscaped Area	In the case of a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling is provided.	980m ² required with 1438m ² provided.	Yes
Deep soil zones	There is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	47% (1438m ²) of the site is deep soil zone.	Yes
	Each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	The deep soil zones areas have a minimum dimension of 3 metres.	Yes
	If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area.	The deep soil zone is located to the rear/side of the built	Yes

		form.	
Solar access	If living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	86% of the dwellings receive a minimum 3 hours solar access.	Yes
Parking	In the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms.	14 (13.1) spaces required. 32 car parking spaces are provided.	Yes
Dwelling size	if each dwelling has a gross floor area of at least: 50m ² in the case of a dwelling having 1 bedroom, 70m ² in the case of a dwelling having 2 bedrooms 95m ² in the case of a dwelling having 3 or more bedrooms.	One bedroom – 51.41m ² – 54.03m ² Two bedroom – 72.28m ² – 80.41m ² Three bedroom – 95.23m ²	Yes

a. Clause 16 - SEPP 65

Clause 16 requires that the provisions of SEPP 65 be applied to a residential flat building. Note: Clause 15 relates to a requirement for 'Seniors Living Policy: Urban Design Guidelines for Infill Development' to be applied to development but only in circumstances where SEPP 65 does not apply. The following table addresses the requirements of SEPP 65.

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 units is 8.5-10 metres. 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	<p>Design and test building separation controls in plan and section.</p> <p>5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms</p>	There are no other residential flat buildings adjoining the site. Adequate separation is provided to the proposed adjoining retail development.
Street Setbacks	<p>Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</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>	<p>The Town Centre contains varied setbacks however nil setbacks are permitted. There is no existing residential development on 'sleeve sites'.</p> <p>Buildings are well articulated and in proportion with respect to the locality of the development.</p>
Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	<p>There are no existing residential development on 'sleeve sites'.</p> <p>Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.</p>
Floor Space ratio	Test 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	A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be	47% (1438m ²) of the site is deep soil zone. The development has adequate stormwater detention to

	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.	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 and brownfield sites may have potential for more than 30%.	68% of the site is common open space.
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.	Adequate site landscaping is provided to screen and soften the development.
Site Amenity		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	The Castle Hill Police have assessed the proposal and made recommendations. See Section 5.
Visual privacy	Refer to building separation minimum standard.	Adequate separation between adjoining 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	<p>Single-aspect apartments should be limited in depth to 8m from a window.</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	The unit layouts are satisfactory with all units having dual aspect. All kitchens have appropriate light and ventilation from windows or access to courtyards or balconies.
Apartment mix	<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. Both SEPP SRH and SEPP 65 contain the following minimum floor areas:</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	<p>A variety of unit sizes has been provided. Unit sizes are proposed at:</p> <p>One bedroom – 51.41m² – 54.03m²</p> <p>Two bedroom – 72.28m² – 80.41m²</p> <p>Three bedroom – 95.23m²</p> <p>The unit sizes comply with both SEPP ARH and SEPP 65.</p>
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Provided.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Provided.
Ground Floor Apartments	<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 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	Proposal designed to maximise residential amenity.

	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).	
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>	All units are provided with adequate storage areas based on bedroom numbers. In addition a common storage area of 26.25m ³ is also provided.
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 energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>93% of units get a minimum 2 hours sunlight and 86% of units receive 3 hours sunlight between 9am and 3pm.</p> <p>Northern orientation has been maximised.</p>
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</p>

		context. 100% of units are cross ventilated.
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW Waste Board.	Satisfactory waste management details provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Satisfactory.

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

(i) Context

The development responds 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 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 SEPP provisions by maintaining the development height within the LEP.

The spatial relationship of buildings has been considered. The proposed building will maintain adequate separation to adjoining development. The building separation 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 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.

(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 requirements and suitable conditions of consent have been recommended.

(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.

b. Clause 16A - Character of the Area

Clause 16 states:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The subject site is located on a 'sleeve site' at the corner of Civic Way and White Hart Drive on the edge of the Rouse Hill Town Centre. The town Centre is characterised by predominantly two storey retail/commercial development with some higher built form elements including Council's library and community centre and two residential flat buildings. The Masterplan and Precinct Plan envisaged the use of the 'sleeve sites' for predominantly residential uses.

The proposed development of a four storey apartment style development is considered to be in keeping with the existing and future character of the area. It is noted that three residential flat building development are currently under assessment at the corner of Caddies Boulevard and Main Street.

The built form is characteristic of the modern design of the Town Centre. As such the proposal is considered to be in compatible with the character of the local area.

c. Clause 17 - Use for Affordable Housing

Clause 17 states that the consent authority must impose conditions of consent to the effect that:

(a) for 10 years from the date of the issue of the occupation certificate:

(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919 , that will ensure that the requirements of paragraph (a) are met.

Appropriate conditions of consent have been imposed.

d. Clause 18 – Subdivision

Clause 18 states that land may be subdivided with the consent of the local authority. The applicant has confirmed that there is no subdivision proposed.

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

DCP Part D Section 6 states:

Affordable housing means housing for very low income households, low income households, or moderate income households as defined in the NSW Environmental Planning and Assessment Act 1979. A component of affordable housing will form a portion of the housing provision, and it is anticipated that this will be met by providing a variety of different types of dwelling, distributed throughout the Centre. This obligation will be enforced through contractual arrangements between the State government and the Regional Centre developer.

The proposed development is considered to be consistent with the principles of the Rouse Hill Regional Centre development in that the proposal offers housing choice, offers an alternative housing type and is consistent with the aims and objectives of the State Government to provide affordable housing within the area.

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

4. Compliance with Masterplan and Precinct Plan

The proposal has been assessed having regard to the approved Masterplan and Precinct Plan for the Rouse Hill Regional Centre.

a. Masterplan

Development Consent 1604/2004/HC was approved by Council on 26 March 2004. The approval included both conditions of consent and stamped plans.

There are no conditions of consent or approved plans which directly impact on the subject site or development.

The proposal is considered to be consistent with the Masterplan and is supported.

b. Compliance with Precinct Plan

Development Consent 1581/2005/HB for the Town Centre Precinct Plan 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

<p><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.</p>	<p>The subject application is a level 3 Development Application.</p>	<p>Yes</p>
<p><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.</p>	<p>The Design Guidelines have been finalised and are in force.</p>	<p>Yes</p>
<p><u>9. Cycleways & Pedestrian Links</u> The proposed cycleway and pedestrian links are to connect into the proposed network within the adjoining precincts.</p>	<p>The propose works will not conflict with the existing established cycleway and pedestrian links.</p>	<p>Yes</p>
<p><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 contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the "Safer By Design" Guidelines.</p>	<p>The proposal has been referred to Castle Hill Police for review and comment.</p>	<p>Yes</p>

c. 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-002, Land Use – Ground Floor, DA-005A Land Use Plan – Basement 1 and DA-010A, Land Use Plan – Grade/Basement – Stage 1 - the plans shows the site as residential with rear loaded at grade parking (access via a rear lane). The access does not comply – see comments below.
- (ii) DA-015A, Maximum Building Height Plan (and including various sections) – proposal exceeds height - see comments below on height.

Note: The site is identified as being in Stage 1 works. The site was not developed in Stage 1 works however this is not a matter for consideration by the current developer.

i. Parking Access

The approved Precinct Plan indicates that the parking arrangement for the site is 'rear loaded grade level sleeved parking'. The proposal is for basement style parking with access from Civic Way. The applicant has sought a variation to the Precinct Plan and stated the following as justification:

Rather than rear loaded sleeve parking at ground level as approved in the Precinct Plan, the proposal is for dwellings at ground level with parking provided in an undercroft which is partly below ground level. This provides a more efficient and attractive arrangement than the ground level parking proposed by the Precinct Plan.

The Precinct Plan's concept for ground level parking off a rear lane is also no longer practical given the development of the Coles carpark along the rear boundary of the site. This makes the concept of an active lane unviable, as only one side of the lane could ever be activated. Furthermore, the scale and proximity of the looming blank wall of the Coles carpark building would make the lane unattractive and uninviting.

Comment:

The proposed carparking arrangement is considered satisfactory and makes efficient use of the site. The carparking area will be effectively screened and will not adversely impact on streetscape. The function of the carpark is appropriate for the design of the site, and access is available via both lift and stair access.

The proposed carpark access is located to/from Civic Way which is consistent with the Precinct Plan. This location is an appropriate distance from the signalised intersection of Civic Way and White Hart Drive.

The proposed carparking design is considered satisfactory and can be supported.

ii. Height

The Precinct Plan limits height to RL 57.75 or 9.75 metres. The proposed height of the building is 14.13 metres. The height limit under LEP 2012 is 36 metres. The applicant has sought a variation to the Precinct Plan and stated the following as justification:

A building height of 9.75m (three storeys) was approved for this site by the Precinct Plan. The development has a maximum height of 13.44m and four storeys. The three storey height of the Precinct Plan reflects the development of the site with terrace housing (attached dwellings) with ground floor home offices - a form of development that can no longer be achieved as attached dwellings are now prohibited under LEP 2012.

The four storey height of the proposed development is consistent with the Masterplan which provides for a six storey maximum height in this part of the Town Centre Precinct. It is also consistent with LEP 2012 which provides a maximum building height of 36m (up to 11 storeys).

The proposed four storey height is similar to the Coles supermarket building adjoining the site to the rear. As shown on the Site Plan, the parapet of the Coles building is at RL 56.18m and RL 59.16m.

The proposed building is generally at a height of RL 59m, with some architectural roof elements projecting above that level. This height enables the development to achieve the objective of the Precinct Plan for the 'sleeve buildings' to screen the 'big box' retail buildings and provide diversity in the urban fabric.

Comment:

The proposed height of the building is considered satisfactory given the proposal's relationship to the adjoining Town Centre development. The proposal is consistent in height to the adjoining development and will not adversely impact on streetscape or views to/from the Town Centre.

The proposed development is in character with the existing built form of the Town centre. Due to its location and surrounding land uses, there is no impact to future residential development.

The building is well below the LEP 2012 height limit of 36 metres.

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

d. 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 the form of development:

Section	Required	Provided	Complies
A02: Siting and Massing: Setbacks	2m setback to Civic Way and Town Park Drive to the front façade at ground floor. Above ground floor projections up to 1m are permitted.	The setbacks exceed 2 metres.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Height - See comments above	See comments above	No
A03: Siting and Massing: Building Heights and Dimensions	Floor Heights: 2.7m	Provided.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Depth: 8-18m deep	Proposed depth of units is 8.5-10 metres.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Length: 80m maximum. For buildings more than 40m in length, the façade must be	The building is approx. 57m in length. Appropriate articulation is used in the design.	Yes

	articulated.		
B01: Built Form: Building Uses	The site is identified for SOHO/residential use (single occupancy home office).	The proposal is for a residential use being affordable housing.	Yes
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 10m ² area, though it is noted some are split into two areas, and are functional areas.	Yes
B04: Built Form: Building Entries	Building entries to units are to be defined and identifiable.	The building entries are clear and identifiable.	Yes
B09: Sun and Shadowing and Energy Use: Built Form	Apartments are to comply with SEPP 65 and have appropriate BASIX outcomes.	The proposed design 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 materials and colour are appropriate and in keeping with the modern design of the Town Centre.	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).	An appropriate area of private and common open space is provided.	Yes
C01: Character: Vision	Plans indicate the site has a 'civic' character and 'residential edge' character.	The proposed character of the development is satisfactory for the location.	Yes
D01: Public Realm: Public Realm Masterplan	The plan shows a 6m wide laneway to provide vehicle access to the rear at grade parking.	This has been addressed by the applicant and is satisfactory.	Yes

5. Public Authority Comments

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

i. RMS Comments

RMS reviewed the proposal and advised as follows:

RMS has reviewed the submitted information and raises safety concerns regarding the location of the driveway for the proposed development. The proposed driveway is adjacent to an existing driveway to a carpark. Vehicles exiting these driveways will have conflicting movements that would result in crashes.

RMS recommends that the access to this development is provided via the existing carpark avoiding the need for an additional driveway on Civic Way.

RMS suggests that both developments be serviced via a combined driveway. If that is not feasible, access to both developments needs to be restricted to left-in and left-out only. This turning movement restriction needs to be enforced by concrete median along the centreline of White Hart Drive.

Comment:

The approved Town Centre Precinct Plan shows that the layout always envisaged the Town Centre parking entry and the Residential parking entry to be side by side. This layout was endorsed by the then RTA at the time.

Council's Manager Infrastructure Planning has reviewed the comments from RMS as advised that no objection was raised to the proposed vehicle access location given that it is consistent with the Precinct Plan. However, it was recommended that a sign be erected which is visible from Civic Way stating 'Resident Parking' to ensure that it is clear that the parking is separate to the shopping centre parking (See Condition 66).

ii. Police Comments

The proposal was referred to the NSW Police Service under the Protocol between The Hills Shire Council and Castle Hill Police. The following matters were raised:

- a. Police have suggested that access to the basement carpark be limited ie: with a security gate. Outside of trading hours there is limited opportunity for passive surveillance of this area.
- b. Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Comment:

The applicant has proposed a security gate at the entrance to the carpark. The gate is locked screen gate which will provide protection from unauthorised access into the carpark. The gates will be closed at all times and will be electronically operated by a swipe card. A condition has been recommended that requires consideration of materials and also requiring the on-going cleaning of any graffiti which may occur (See Condition 20).

6. Submissions

The proposal was notified to adjoining property owners and one submission was received from GPT raising concerns regarding waste management.

The following is an outline of the method of waste collection which will be utilised for the development:

Garbage - Council and its contractor will provide a weekly service to empty the bulk garbage bins. These will be moved in and out of the garbage room by the waste operator. The garbage bins will be collected once a week and outside of peak hour traffic times.

Recycling - Individual recycling bins will be collected from a temporary bin stand area along White Hart Drive on a fortnightly basis. A caretaker will be responsible for the movement of all recycling bins to and from the temporary bin stand area. The recycling bins will be collected once a fortnight and outside of peak hour traffic times. The empty bins will be required to be returned to the refuse room within two hours of collection.

The following matters were raised in the submission:

ISSUE	COMMENT	OUTCOME
Concern that the waste management plan is not consistent with the architectural plans. The plans indicate that waste collection will be from White Hart Drive with all bins to be located within a bin stand area between the footpath and gutter for kerbside collection, whilst the waste management plan proposes collection via use of a truck lay-by area.	As outlined above, bulk bins will be provided for garbage with individual recycling bins. Both bin types will be collected from White Hart Drive however will use alternate arrangements for the movement of bins to the street for collection. The proposed waste management plan and plans have been reviewed and no objection is raised by Council's Waste Management officer.	Issue addressed.
The original traffic report addressed waste collection from Civic Way, however the updated report does not address the revised waste collection from White Hart Drive.	The proposed waste collection method has been reviewed by Council's Waste Management Officer and Manager Infrastructure Planning and no objection is raised.	Issue addressed.
The objector opposes waste collection from White Hart Drive however if Council supports it, an updated WMP should be submitted and made available to GPT for consideration.	No objection is raised to waste collection from White Hart Drive. An updated waste management plan is not considered necessary.	Issue addressed.
The location of the bins and collection from the street kerb will cause disruption to traffic flow down White Hart Drive and reduce performance of the nearby intersection (White Hart Drive/Civic Way).	Council's Manager Infrastructure Planning has reviewed the proposal and raised no objection. A garbage truck lay-by area is proposed to facilitate waste collection. Waste collection will also not be undertaken in peak times.	Conditions imposed - see Conditions 68.
Locating the bins at ground level adjacent to White Hart Drive will produce adverse visual and amenity impacts from the public	The recycle bins will remain on the kerb area for a maximum of 2 hours after collection on a fortnightly	Issue addressed.

domain. The DA package does not include a cross section looking towards the proposed bin refuse collection area from White Hart Drive.	basis. The standing of bins on the kerb area is not considered to be visually intrusive.	
The bins in the proposed location for collection will be prone to being knocked over by vandals and cars travelling along White Hart Drive.	The bins will be located on the kerb area for collection. The proposed location of the bin standing area is satisfactory and is not considered to create any additional impact in relation to vandalism or car impact.	Issue addressed.
The location of the bins close to the kerb will set a precedent for the remaining apartments in close proximity to the RHTC in relation to garbage collection.	The proposed bin collection is considered satisfactory. Each development will be assessed on its merit.	Issue addressed.
The objector proposes that a similar approach to other apartments in the Town Centre be taken, being that a small tractor and trailer be used to move the bins from the storage area to a loading dock within the town Centre. Garbage trucks can then enter the loading dock to collect the waste. This will be safer and will not cause disruption to traffic flow.	The proposed bin collection is considered satisfactory. Each development will be assessed on its merit.	Issue addressed.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are recommended in the proposal.

TRAFFIC MANAGEMENT COMMENTS

No objection raised to the proposal.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are recommended in the proposal.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Relevant conditions are recommended in the proposal.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are recommended in the proposal.

SECTION 94 COMMENTS

No objection raised to the proposal. Relevant conditions are recommended in the proposal.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy Affordable Rental Housing, Development Control Plan Part D Section 6 – Rouse Hill Regional Centre and the approved Masterplan and Precinct Plan and is considered

satisfactory. The proposal includes minor variations to the Precinct Plan in respect to parking access and height. These variations are considered satisfactory and do not adversely impact upon the design of the proposal.

One submission was received which raised concerns regarding waste management. The proposed waste management arrangements have been reviewed and are satisfactory.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal will allow for a range of housing and diversity of housing to be provided within a Town Centre location. The location is close to existing and future public transport. The site is close to open space areas and opportunities for passive and active recreation. The proposal is consistent with Council's Community Strategic Plan.

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
A2000	Basement Plan	03.12.13 Issue G
A2001	Ground Floor Plan	24.01.14 Issue I
A2002	Level 2 Plan	03.12.13 Issue G
A2003	Level 3 Plan	03.12.13 Issue G
A2004	Level 4 Plan	03.12.13 Issue G
A2005	Roof Plan	03.12.13 Issue G
A8000	Area Calculations: Basement	03.12.13 Issue G
A8001	Area Calculations: GF/L1	24.01.14 Issue I
A8002	Area Calculations: L2	03.12.13 Issue G
A8003	Area Calculations: L3	03.12.13 Issue G
A8004	Area Calculations: L4	03.12.13 Issue G
A8005	Driveway Sections & Deep Soil Planting	03.12.13 Issue G
---	Drawing Index	---
A3000	East Elevation	03.12.13 Issue G
A3001	West Elevation	03.12.13 Issue G
A3002	South & North Elevations	03.12.13 Issue G
A3100	Section AA	03.12.13 Issue G
A3101	Section BB & CC	03.12.13 Issue G
A4003	Perspective	24.01.14 Issue I
2007LP-01	Landscape Plan	19/09/13 Issue 02

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. Tree Removal

Approval is granted for the removal of trees 1-33 inclusive, 35-41 inclusive, 43-58 inclusive and 62 as proposed in Tree report by Stuart Pittendrigh dated July 2013.

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

5. 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.

6. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

7. 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.

8. 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 driveways must be built to Council's medium duty standard.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property 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. Footpath Verge Formation

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

iv. 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.

9. 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.

10. 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.

11. Contamination

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

12. 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.

13. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by BGMA Pty Ltd, referenced as BGMA 130625 A, dated July 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Minimum reduction weighting for construction methods.

14. Geotechnical and Salinity Assessment

The recommendations of the Geotechnical and Salinity Site Assessment and Report prepared by Geotechnique Pty Ltd, referenced as 12897/2-AA, dated 6 June 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 7.0 – Salinity Assessment and Soil Management Plan; and
- Section 8.0 – Geotechnical Assessment.

15. 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 presented to Council when requested.

16. Commencement of Domestic Waste Service

The property owner must ensure to arrange the commencement of their domestic waste service with Council no later than two days after occupancy, and no earlier than two days prior to occupancy of the development. Notification is to be received by the property owner or agent acting for the owner by contacting (02) 9843 0310.

17. Construction of Refuse Room

All work involving construction of the refuse room shall comply with the requirements of Council's *Bin Storage Facility Design Specifications*. Storage facility is to be provided for a minimum of three 1,100 litre bulk garbage bins and fourteen 240 litre mobile garbage bins.

18. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is: -

Units 1-28/40 Civic Way Rouse Hill NSW 2155

Unit numbers are to be allocated as per plans submitted and dated 1 August 2013. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

19. Use of the Dwellings for Affordable Housing

For 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider,

in accordance with Clause 17 of the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

20. Police Requirements

The choice of materials is to have regard to the potential for graffiti and the on-going expense associated with cleaning. The building is to be maintained graffiti free at all times.

21. Protection of Internal Noise Levels

The maximum internal noise levels for the development must not exceed the following LAeq levels;

- In any bedroom in the building; 35dB(A) at any time 10pm -7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway); 40dB(A).

Prior to the issue of the occupation certificate an appropriately qualified acoustic consultant must certify that the abovementioned levels have been met.

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. 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. Receipts of all waste / recycling tipping must be kept on site at all times and presented to Council when requested.

23. Bin Stand Area

The bin stand area is to be of adequate dimensions to comfortably store fourteen 240 litre mobile recycling bins. The minimum length shall be 14m. The bin stand area must be clear of the vehicle layby and crossing.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

24. 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:-

	1br per Unit	2br per Unit	3br per Unit	1 Bedroom: 14	2 Bedroom: 13	3 Bedroom: 1	Sum of Units	Total Section 94
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 49,742.14	\$ 74,613.11	\$ 7,379.32	\$ 131,734.57	\$ 131,734.57
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 20,458.76	\$ 30,688.06	\$ 3,035.08	\$ 54,181.90	\$ 54,181.90
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 1,071.84	\$ 1,607.84	\$ 159.02	\$ 2,838.70	\$ 2,838.70
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 9,279.76	\$ 13,919.75	\$ 1,376.67	\$ 24,576.18	\$ 24,576.18
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 1,427.02	\$ 2,140.45	\$ 211.70	\$ 3,779.17	\$ 3,779.17
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 8,195.74	\$ 12,293.58	\$ 1,215.85	\$ 21,705.17	\$ 21,705.17
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 19,485.20	\$ 29,227.77	\$ 2,890.66	\$ 51,603.63	\$ 51,603.63
Total	\$ 7,832.89	\$ 12,653.12	\$ 16,268.30	\$ 109,660.46	\$ 164,490.56	\$ 16,268.30	\$ 290,419.32	\$ 290,419.32

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.

25. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.

or telephone 13 20 92.

26. Basement Car Park and Subsurface Drainage

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

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

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.

27. 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.

28. 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 \$81,675 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 on White Hart Drive plus an additional 50m on either side (165m) and the width of the road measured from face of kerb on both sides (16.5m). The minimum bond amount is \$10,000.00.

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

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

29. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded

amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00.

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

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

30. 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 586/2014/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.

31. 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).

32. Soil Salinity Management Plan

A Soil Salinity Management Plan (SSMP) shall be submitted prior to the release of a construction certificate. The following should be considered as part of the SSMP:

- Erosion and Sediment Control Plans must be developed and implemented by the bulk site works contractors. All sediment and erosion controls proposed by the Erosion and Sediment Control Plans are to be installed prior to commencement of any excavation.
- Ensure that earthworks and construction activities do not affect the natural flow of groundwater. If groundwater is intercepted during development works/excavation, the flow should be diverted to stormwater drains or creeks by providing appropriate surface and sub-surface drainage.
- Reduce groundwater recharge through appropriate land use and land management practices. This can be achieved by minimising deep infiltration with provision of a well compacted implementable liner along surfaces of waterways (drains, channels, creeks etc.) and maximising vegetation cover, planting of deep rooted trees and salt tolerant plants.
- Construct a dish drain behind the crest of all slopes to divert water away from the slope face, to minimise erosion of the face.
- On cut batters provide a secured turf overlay to guard against erosion.

- Plant native and deep-rooted plants to minimise soil erosion.
- Where required, retaining walls for cut and fill slopes should be provided with adequate and appropriate drainage.
- Select construction materials and techniques suitable for the exposure classification (post site works). This would include but not be limited to the following;
 - AS2870-2011: Residential Slabs and Footings
 - AS3600-2009: Concrete Structures
 - AS3700-2011: Masonry Structures

33. Waste Management Plan Required

Prior to a Construction Certificate being issued, a Waste Management Plan for the construction of the development must be submitted to and approved by Council. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. The plan shall address:

- (a) The type and estimated quantity of waste material to be removed from the site;
- (b) The location and method of waste disposal and recycling;
- (c) The name and address of the transport contractor/s; and
- (d) The reuse or recycling methods for waste remaining on site;

All requirements of the approved Waste Management Plan must be implemented during demolition and construction of the development.

PRIOR TO WORK COMMENCING ON THE SITE

34. Principal Certifying Authority

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

35. 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.

36. 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.

37. 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.

38. 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.

39. Tree Protection Fencing

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

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

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

40. Trenching within Tree Protection Zone

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

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

41. 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.

42. Traffic Control Plan

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

43. Erection of Signage – Supervision of Work

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

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:

The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555

- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

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

44. Contractors Details

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

45. 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.

46. 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).

47. 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).

48. 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

49. 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.

50. 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.

51. 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. 495245M 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.

52. Roof Water Drainage

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

53. 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.

54. 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.

55. Engineering Construction Inspections

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

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

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

56. Documentation

A copy of the following documents must be kept on site and made available upon request:

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan
- d) Traffic Control Plan
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

57. Compliance with Requirements of Development Consent

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

58. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

59. 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.

60. 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.

61. 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 *State Environmental Planning Policy (Infrastructure) 2007* 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*.

62. 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.

63. 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 – Affordable Rental Housing

A restriction must be created to ensure, in accordance with SEPP Affordable Housing 2009, that for ten years from the date an Occupation Certificate is issued for the development:

- The dwellings/ units proposed to be used for the purposes of affordable housing will only be used for the purposes of affordable housing; and
- All accommodation that is used for affordable housing will be managed by a registered community housing provider.

iii. 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.

64. Performance/ Maintenance Security Bond

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

65. Final Inspection of Waste Storage Area

Prior to an Occupation Certificate being issued, a final inspection of the refuse room and bin stand area 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.

66. Erection of Sign at the Driveway Entry

A sign is to be erected at the driveway entry which is visible from Civic Way stating 'Resident Parking' to ensure that it is clear that the parking is separate to the shopping centre parking.

THE USE OF THE SITE

67. Collection of Recyclables

Engagement of a caretaker or manager, responsible for the movement of all recycling bins to and from the bin stand area on the allocated day of collection. The empty bins are to be returned to the refuse room within two hours of collection.

68. Bin Collection Times

Bin collection is to be undertaken outside of peak times to ensure that there is no impact on traffic flow along White Hart Drive.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Elevation fronting Civic Way
5. Elevation fronting White Hart Drive

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
 - ☒ PROPERTIES NOTIFIED
 - ☒ SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

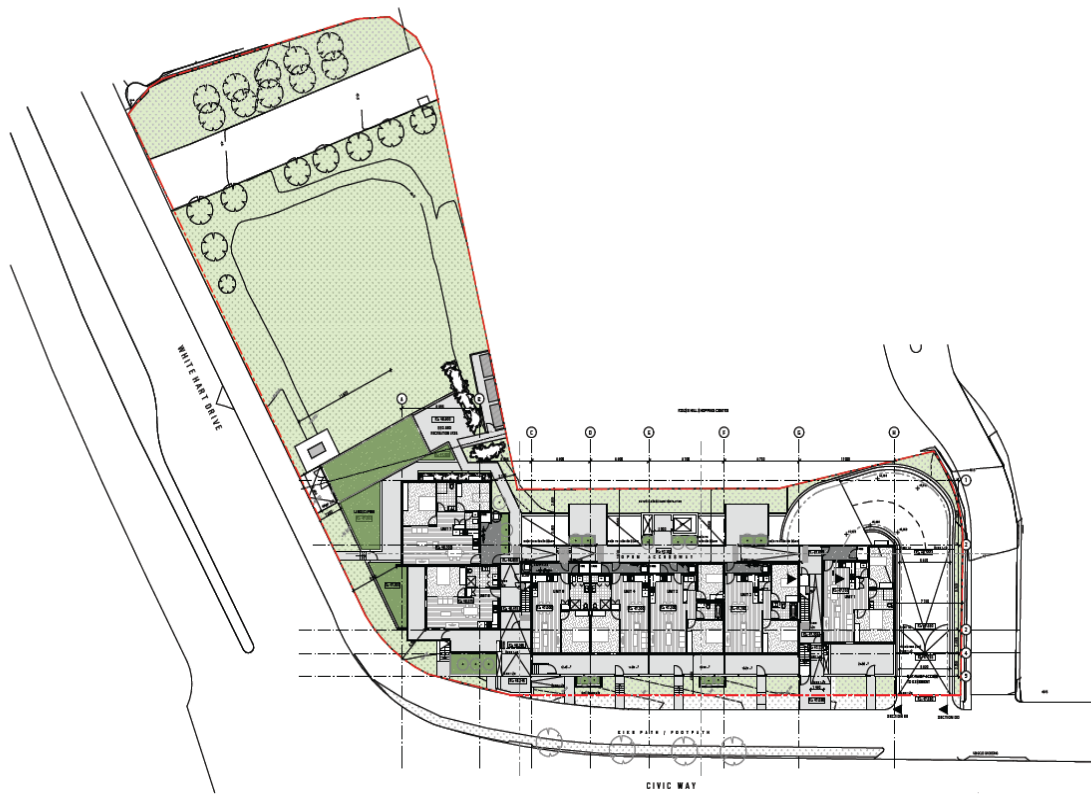
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ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SITE PLAN



ATTACHMENT 4 – ELEVATION FRONTING CIVIC WAY



ATTACHMENT 5 – ELEVATION FRONTING WHITE HART DRIVE

