

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW032
DA Number	936/2014/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS
Street Address	LOT 2103 DP 1176614 SOLENT CIRCUIT, BAULKHAM HILLS
Applicant/Owner	THINK PLANNERS PTY LTD
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	<ul style="list-style-type: none"> General development with a CIV of over \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> List all of the relevant <u>environmental planning instruments</u>: s79C(1)(a)(i) <ul style="list-style-type: none"> The Hills Local Environmental Plan 2012 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (State and Regional Development) 2011 List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the <u>consent authority</u>: s79C(1)(a)(ii) <ul style="list-style-type: none"> Nil List any relevant <u>development control plan</u>: s79C(1)(a)(iii) <ul style="list-style-type: none"> DCP 2012 Part D Section 8 – Norwest Residential Precinct DCP 2012 Part B Section 5 – Residential Flat Buildings DCP 2012 Part C Section 1 – Parking DCP 2012 Part C Section 3 - Landscaping List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> Nil List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> Nil List any relevant <u>regulations</u>: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> Environmental Planning and Assessment Regulation 2000

List all documents submitted with this report for the panel's consideration	Nil
Recommendation	APPROVAL
Report by	Development Assessment Officer Henry Burnett

EXECUTIVE SUMMARY

The proposal is for the construction of two residential flat buildings being 8 storeys (Block A1) and 9 storeys (Block A2) containing 100 apartments and 2 levels of basement car parking for 211 vehicles. The proposal also involves the subdivision of the site into two lots to excise the portion of the site on which the residential flat buildings are proposed. The Capital Investment Value (CIV) of the development is \$33,672,874.

The site is known as the Eastern Residential Precinct which consists of two existing allotments known as Lots 2102 and 2103 DP 1176614 each having a frontage to Solent Circuit. It is noted that the proposal relates to the western part of Lot 2103 (see attachment No. 4).

The site has been the subject of a site specific master plan approved under Development Consent 910/2013/JP by the Joint Regional Planning Panel on 28 August 2013. The master plan involved a total of 328 dwellings for the Eastern Residential Precinct comprising of 240 units across six apartment buildings and 88 multi-unit dwellings. The proposal is consistent with the master plan with the exception of a variation to building height and unit yield.

The application is accompanied by a request to vary a development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). Clause 4.3 of the LEP prescribes a maximum height limit of 16 metres for the subject site. The proposal will comprise a maximum height of 33.3 metres (RL 106.1) which represents a variation of 108%. The variation is addressed in the body of the report and is considered to be satisfactory as the built form responds appropriately to the site and surrounds. It is noted that a building height of RL 116 for the subject site is currently being considered under an LEP housekeeping amendment (13/2013/PLP) and is with the Department of Planning and Environment for Gateway Determination prior to exhibition.

The proposal has been assessed against the relevant provisions of the Hills Development Control Plan 2012 (DCP). Variations to car parking, apartment sizes, number of storeys, density, building setbacks, building separation, overshadowing, level of basement garage and storage have been identified. The variations are addressed in the body of the report and are considered to be satisfactory.

The application is classified as 'Nominated Integrated Development' pursuant to Clause 91 of the Environmental Planning and Assessment Act 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000, requiring referral to the NSW Office of Water for concurrence. General Terms of Approval has been received from the NSW Office of Water.

The proposal was exhibited and notified to adjoining property owners. In response, one submission was received. The issues raised in the submission relate to character and building height. The matters raised in the submission have been reviewed and do not warrant refusal of the application.

The proposal is recommended for approval subject to conditions.

BACKGROUND

Owner: Norwest Land - Mulpha FKP Pty Ltd

Zoning: R4 High Density Residential and SP2 Infrastructure

Area: 4.818 Hectares

Existing Development: Vacant Land

MANDATORY REQUIREMENTS

1. LEP 2012 – Satisfactory.
2. SEPP 65 – Design Quality of Residential Flat Development and Residential Flat Design Code – Variations required, see report
3. DCP 2012 Part D Section 8 – Norwest Residential Precinct – Variations required, see report.
4. DCP 2012 Part B Section 5 – Residential Flat Buildings – Variations required, see report
5. Section 79C (EP&A Act) – Satisfactory.
6. Section 94A Contribution – Currently \$1,247,838.81

SUBMISSIONS

1. **Exhibition:** Yes, 30 days.
2. **Notice Adj Owners:** Yes, 30 days.
3. **Number Advised:** 7 adjoining owners
4. **Submissions Received:** One submission received.

REASON FOR REFERRAL TO JRPP

1. Capital Investment Value in excess of \$20 million

HISTORY

- 28/03/2006** Development Application 790/2006/HC approved by Council for the Norwest Town Centre Residential Precinct – Stage 1 Development (DA 790/2006/HC). The Master Plan approval guided future development of the 3 residential precincts being West, Central and East Precincts, providing a total of 518 dwellings with an overall population density of 127 persons per hectare. A site specific Development Control Plan for the Norwest Town Centre Residential Development accompanied the application which was adopted.
- 05/04/2007** Development Application 2378/2006/HC approved by Council's Development Assessment Unit for the Norwest Town Centre Western Residential Precinct comprising 35 dwellings, including 12 townhouses, 11 integrated houses and 12 apartments.
- 13/08/2007** Section 96(1A) Modification to 2378/2006/HC/A approved under Delegated Authority for minor design changes to original approval.
- 26/08/2008** Development Application 241/2008/HC approved for construction of the Norwest Town Centre – Central Residential Precinct.

23/09/2010	Development Application 993/2010/JP approved by the Joint Regional Planning Panel for the construction of an amended Central Residential Precinct Development within the Norwest Residential Town Centre comprising 86 dwellings including 32 integrated housing lots, and 54 attached town house dwellings.
27/11/2012	Planning Proposal 7/2012/PLP to amend the maximum permissible height limit within the Eastern Precinct and to amend the site specific Development Control Plan was refused by Council.
28/08/2013	<p>Development Application 910/2013/JP approved by the Joint Regional Planning Panel. The approval amended the master plan for the Eastern Residential Precinct of the Norwest Town Centre to provide 328 dwellings comprising 6 residential flat buildings and 88 attached dwellings.</p> <p>The overall number of dwellings intended for the Norwest Residential Precinct as approved by the original master plan 790/2006/HC was 518 dwellings. The total number of dwellings approved in the western and central precinct is 121. The total number of dwellings approved in the western and central precincts and foreshadowed under master plan consent 910/2013/JP totals 449 dwellings.</p> <p>The approval also applied a Town Centre parking rate for 2 bedroom units in residential flat buildings being 1.5 spaces for 2 bedroom apartments given the proximity to existing and proposed public transport connections.</p>
04/02/2014	Subject Development Application lodged.
07/02/2014	Referral to the NSW Office of Water.
07/03/2014	NSW Office of Water provide their General Terms of Approval.
11/03/2014	Application is exhibited for 30 days.
11/04/2014	Public exhibition closes.
17/04/2014	DA 1278/2014/HC lodged for the revegetation of Lot 2102 in DP 1176614.
17/04/2014	DA 1280/2014/HC lodged for the construction of a temporary exhibition home on Lot 2102 in DP 1176614.
19/05/2014	Meeting held with applicant to discuss the request from Council staff for information.
27/05/2014	Revised plans submitted to Council.

SITE DESCRIPTION

The site is located on Solent Circuit, Baulkham Hills and forms part of the Norwest Residential Precinct. The development site is part of the Eastern Precinct which is made up of two existing allotments known as Lot Nos. 2102 and 2103 DP 1176614.

The proposal relates to the western part of Lot 2103 only. Lot 2103 has a total area of 48,180 square metres (4.818 hectares). The part of the site proposed to be developed has an area of 4,581 square metres (the development site). The development site is adjoined by a vacant lot to the west (future revegetation zone), the remainder of Lot 2103 to the east, Solent Circuit to the south and a Seventh Day Adventist Church site to the north which includes a DCP proposed road known as Rosetta Crescent along its southern boundary.

The development site is undulating with a depression in the centre rising to the north-east. The site is traversed by an 18 metre wide transmission easement along the northern boundary which contains overhead transmission lines.

The Eastern Residential Precinct is mapped as containing clusters of Cumberland Plain Woodland which is identified as a Critically Endangered Ecological Community under the provision of the *Threatened Species Conservation Act 1995*.

MASTER PLAN

The site has been the subject of a site specific master plan approved under Development Consent 910/2013/JP by the Joint Regional Planning Panel on 28 August 2013. The consent approved a total of 328 dwellings within the Eastern Residential Precinct comprising 240 units across six apartment buildings ranging between 5-7 storeys in height and 88 multi-unit dwellings.

The consent approved the following components relating to the subject Development Application:

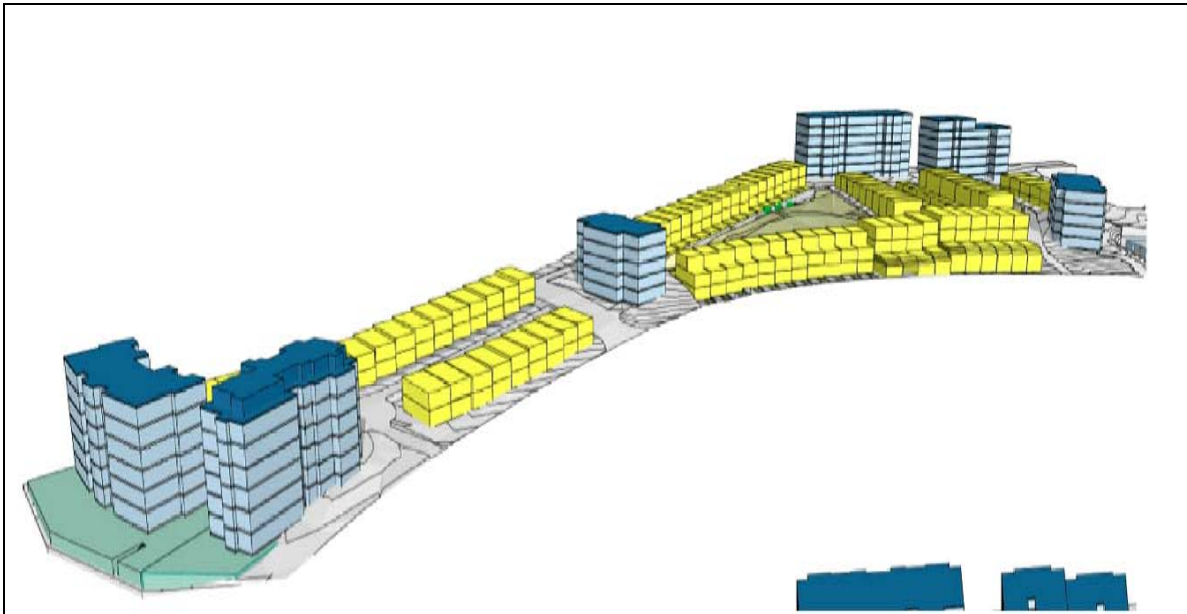
- A building height of 7 storeys (Block A2) and 6 Storeys (Block A1) with anticipated height of 21 and 18 metres respectively. The building heights exceeded the LEP height limit of 16 metres however were considered to satisfy Clause 4.6 with respect to a variation to a development standard;
- A total of 74 units; and
- A reduced parking rate of 1.5 car parking spaces for 2 bedroom units.

The figures below detail the site and massing plan approved under the master plan:

Figure 1 – Site Plan



Figure 2 – Massing Plan



The proposed development is generally consistent with the master plan with the exception of a variation to building height, unit yield and building setbacks. Variations to the master plan consent are further discussed in this report.

It is noted that the masterplan approval required signalisation of the eastern intersection of Norwest Boulevard and Solent Circuit prior to the occupation of 400 units across the entire Norwest Residential Precinct. There are currently 121 dwellings approved across the central and western precincts. The proposal will result in a total of 100 additional units. The overall yield across the Norwest Residential Precinct equates to 221 dwellings. In this regard the signalisation is not required with this application however a condition of consent will be imposed to reinforce the requirement to signalise the intersection with future development.

PROPOSED DEVELOPMENT

The proposal is a Stage 2 Development Application for the construction of two residential flat buildings being 8 storeys (Block A1) and 9 storeys (Block A2) in height containing 100 apartments and two levels of basement car parking for 211 vehicles. The Capital Investment Value (CIV) is \$33,672,874.

The application includes the subdivision of the site into 2 lots to excise the portion of the site on which the residential flat buildings are proposed. Proposed lot 1 will comprise an area of 4,581m² and will contain the proposed residential flat buildings whilst proposed lot 2 will comprise an area of 43,604m² and will be a residue lot that will be subject to separate development applications pursuant to the master plan.

The residential development will provide a total of 100 units with the following mix:

- 17 x 1 bedroom;
- 59 x 2 bedroom; and
- 24 x 3 bedroom units

Block A1 will consist of 49 apartments and will be serviced by two separate cores each with a separate lift. Block A2 will consist of 51 apartments and will be serviced by a single core with two lifts.

Vehicular access is proposed from the frontage of Solent Circuit to a basement garage comprising two levels. The lower basement level will contain 108 spaces with the upper level basement containing 103 spaces. 171 car parking spaces will be resident spaces whilst 40 spaces will be for visitor spaces.

The proposed development will provide for a communal recreation area adjacent to Block A1 and will comprise of a swimming pool, gym and community facility.

The proposed development will incorporate a mix of colours and finishes

Landscaping is proposed within the communal open space areas and along the edges of the development.

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (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 \$33,672,874 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with The Hills Local Environmental Plan 2012

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

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

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

The development site is zoned R4 – High Density Residential and SP2 – Drainage Infrastructure under the LEP. The proposal is permissible with consent under the LEP subject to Clause 5.3 – Development near zone boundaries being satisfactorily addressed.

There is currently a LEP housekeeping planning proposal (13/2013/PLP) to amend the permissible building height under the LEP from 16 metres to Reduced Level (RL) 116 to be consistent with Council's previous policy position under The Baulkham Hills Local Environmental Plan 2005. The subject development would not exceed RL 116. The planning proposal is currently with the NSW Department of Planning and Environment seeking Gateway Determination to proceed to exhibition.

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 site is proposed to have an area of 4,581m² subsequent to subdivision and will comply with the minimum site area.

The table below contains the relevant development standards of the LEP applying to the proposed development:

Development Standard	Proposed Development	Compliance
Building Height 16 metres	33.3 metres	No – Refer to Clause 4.6 variation below
Floor Space Ratio N/A	N/A	N/A
Minimum Lot Size 4,000m ²	4,581m ²	Yes

Clause 4.6 Variation

The applicant has provided the following written request seeking a Clause 4.6 variation to the development standard for building height:

- In Wehbe v Pittwater Council it was noted that there is public benefit in maintaining planning controls and that SEPP 1 (now Clause 4.6) should not be used in an attempt to effect general planning changes throughout the area. This proposal does not attempt to affect the planning outcomes for the broader locality; rather it reflects the identified site-specific development constraints and a performance based design approach in achieving the underlying intent of the controls.*
- There is no public benefit in maintaining the development standard as it relates to the current proposal given that the non compliance does not detract from the achievement of the underlying objectives of the building height control and the proposal will not set an undesirable precedent for future development within the locality given the unique site attributes and proximity of the site to the Norwest Town Centre that no other site possesses.*
- The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and the particular site attributes that are conducive to a building of this scale. In addition it is noted that the desired future character is likely to shift to 7-12 stories given the exhibited North West Rail Link Corridor Strategy;*
- Finally given that the proposal achieves the underlying objectives of the building height control and the objectives of the R4 zone, as outlined previously, the departure from the control has merit as the intent of the control is achieved notwithstanding the numerical non-compliance with the 16 metre control.*

Comment:

The objectives of Clause 4.3 Height of Buildings of the LEP are:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas..*

The objectives of Clause 4.6 of the LEP are:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) of the LEP 2012 states:

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

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) of LEP 2012 states:

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

(a) The consent authority is satisfied that:

(i) The applicant has adequately addressed the matters required to be demonstrated by subclause (3)

Comment: The applicant has adequately addressed the matters required to be demonstrated by subclause (3).

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

Comment: The proposed development comprises a building height of 33.3 metres which exceeds the LEP development standard of 16 metres by 108%. It is noted that the master plan foreshadowed a non-compliance to the maximum building height however in this instance a further increase to the building height is proposed as detailed in the table below:

	Requirement	Master Plan	Proposal	Compliance
DCP	6 storeys	7 storeys	9 storeys	No
LEP	16 metres	21 metres (on the basis of 3 metres	33.3 metres	No

		per storey)		
Proposed LEP Amendment	RL 116	-	RL 106.1	Yes

It is noted that the master plan building heights (metres) were calculated on the basis that each storey represented a height of 3 metres. The plans were conceptual and did not take into account the varying topography of the western side of the Eastern Precinct. The proposed height of 33.3 metres is calculated with respect to the contours of the site and includes a portion of the basement level which protrudes above natural ground level resulting in a difference of 12.3 metres from the conceptual building height.

With respect to the additional height to that approved under the master plan, the applicant has submitted legal advice stating that the proposal is not inconsistent with the master plan consent (910/2013/JP) and therefore satisfies the requirements of Section 83D(2) of the Act. In this respect, the additional height of 2 storeys is not inconsistent with the master plan.

The objective of Clause 4.3 'Building Height is to ensure the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard will not cause undue impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The overall massing of the site was predetermined as part of the master plan and the proposed buildings are considered to respond appropriately to the interface of adjoining land.

The height and massing of the development is considered to respond appropriately to the topography of the site and is consistent with the built form envisaged within Norwest Business Park directly adjacent to the south which comprises a building height of RL 116. Furthermore, a planning proposal (10/2013/PLP) of the site directly to the north known as Lot 101 DP 1176747 is being considered for high density residential development with a proposed height ranging between 16-41 metres across the site.

It is noted that a building height of RL 116 for the subject site is currently being considered under an LEP housekeeping amendment (13/2013/PLP). The proposal comprises a building height of RL 106.1 which is considerably below the height envisaged for the subject site.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height and the R4 High Density Residential Zone. In this regard, the variation to building height will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to be both unreasonable and unnecessary. In this regard, the variation can be supported.

Other Matters

The south-west corner of the subject site contains a portion of land zoned SP2 Infrastructure (Drainage) under the LEP. The proposed driveway and associated retaining wall will encroach within the area zoned SP2 Infrastructure (Drainage). Clause 5.3 allows for the flexibility of development near zone boundaries as follows:

5.3 Development near zone boundaries

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

The applicant has provided the following written request to enable the application of Clause 5.3:

- *The portion of the site with the SP2 identification has no drainage function and it appears to be a mapping anomaly;*
- *The lack of a drainage function on this portion of the SP2 means that the proposal is not inconsistent with the objections of the SP2 zone which are to deliver infrastructure requires to service (in part) the proposed development. The proposal does not impact on the delivery of drainage infrastructure with works proposed under a separation DA for the formalisation of drainage infrastructure;*
- *The proposal is an ancillary element to the proposal that is necessary given the change in levels and the proposal meets the objectives of the R4 zone.*
- *The carrying out of the proposal is logical in the context of the drainage works required and in the context of the redevelopment of the Eastern Precinct.*

Comment:

The proposed development is considered to enable a more logical and appropriate development of the site and is compatible with the planning objectives of the adjoining R4 High Density Residential zone. Residential flat buildings and associated works are permissible in the adjoining R4 High Density Residential zone.

- *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*

Comment:

The location of the driveway and associated retaining wall will encroach within the SP2 Infrastructure zone. The works are within 20 metres of the SP2 Infrastructure and the R4 High Density Residential zone boundary.

(3) *This clause does not apply to:*

- (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
- (b) *land within the coastal zone, or*

- (c) *land proposed to be developed for the purpose of sex services or restricted premises.*

Comment:

Subclause (3) does not apply to the proposal or the subject site.

- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

Comment:

The proposal is considered to be satisfactory with regard to the objectives of the R4 High Residential zone as the proposed works will facilitate the development of the site.

The proposal is considered to be satisfactory with regard to the objectives of the SP2 Infrastructure zone. Council's Development Engineer has reviewed the proposal with respect to flooding and has raised no objections with the encroachment of the proposed development within the SP2 zone. Further, the proposed development will not detract from the provision of drainage infrastructure which has already been established within Solent Circuit to contain overland flow flooding.

- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

Comment:

The application of this clause will not prescribe a variation to a development standard under the LEP.

In this regard, the proposal has been considered with respect to the requirements of Clause 5.3 of the LEP and is considered to be satisfactory.

Clause 6.2 requires that development consent must not be granted unless the Council is satisfied that public utilities are available for future development. In this regard, a condition will be imposed requiring a certificate from each service authority stating that they are satisfied that services have been provided to their requirements.

The proposed development is considered to be satisfactory with respect to the relevant provisions of the LEP.

3. Compliance with The Hills Development Control Plan 2012

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

- Part D Section 8 – Norwest Residential Precinct;
- Part B Section 5 – Residential Flat Buildings;

- Part C Section 1 – Parking; and
- Part C Section 3 – Landscaping

The proposal has been assessed against the relevant controls of Part D Section 8 – Norwest Residential Precinct as detailed in the table of compliance below:

3.1 Density	<p>The maximum permitted population density for the site is 175 persons per hectare with a desirable range between 150-175 persons per hectare. The density is based upon the follow occupancy rates:</p> <p>1 bedroom – 1.3 2 bedroom – 2.1 3 bedroom – 2.7 4 bedroom – 3.5</p> <p><i>Densities will therefore range from being generally lower than the allowable overall maximum site density in the West Precinct and Higher in the East Precinct.</i></p>	<p>The proposed development will comprise of the following unit mix:</p> <p>One bedroom: 17 Two Bedroom: 59 Three Bedroom: 24</p> <p>The proposal will result in a density of 179 persons per hectare across the Eastern Precinct if the remainder is developed in accordance with the master plan.</p>	No variation proposed.
3.2 – East Precinct Specific Controls			
3.2.1 Desire Future Character Statement	<p>The East Precinct is to provide residential flat buildings in a landscaped parkland setting. The density of residential flat buildings is to reflect the scale of the commercial buildings located in the Norwest Business Park adjoining Solent Circuit.</p> <p>Setbacks are to complement the Norwest Business Park setting and contribute to the landscaped character while allowing flexibility in the siting of buildings. The setbacks of proposed buildings are to minimise adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.</p>	<p>The residential flat buildings are directly adjacent to future revegetated parkland to the west. The scale of the proposed development reflects the commercial buildings located within the Norwest Business Park.</p> <p>The proposed building setbacks are consistent with the preceding master plan and are considered to respond sympathetically to the context of the site. The siting of the proposed buildings will not cause undue impact upon the future amenity of the locality.</p>	<p>Yes</p> <p>Yes</p>

	<p>Residential flat building heights are to ensure that buildings reflect the scale and height of the adjoining business park development. Residential flat buildings have been sited to minimise overshadowing of adjoining properties and communal open space areas. Residential flat buildings have been placed (following the topography of the site) to provide transition in building scale and to provide natural ventilation, solar access, outlook to residential flat buildings and year round sunlight to communal open spaces.</p>	<p>The adjacent land (B7) within Norwest Business Park is permitted to have a height of RL 116. The proposed development is under RL 116.</p>	Yes
		<p>The buildings are located in accordance with the DCP and given the orientation of the site, overshadowing will not adversely affect the communal open space areas of the development nor the future development of the adjoining site to the north zoned R4 High Density Residential.</p>	Yes
	<p>Communal open space for residents is to be provided in a parkland setting in addition to private open space being an extension of the main living areas of individual residential units. This open space should enhance the quality of the built environment by providing opportunities for landscaping in a parkland setting as well as provide a visual and active focus for the new residential community created through this development. All Communal open space areas are to accommodate appropriate facilities such as picnic and barbecue areas, children's play area and grassed areas for passive recreational use. Consideration should be given to the provision of a community building with recreational facilities such as a swimming pool, gymnasium and functional space to allow for resident meetings.</p>	<p>The proposed communal open space is consistent with the master plan and will primarily be provided at a future stage of development as shown in Figure 1 – Master Plan. Nevertheless, communal facilities such as a swimming pool, gym and community facility are being provided in addition to open landscaped areas around the curtilage of the proposed buildings for the enjoyment of future residents.</p>	Yes
	<p>Car parking is to be sufficient and convenient for residents and visitors to residential flat buildings. Vehicles should be able</p>	<p>Car parking and access from Solent Circuit is considered</p>	Yes

	<p>to enter and leave residential flat buildings in a simple, safe and efficient manner.</p> <p>Streetscapes are to be resident and visitor friendly in a landscaped setting associated with a street hierarchy that promotes a safe pedestrian and vehicular environment.</p>	<p>to be satisfactory.</p> <p>The proposed development will accommodate a resident and visitor friendly streetscape. Access for pedestrians is provided from Solent Circuit with a minimum 8.75 metre landscape setback provided to Solent Circuit. The front setback will be embellished with appropriate landscaping treatment.</p> <p>The bin storage area has been relocated to the eastern side of the driveway and will be screened by landscaping.</p>	Yes
3.2.2 – Built Form Controls			
A. Site Planning	<p>(a) Future development is to be located generally in accordance with Figure 3 in Appendix 1.</p> <p>(b) The site coverage shall be a maximum of 50% of the site area.</p>	<p>(a) The proposal is located generally in accordance with the master plan approved under DA 910/2013/JP.</p> <p>(b) Site coverage is 49.9% and has been calculated in accordance with the LEP 2012 definition.</p>	<p>Yes</p> <p>Yes</p>
B. Residential Flat Building Size	<p>Performance Criteria</p> <p>(a) Residential flat buildings are to satisfy the Design Quality Principles listed in State Environmental Planning Policy No. 64 – Design Quality of Residential Flat Development.</p> <p>Development Control</p> <p>(b) Internal layouts and size of</p>	<p>Refer to discussion further in this report.</p> <p>(b) The internal floor</p>	<p>Refer to discussion further in this report.</p> <p>No –</p>

	<p>residential units are to be in accordance with the development controls contained within Part B Section 5 – Residential Flat Buildings</p> <table><tr><td>1 bedroom unit/dwelling</td><td>75m²</td></tr><tr><td>2 bedroom unit/dwelling</td><td>110m²</td></tr><tr><td>3 bedroom unit/dwelling</td><td>135m²</td></tr><tr><td>4 bedroom unit/dwelling</td><td>145m²</td></tr></table>	1 bedroom unit/dwelling	75m ²	2 bedroom unit/dwelling	110m ²	3 bedroom unit/dwelling	135m ²	4 bedroom unit/dwelling	145m ²	<p>areas will range in size as follows:</p> <p>One Bedroom: 58 – 78m²</p> <p>Two Bedroom: 97 – 118m²</p> <p>Three Bedroom: 127 – 138m².</p> <p>24.5% of units comply with the DCP for Block A1. 7.85% of units comply with the DCP for Block A2. Overall, 16% of units comply with the DCP.</p> <p>It is noted that 96% of the units comply with the internal floor area requirements on page. 68 of the Residential Flat Design Code.</p>	<p>variation proposed.</p>
1 bedroom unit/dwelling	75m ²										
2 bedroom unit/dwelling	110m ²										
3 bedroom unit/dwelling	135m ²										
4 bedroom unit/dwelling	145m ²										
C. Setbacks	<p>Performance Criteria</p> <p>(a) Setbacks are to complement the Norwest Business Park setting and contribute to the landscaped character of the precinct while allowing flexibility in the siting of buildings.</p> <p>Development Control</p> <p>(a) The setbacks for the Eastern Precinct shall be in accordance with the minimum setbacks outlined in Table 2.</p> <p>Table 2 – SETBACKS</p> <table><tr><td>Solent Circuit</td><td>10 metres</td></tr><tr><td>North boundary</td><td>14 metres</td></tr><tr><td>East boundary</td><td>12 metres</td></tr><tr><td>West boundary</td><td>12 metres</td></tr></table>	Solent Circuit	10 metres	North boundary	14 metres	East boundary	12 metres	West boundary	12 metres	<p>The proposed building setbacks are considered to compliment the setting of the Norwest Business Park despite non-compliance with the setback controls detailed below.</p> <p>Solent Circuit: 8.75 metres (10 metre setback approved under master plan)</p> <p>North Boundary: 8.5 metres apartments, 6.0 metres basement (6.8 metre setback approved under master plan)</p>	<p>Yes</p> <p>No – variation proposed.</p>
Solent Circuit	10 metres										
North boundary	14 metres										
East boundary	12 metres										
West boundary	12 metres										

	<p>(b) The internal setbacks for the proposed residential flat buildings located in the East Precinct shall be in accordance with the minimum setbacks outlined in Table 3.</p> <p>Table 3 – INTERNAL SETBACKS</p> <table><tr><td>Main entry road</td><td>8 metres</td></tr><tr><td>Access street</td><td>4 metres</td></tr><tr><td>Between buildings (balcony to balcony)</td><td>8 metres</td></tr></table>	Main entry road	8 metres	Access street	4 metres	Between buildings (balcony to balcony)	8 metres	<p>Western Boundary: N/A</p> <p>Eastern Boundary: N/A</p> <p>Building setback to the proposed eastern boundary (adjacent to an access street under the master plan): 9.9 metres</p> <p>Between buildings (balcony to balcony): 9.0 metres</p>	Yes
Main entry road	8 metres								
Access street	4 metres								
Between buildings (balcony to balcony)	8 metres								
D. Residential Flat Building Height	<p>Performance Criteria</p> <p>a) Building heights are to encourage a transition of scale from the lower scale Bella Vista Waters Residential Estate and West Precinct to the larger scale buildings on the eastern side of the Norwest Town Centre.</p> <p>Development Controls</p> <p>(a) The maximum number of storeys shall be in accordance with Figure 4 Appendix 1.</p> <p>(b) The maximum building heights</p>	<p>The height of the buildings respond appropriately to the context of the site and the built form envisaged for the East Precinct. The site is separated from the central precinct by the Wetland Park and Detention basin to the west of the site.</p> <p>Figure 4 of the DCP restricts the number of storeys to 6 for the subject site. The proposed development will involve the provision of two buildings that are 8 and 9 storey. It is noted that 6 and 7 storeys were approved under the preceding master plan DA 910/2013/JP.</p> <p>Building heights have</p>	<p>Yes</p> <p>No variation proposed.</p> <p>Yes</p>						

	allowable on the site shall be measured vertically from natural ground level. Basement parking should protrude no more than one metre above natural ground level.	been measured vertically from natural ground level. Proposed: 3.0 metres	No – variation proposed.
E. Open Space	<p>Development Controls</p> <p>Landscaped Area</p> <p>(a) A minimum of 50% landscaped area shall be provided over the entire precinct.</p> <p>Private Open Space</p> <p>(b) For residential flats at ground level, opportunity must be made available for courtyards where the topography permits. All ground level courtyards must have a minimum area of 24 square metres and minimum dimension of 4 metres. Courtyards are to be located directly in front of the dwelling's main living area and be capable of accommodating outdoor dining facilities and/or outdoor furniture.</p> <p>(c) Design techniques are encouraged to protect the privacy of ground floor courtyards from overlooking by above ground units, ground level communal areas and accessways.</p> <p>(d) Usable open space above ground floor is to be in the form of balconies adjacent to the main living area of the residential flat. Balconies are to have a total minimum area of 10 square metres with a minimum depth of 2.4 metres for balcony areas directly outside the main living area of residential flat. Balconies must be capable of</p>	<p>The proposed development does not impact on the ability for compliant landscaping to be provided across the precinct.</p> <p>The proposed development provides ground level private open spaces with areas ranging between 35 and 135 square metres.</p> <p>Walls with a height of 1.8 metres and embellished with landscaping are provided to screen ground floor private open spaces.</p> <p>The proposal complies with the private open space areas and depths required for each unit.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>accommodating outdoor dining facilities and/or furniture.</p> <p>Common Open Space</p> <p>(e) To provide for the recreational needs of residents, common open space areas are to be provided in the locations as shown in Figure 5, Appendix 1.</p>	<p>The proposed development will be located adjacent to an identified common open space area to the west known as the Wetland Park and Detention Basin.</p>	Yes
F. Car Parking and Access	<p>Development Controls</p> <p>(a) Refer to Part C Section 1 - Parking</p>	<p>DCP rates:</p> <p>One bedroom: 1 Space</p> <p>Two bedroom: 2 spaces</p> <p>Three bedroom: 2 spaces</p> <p>Visitor: 2 per 5 units</p> <p>Required parking:</p> <p>183 residential spaces</p> <p>40 visitor spaces</p> <p>Total: 223 spaces</p> <p>211 spaces provided</p> <p>However, the proposal complies with the car parking rate approved under the preceding master plan DA 910/2013/JP which reduced the car parking rate for 2 bedroom units to 1.5 spaces per unit.</p>	No – variation proposed.
4. General Development Standards			
4.1 – Adaptable Housing	<p>(a) All residential units required under this Section to be adaptable dwellings and those which cannot be directly accessed from ground level are to be served by a lift.</p>	<p>The proposed development will be serviced by a lift and is accessible to the front door of each</p>	Yes

	unit.	
(b) Units with a lowest floor level within 1.5 metres of the natural ground must be accessible to the front door of each unit.	Satisfactory	Yes
(c) At least one unit in each residential flat building with less than 20 units, or 5 percent of the units in any development of 20 or more units, must be either:	Overall, 5 adaptable units are provided which represents 5% of the overall yield and therefore complies.	Yes
(i) An accessible unit to AS 1428 Part 2, suitable for occupation by a wheelchair user; or (ii) Meeting Class B adaptability provisions under AS 4299.	The 5 adaptable units meet Class B adaptability provisions.	Yes
Each unit so provided above shall have an accessible car parking bay complying with AS 2890 for people with a disability, and be accessible to a pick-up and drop-off point. An accessible route between the unit's dedicated car parking spaces and unit shall be provided.	Satisfactory	Yes
(d) All stairs intended for circulation between levels, whether external or internal, shall comply with AS 1428 Part 1, if they are located on common property.	Satisfactory	Yes
(e) At least 10% of toilets (but not less than 1 male and 1 female toilet) provided on the common property must be wheelchair accessible.	Satisfactory	Yes
(f) At least one entry to any common facilities on the common property must be wheelchair accessible.	Satisfactory	Yes
(g) An accessible pick-up and drop-off point can be located on the public road (with Council or RMS permission) or on the site, but it must allow for vehicles up to a coaster size bus to pick up and drop off.	Satisfactory	Yes

	<p>(h) Residential units are to be designed to permit adaptation of units so that they can change to meet future needs.</p> <p>Design features that might be included are:</p> <p>(i) Lightweight or non-load bearing walls that can be removed to re-configure rooms.</p> <p>(ii) Wall panels that can be easily removed to connect adjoining residential units and cater for larger extended families.</p> <p>Development applications should address provisions contained in Council's – Making Access For All Guidelines 2002.</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.2 – Site Facilities	<p>Storage Facilities</p> <p>(a) Storage for residential units is to be in accordance with Part B Section 5 – Residential Flat Buildings.</p> <p>(b) Storage for multi dwelling housing and small lot housing is to be provided at a rate of 10m³ per dwelling within a lockable garage not encroaching into the parking space, and with a minimum base area of 5m² and a minimum width of 2 metres.</p> <p>Laundry Facilities</p> <p>(c) All residential units are to be provided with internal laundry facilities and internal drying facilities.</p> <p>(d) Laundries for multi dwelling housing and small lot housing shall be provided to each dwelling with a permanent or collapsible clothes line provided in a</p>	<p>The DCP requires a minimum storage volume of 10m³ to be wholly contained within a lockable garage. The proposed development provides storage in accordance with the RFDC being between 6m³ and 8m³.</p> <p>N/A</p> <p>Internal laundry facilities provided.</p> <p>N/A</p>	<p>No Variation proposed.</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>

	<p>conveniently accessible courtyard.</p> <p>Waste and Recycling Bins</p> <p>Waste and recycling bins</p> <table><tr><th>Garbage</th><th>Recycling</th></tr><tr><td>An equivalent of 120 litres (minimum) available per unit per week (in the form of a shared 660 litre or 1.5m³ bulk garbage bin)</td><td>For one bedroom units: 1 x 240 litre bin per four units For two bedroom units: 1 x 240 litre bin per three units For three bedroom units: 1 x 240 litre bin per two units For four bedroom units: 1 x 240 litre bin per unit</td></tr></table> <p>(e) Waste collection and separation facilities must be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and provision to enable separation of recyclable materials.</p> <p>(f) Bin storage bay(s) are to be of adequate size to store the appropriate number of garbage and recycling bins required based on the following waste generation rates or as required by Council's Waste Management Department:</p> <p>(i) incorporated into the landscape design of the development in order to minimise visual impact.</p> <p>(ii) accessible by wheelchair (where dwellings do not have access to waste garbage shutes or recycling cupboards).</p> <p>(iii) designed in accordance with The Hills Shire Council "Bin Storage Facility Design Specification".</p> <p>(g) Where dwellings or residential flats do not have</p>	Garbage	Recycling	An equivalent of 120 litres (minimum) available per unit per week (in the form of a shared 660 litre or 1.5m ³ bulk garbage bin)	For one bedroom units: 1 x 240 litre bin per four units For two bedroom units: 1 x 240 litre bin per three units For three bedroom units: 1 x 240 litre bin per two units For four bedroom units: 1 x 240 litre bin per unit	<p>The proposed development complies with the waste bin requirements of the DCP. Further, Council's Resource Recovery Officer has reviewed the proposal and has raised no objections to waste management subject to conditions of consent.</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Additional landscaping treatment will be conditioned to soften the visual impact of the bin storage area fronting Solent Circuit.</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Garbage	Recycling						
An equivalent of 120 litres (minimum) available per unit per week (in the form of a shared 660 litre or 1.5m ³ bulk garbage bin)	For one bedroom units: 1 x 240 litre bin per four units For two bedroom units: 1 x 240 litre bin per three units For three bedroom units: 1 x 240 litre bin per two units For four bedroom units: 1 x 240 litre bin per unit						

	<p>access to garbage shutes, recycling cupboards or centralised garbage storage rooms the location of the bin storage bay(s):</p> <ul style="list-style-type: none"> - is to be convenient and accessible to the occupants of all dwellings. - must allow 240 litre bins to be wheeled to the street over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters. - must allow the bulk garbage bin(s) to be wheeled out and be serviced by the front loading garbage truck on a flat surface with a maximum grade of 5%, and not over steps, landscape edging or gutters. - must be in accordance with the Baulkham Hills Shire Council "Bin Storage Facility Design Specification". <p>(h) All service access roads must be designed in accordance with Council's engineering requirements. Applicants are encouraged to liaise with Council's Waste Management Department on truck sizes, required turning paths and access/servicing arrangements.</p> <p>Waste Management Planning</p> <p>(i) Demolition and construction works must maximise the reuse and recycling of building/construction materials in accordance with Council's ESD objectives and State and Federal Government waste minimisation targets.</p> <p>(j) All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements.</p> <p>(k) All Development Applications are to be accompanied by a Waste Management Plan that demonstrates appropriate project management and construction</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>techniques for ensuring waste minimisation including the re-use of water on-site and off-site for recycling.</p> <p>Mail Boxes</p> <p>(l) Mail boxes are to be generally incorporated into front fences, landscaped areas or integrated with individual building entry design.</p> <p>(m) Mail boxes should be in close proximity to the pedestrian entrance of all housing types, and be easily identifiable for ease of use.</p> <p>(n) The location of mail boxes and mail drop-off points will need to be confirmed with Australia Post.</p> <p>Air Quality</p> <p>(o) To improve the air quality of the locality, the installation of wood heaters is not permitted.</p>	<p>Satisfactory</p> <p>Mail box location near front pedestrian access gate.</p> <p>Satisfactory</p> <p>Location to be confirmed with Australia Post prior to issue of the Construction Certificate.</p> <p>The proposal does not involve the installation of wood heaters.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3 – BASIX	All development applications will be required to demonstrate that they meet the BASIX targets.	BASIX Certificate is satisfactory	Yes
4.4 – Fencing	<p>Front Boundary</p> <p>(a) Front boundaries are to be defined through the use of hedging, plant massings, fencing or a combination of these elements.</p> <p>(b) Multi dwelling housing and</p>	<p>Landscaping treatment within front setback is considered to be satisfactory and will provide a soft interface to the proposed development.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>

	<p>small lot housing fronting Solent Circuit and the internal road network within the Central and West Precincts shall have vertical fencing elements.</p> <p>(c) The height of the fence is to be 1- 1.5 metres.</p> <p>(d) Fencing is to incorporate natural stone or masonry piers with a rendered or bag washed and painted finish. Fencing may have a base of natural stone or masonry construction with a rendered or bag washed and painted to match piers. Piers and base as solid elements are to comprise less than 40% of the fence.</p> <p>Side boundary</p> <p>(e) Side boundaries to integrated small lots and multi dwelling housing are to be defined with lap and cap timber fencing. Fencing to be solid to 1.8 metres high or solid to 1.5 metres high with a 300mm partial screen to a total height of 1.8 metres. Side fencing is to be tapered down to meet the height of the front fence or returned to the face of the dwelling.</p> <p>(f) Fencing is to have a natural or stained finish.</p> <p>(g) Side boundaries to residential unit ground floor courtyards are to be defined by masonry walls with a finish and colour to complement those of the building.</p> <p>Rear boundary</p> <p>(h) Fencing to rear boundaries is to be as described above (side boundary, point i) or to be timber palisade to a height of 1.5 metres to provide for passive surveillance.</p> <p>(i) Fencing to have a natural or</p>	<p>N/A</p> <p>The proposed development will not include front fencing to Solent Circuit.</p> <p>N/A</p> <p>Fencing will be consistent with the character and style of the proposal.</p> <p>Fencing to ground floor units will complement the colours and finishes of the building.</p> <p>Rear fencing will allow for passive surveillance.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	stained finish.		
4.5 – Access, Safety and Security	<p>(a) Stairs and ramps are to have reasonable gradients and non-slip even surfaces. Refer to Australian Standard 1428.1 – 1988 Design for Access and Mobility and supplementary AS 1428.2 – 1992.</p> <p>(b) Access to dwellings is to be direct and without unnecessary barriers. For example, use ramps instead of stairs/steps, consider the height and length of handrails and eliminate changes in level between ground surfaces.</p> <p>(c) Development applications should address provisions contained in Council's "Safer by Design Guidelines" 2002.</p> <p>(d) Private areas in a development are to be clearly recognisable.</p>	<p>The Development Application was accompanied by an Access Report prepared by Morris-Goding. The report identifies measures to ensure compliance with the Disability Discrimination Access Code 2010 and relevant Australian Standards.</p> <p>Accordingly, a condition of consent will be imposed to ensure compliance with the recommendations of the report.</p>	Yes – subject to conditions.
4.6 – Solar Access	<p>Performance Criteria</p> <p>a) All dwellings are to be orientated to promote direct sunlight. Buildings should be sited to allow adequate provision for access of direct sunlight into dwellings, private open space and communal open space.</p> <p>b) Living areas of dwellings shall be orientated towards the north wherever possible.</p> <p>c) Small lot housing and multi dwelling housing should be sited to maximise the amount of direct sunlight available to private open space.</p> <p>d) Where winter solar access is not optimum the use of double-glazing, high performance glass or heavyweight curtains and pelmets is strongly encouraged.</p> <p>e) Windows to living areas or bedrooms are to have suitable</p>	<p>The proposed development provides for adequate solar access to dwellings, private open spaces and communal open space.</p> <p>Living areas have been orientated towards the north where possible.</p> <p>N/A</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

	overhangs, shading, or other solar controls to avoid summer overheating and are to be integrated into the overall elevation design.	Satisfactory	Yes
	f) The use of horizontal shading devices (for north facing windows) including eaves, verandahs, pergolas, awnings and external horizontal blinds to allow low winter sun whilst providing shade from high summer sun is strongly encouraged.	Horizontal shading devices have been incorporated into the design to mitigate the ferocity of the summer sun.	Yes
	g) Where relevant, development applications should have regard to the requirements contained in the Australian Model Code of Residential Development (AMCORD) and Better Urban Living – Guidelines for Urban Housing in NSW.	Satisfactory	Yes
	<p>Development Controls</p> <p>Common Open Space</p> <p>(a) Common open space areas must receive at least 4 hours of sunlight between 9am and 3pm in midwinter.</p> <p>Residential Flat Buildings</p> <p>(b) Living rooms and private open spaces for at least 70% of residential units should receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.</p>	<p>Given the orientation of the site and the siting of buildings which were determined at the master plan stage, overshadowing of the adjoining Wetland Park and Detention Basin is unavoidable. Nevertheless at least 50% of the adjoining communal open space area receives 4 hours of solar access between 11am and 3pm.</p> <p>A solar access report has been prepared which indicates that 73% of units receive at least 3 hours of solar access between 9am and 3pm.</p>	<p>No – variation proposed.</p> <p>Yes</p>

4.7 – Visual and Acoustic Privacy	Performance Criteria	<p>The proposal includes an interface between Block A1 and A2.</p>	Yes
	<p>a) The effective location of windows and balconies is preferred to the use of screening devices, high sills or obscured glass. Where these are used, they should have minimal negative effect on resident or neighbour amenity.</p>	<p>Block A2 given the northerly aspect provides floor to ceiling windows.</p>	
	<p>b) Direct views from the living rooms of dwellings into private open space or the interior of other dwellings should be obscured with landscaping, architectural detail and building design (refer to AMCORD).</p>	<p>As shown on the southern elevation of Block A1 privacy is provided through the use of narrow windows.</p>	Yes
	<p>c) Where minimum separation distances cannot be practically met, windows should be placed to minimise direct viewing between dwellings.</p>	<p>The privacy measures do not adversely impact on the quality of solar access afforded to the internal living areas of Block A1 which are orientated achieve maximum solar access.</p>	Yes
	<p>d) In general, dwellings are to be designed to limit the potential for noise transmission to living and sleeping areas of adjacent existing and future developments. Consideration should be given to minimising noise emissions from air conditioners, driveways and the like. This can be achieved by complying with the Building Code of Australia requirements.</p>	<p>Car parking is contained within a basement car park with the entrance off Solent Circuit to the south of Block A2. The noise impact of vehicles is therefore minimised.</p>	Yes
	Development Controls	<p>Air conditioning and other services are contained within a plant area providing reasonable acoustic separation.</p>	
	<p>(a) Minimise direct overlooking of main internal living areas and private open space of dwellings both within and of adjoining development through building design, window locations and sizes, landscaping and screening devices.</p>	<p>As discussed, interface between Block A1 and Block A2 is satisfactory. Direct overlooking to adjoining properties is minimised through reasonable separation to the proposed eastern boundary line and is</p>	Yes

	<p>(b) Consider the location of potential noise sources within the development such as common open space, service areas, driveways, road frontage and provide appropriate measures to protect acoustic privacy by the careful location of noise sensitive rooms (bedrooms, main living areas) and double glazed windows.</p> <p>(c) The location of the plant and equipment for residential flat buildings should be designed so that the noise level does not exceed the background noise level. This is to reduce background noise level creep.</p> <p>(d) In regards to the multi dwelling housing and small lot housing, ideal positions or specifically designed positions for any air conditioners should be provided in the plans at development application stage.</p> <p>(e) Air conditioners shall be located a minimum of three metres from any property boundary and must not exceed 5dB(A) above the background noise level or alternatively if there is no other option and the air conditioner is located within three metres of any property boundary it must not exceed the background noise level.</p> <p>(f) Private areas in a development are to be clearly recognisable.</p>	<p>separated by a parkland to the west.</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>N/A</p> <p>N/A</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.8 – Public Roads	<p>Performance Criteria</p> <p>a) Extension of Fairway Drive and main East Precinct Access into the Balmoral Road Release Area will provide additional public thoroughfares into the Norwest Business Park.</p> <p>Currently the land is in private ownership and the long term use</p>	<p>Will be the subject of subsequent stages of development and will be reliant upon the development of the land directly to the north to accommodate a new access road off</p>	<p>N/A</p>

	<p>of the roads for public use must be recognised.</p> <p>b) In recognition of the Fairway Drive and main East Precinct access extension being used as public thoroughfares, the roads are to be dedicated to the Hills Shire Council as a public road and at no cost to Council.</p> <p>Development Controls</p> <p>(a) Fairway Drive is to be designed and constructed as a Enhanced Collector road as defined in Part D Section 7 – Balmoral Road Release Area. The extension of Fairway Drive is to be constructed from the Northern Boundary of Lot 301 DP 819129 to the intersection of Solent Circuit as shown in Figure 15 in Appendix 4.</p> <p>(b) The extension of the main East Precinct access road is to be designed and constructed as an Access Street as defined in Part D Section 7 – Balmoral Road Release Area and located as shown in Figure 15 in Appendix 4.</p>	<p>Fairway Drive.</p> <p>Will be the subject of future stages of development.</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
4.9 – Geotechnical	<p>(a) All development applications submitted to Council shall be accompanied by geotechnical appraisal report from a suitably qualified experienced Geotechnical Engineer.</p> <p>(b) The geotechnical appraisal report must satisfy Council that the possibility of soil movement or slip will not affect the proposed development of the site and outline recommendations to ameliorate any geotechnical impacts.</p>	<p>A Geotechnical Statement prepared by an appropriately qualified Geotechnical Engineer accompanied the Development Application. The statement confirms that the proposed development will not have adverse impacts on soil movement or slip subject to recommendations which will be imposed as a condition of consent.</p>	<p>Yes – subject to conditions of consent.</p>
4.10 – Pedestrian and	<p>(a) Pedestrian and cycleway linkages are to be generally in accordance with Figure 17 in</p>	<p>Satisfactory</p>	<p>Yes</p>

Cycleway Linkages	Appendix 5.		
4.11 – Stormwater Management	Performance Criteria a) Drainage systems are to be designed and constructed in accordance with the design guidelines set out in "Design Guidelines for Subdivisions and Developments" published by Baulkham Hills Shire Council and "Australian Rainfall and Runoff" published by Institution of Engineers, Australia (1987). b) Where a site adjoins natural creeks or watercourses, all residential development shall be clear of the 100 year ARI flood extents. c) On-site detention systems, where required, are to be designed in accordance with (i) above. d) Water Sensitive Urban Design elements are to be designed and constructed in accordance with the "Water Sensitive Urban Design Technical Guidelines for Western Sydney" published by the Upper Parramatta River Catchment Trust (May 2004).	The proposed stormwater management of the site is considered to be satisfactory. Council's Development Engineer has reviewed the proposal and raised no objections subject to conditions of consent. The site adjoins the Wetland Park which has been identified as Flood Prone Land. Further, the south-west corner of the site is affected by a portion of the SP2 Infrastructure zone. The proposal has been assessed by Council's Development Engineer and no objections are raised with respect to flooding and overland flow. Satisfactory Satisfactory	Yes Yes Yes Yes

The proposal has been assessed against the relevant controls of Part B Section 5 – Residential Flat Building. It is noted that where there are any inconsistencies between Part B Section 5 'Residential Flat Building' and Part D Section 8 'Norwest Town Centre', the latter will prevail. In this regard, controls that are silent within Part D Section 8 'Norwest Town Centre' have been considered in the table of compliance below:

DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
1.1 Permissible Zones	R1 General Residential, R4 High Density Residential, B2 Local Centre, B4 Mixed Use	The proposed residential flat buildings are permissible in the R4 High Density Residential zone.	Yes
3.1 Site Requirements	<p>The minimum lot size for residential flat buildings is specified in Clause 4.1A of The Hills Local Environmental Plan 2012, as follows:</p> <p><u>Within:</u></p> <p>R1 General Residential – 4,000m² R4 High Density Residential – 4,000m² B2 Local Centre – 4,000m² B4 Mixed use – 4,000m²</p> <p>Min. road frontage – 30m</p> <p>A residential flat building shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be sufficient area to meet the minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012.</p>	The proposed development involves the subdivision of the Eastern Residential Precinct into two lots to excise the portion of the site subject to the proposed development. As a result, both residential flat buildings will be contained within a lot with an area of 4,561m ² .	Yes
3.5 Building Separation and Treatment	12m	10-12 metres between Block A1 and A2	No – variation proposed
3.7 Building Length	Max. 50m	The maximum linear length of both proposed buildings is 45 metres along the longest façade.	Yes
3.16 Lighting	<ul style="list-style-type: none"> - Lighting to be in accordance with the Building Code of Australia. - Adequate lighting to 	Adequate lighting will be provided to ensure the security and safety of	Yes

	<p>ensure the security and safety of residents and visitors.</p> <ul style="list-style-type: none"> - Maximise the use of natural lighting through window placement and skylights. - In common areas lights are to be time switched and energy efficient fitting should be used. - Motion detectors are to be used for unit entries, lobbies and outdoor security. - Incorporate dimmers, motion detectors, and automatic turn-off switches where appropriate. - Provide separate switches for special purpose lights. 	<p>residents and visitors.</p> <p>Where possible, window placement has had regard to the orientation of the sun.</p>	
3.24 Services	<ul style="list-style-type: none"> - Development consent not to be granted until satisfactory arrangements are made with relevant authorities for the provision of services. - Pump out sewage management systems <u>not acceptable</u> for apartment building developments. - Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: <ul style="list-style-type: none"> - To provide safe and convenient access by residents and the service authority; and - Visually integrated with the development and have regard to the amenity of adjoining development and streetscape. - All electricity and telephone services on site must be underground. - Laundries shall be provided to each dwelling. 	<p>A condition of consent will be imposed to ensure that satisfactory arrangements are made with the relevant authorities for the provision of services.</p>	Yes
3.28 Developer	In accordance with the	S94 contributions	Yes

Contributions	current Section 94 rate – to be conditioned.	have been levied in accordance with Contributions Plan No. 8. A condition has been imposed requiring payment prior to the issue of the Construction Certificate.	
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Variations to the DCP have been identified and are addressed as follows:

a) Density

The density of the proposed development exceeds the maximum of 175 persons per hectare permitted by the DCP. The proposed development will provide for 450 persons per hectare once the lot containing the apartment buildings is excised and a density of 179 person per hectare across the entire Eastern Precinct if the remainder is developed in accordance with the master plan.

The applicant has provided the following justification for the variation to density:

This matter was resolved as part of the Stage 1 DA:

The overall density within the East Precinct is proposed to be 70.1 dwellings per Ha and 170.3 persons per Ha.

The 170.3 persons per Ha actually exceeds the density contained within the 2006 masterplan, which was identified at 151 persons per Ha and offsets the reduction in density associated with the Central Precinct.

Of critical importance is that this Stage 1 Development Application takes the overall density within all three (3) precincts (West, Central, and East) to 132.4 persons per Ha, noting that this is slightly above the overall density within the 2006 masterplan consent, which was approved at 127 persons per Ha. This calculation is made over the land that is to be occupied by dwellings plus internal streets, and the pocket parks and community facility land. The undeveloped drainage basin / parkland (Lot 2102) located between the Central and East Precinct and the through site link are excluded from this calculation.

The current proposal improves the overall density envisaged for the Precinct and is consistent (i.e. greater than the minimum) with the density identified in the Stage 1 DA.

The dwelling density within the Eastern Precinct increases to 179 persons per Hectare which improves the overall density across the West, Central and Eastern Precincts.

The masterplan consent proposed a density of 170.3 persons per hectare for the East Precinct. The applicant has indicated that based on the original 2006 master plan, the overall density for the central, west and east precincts will be increased to 132.4 persons per hectare as a result of the development, which is below the maximum density permitted by the DCP. Moreover, the density for the east precinct will be increased to 179 persons per hectare, which exceeds the maximum density permitted by the DCP.

The proposed development relates solely to the western portion of the East Precinct and given the subdivision of the site will result in a density of 450 persons per hectare on the excised lot.

It is noted that the masterplan consent involves a mix of dwelling types with the west and east edges of the development accommodating higher forms of density. The master plan envisages multi dwelling housing for the central portion of the East Precinct and it is likely that the density will be stabilised to be more in line with the DCP. Notwithstanding, the proposed development is generally consistent with the built form established with the masterplan. It is considered that the site is capable of supporting higher unit yields given the proximity to the Norwest Business Park and future train station. In this regard, a variation to density is considered to be satisfactory.

Whilst the density for the subject site is considered to be satisfactory, the subject application does not foreshadow a further increase to the density for the remainder of the East Precinct. The density of the East Precinct will be further considered with subsequent stages of development.

b) Apartment Sizes

The proposed apartment sizes are inconsistent with the minimum apartment sizes required by the DCP. The proposal will provide for the following apartment sizes:

- One Bedroom: 58m² to 78m²
- Two Bedroom: 97m² to 118m²
- Three Bedroom: 127m² to 138m².

With respect to compliance, 24.5% of units comply with the DCP for Block A1 whilst 7.85% of units comply with the DCP for Block A2. Overall, 16% of units comply with the DCP.

The applicant has provided the following justification for the variation to apartment size:

The following key points are noted:

- *The East Precinct exhibits the characteristics of transit oriented development, which typically includes a greater density of housing and variety of housing mix and sizes;*
- *the proposal is consistent with the objectives and directions of the Metro Plan for Sydney 2036, notably in the provision of a mix and diversity of housing, around public transport infrastructure nodes and that is relevant to the Centre's scale; and*
- *that diversity of housing is a concept that is broader than housing "type/category" and includes a variety of sizes and configurations within each housing type or category.*

The DA proposes apartment sizes less than that which Council seeks in areas that are not located in close proximity to employment opportunities and the future railway station. The DA proposes apartments within the East Precinct achieve a range of floor sizes across the site of:

- *58m² - 78m²: 1 bedroom*
- *97m² - 118m²: 2 bedroom*
- *127m² - 138m²: 3 bedroom*

It is apparent from the above analysis that the proposed apartment average for the East Precinct, as compared to the minimum apartment size in the Council requirement

represents a 14% reduction in 1 and 2 bedroom apartments and an 8% reduction for 3 bedroom apartments.

Conversely, the apartment average for the East Precinct compared to the minimum guideline of the RFDC is 23% higher for 1 bedroom apartments, 16% higher for 2 bedroom apartments and the same for 3 bedroom apartments.

It is noted that the RFDC is a necessarily broad document that seeks to discuss and guide apartment design throughout New South Wales. The proposal seeks to strike the right balance between providing an appropriate mix and diversity of dwelling type and sizes that is responsive to the sites location, and yet respects the Council's policy intentions to provide dwellings of a generous size throughout the local government area.

Finally it is noted that SEPP 65 provides:

30A Standards that cannot be used as grounds to refuse development consent for residential flat buildings

(1) A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:

(b) apartment area: if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.

The table below demonstrates the unit sizes as compared to the minimums contained on p.69 of the RFDC, noting that 96% of units comply and the minor variation to the 1 bedroom units is considered acceptable in the context of the overall development.

The applicant has justified the variation by relying upon the minimum apartment size requirements of the Residential Flat Design Code which are less than the minimum apartment size requirements of the DCP. Additionally, the applicant has indicated that a variation can be supported on the premise that the site exhibits the characteristics of a transit orientated development which typically includes a greater density of housing and a variety of sizes and configurations. Furthermore, the close proximity of the site to the future train station and employment opportunities within the Norwest Business Park supports higher density housing.

It should be acknowledged that the master plan consent foreshadowed variations to the DCP for apartment sizes and deferred further consideration of any proposed variation to the respective built form Development Applications.

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

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

The recommended controls are as follows:

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

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

Council resolved that the amendments be publicly exhibited.

An assessment of the proposal against the draft controls finds that 96 of the 100 units (96%) comply with the type 1 apartment size category and 92 of the 100 units (92%) comply with the type 2 apartment size category. With respect to type 3 apartment size category 16 of the 100 units (16%) comply. It is noted that the application was lodged prior to the Council resolution.

The majority of units comply with the minimum apartment size requirement specified by the Residential Flat Design Code (RFDC) with the exception of 4 units that do not comply. It is noted that these units are one bedroom units with a floor area of less than 63m² but greater than 58m². Furthermore, on average the apartment sizes exceed the RFDC requirement by 23% for one bedroom apartments and 16% for two and three bedroom apartments. The broad range of apartment sizes and the configuration of the floor design provides for functional and liveable space that will provide for a reasonable level of amenity to residents. Given the context of the site and the location adjacent to a business park and future train station, a variation to the DCP in addition to the intended amendments to the DCP are considered to be satisfactory.

c) Building Setbacks

The proposal includes variations to the Eastern Residential Precinct setback controls on two sides as outlined in the following table:

	DCP	Master Plan	Proposed Building Setbacks (including balconies)	Proposed Basement Setback
Solent Circuit	10 metres	10 metres	8.75 metres	8.75 metres

(South Boundary)				
North Boundary	14 metres	6 metres	8.5 metres	6.0 metres

It is noted that the western boundary and eastern boundary setback controls do not apply as the proposal relates to a portion of the Eastern Residential Precinct significantly removed from the eastern and western boundaries of the precinct. The western part of the precinct is set aside for revegetation works and the eastern part is set aside for further medium and high density residential development under the approved master plan. As such, the eastern and western setbacks of the subject proposal have been assessed against DCP 2012 Part B Section 5 – Residential Flat Buildings as detailed later in this report.

The DCP provides the following objectives relating to building setbacks:

- *To provide setbacks that complements the landscape setting of the Norwest Business Park.*
- *To provide privacy for future residents within a parkland setting.*
- *To minimise overshadowing of communal open space areas.*

The applicant has provided the following justification:

Given the context of the site that interfaces with the Parkland, Solent Circuit and future residential development to the north, it is considered that the setbacks are appropriate and meet the underlying intent of the control.

The building will be viewed within a landscape setting as viewed from the west given the significant vegetation to be provided within the adjoining revegetation area.

The proposal does not result in unreasonable privacy impacts to adjoining properties to the north or east given the proposal meets the SEPP 65 Principles with regard to building separation.

The communal open space areas of the proposal are designed to achieve northern sunlight and will have good solar access between approximately 10:00am and 1:00pm.

It is also noted that the building footprint (which was always predicated on a podium given the fall across the site) is consistent with the Stage 1 master plan consent.

The proposed north boundary will interface to a future road. Given the topography of the land rises to the north the visual impact of the proposal is not adversely increased by the decreased setback. Further, given the encroachment is to the north, the solar impact is minor and primarily over the subject site. As detailed in this report, the overshadowing is not unreasonable and provides suitable solar access to both the proposed units and adjoining open space areas.

Design measures along the northern and southern elevations integrate the proposal with the setting of Norwest Business Park. The proposal includes articulation through a stepped building form with a setback of up to 10 metres along the northern boundary and up to 9.6 metres along the southern boundary. Other articulation measures include balconies and landscaping which promote a vibrant streetscape and contribute to the high aesthetic quality of the Norwest Residential Precinct and Park as a whole.

The visual separation mitigates the impact of the setback encroachment. Block A1 only extends 49% of the width of the northern boundary and as such does not have unreasonable bulk and scale in terms of width. In terms of building separation, Block A1 is substantially separated from adjoining development to the west by virtue of the parkland and to the east by virtue of a 15 metres setback. Block A2 is primarily

orientated towards the existing lake and Business Park and is bounded by the parkland to the west and a future road to the east. As such the integrity of the front building line along the northern and southern boundary is not adversely affected.

d) Building Height

The DCP stipulates that the maximum number of storeys shall be in accordance with Figure 4 Appendix 1. Figure 4 details a building height of 6 storeys for the portion of the subject site to which the development is proposed. In this regard, the proposal provides a building with a height of 9 storeys or 33.3 metres which exceeds the DCP.

A Clause 4.6 Variation to the building height permitted by the LEP has been previously discussed in this report. Furthermore, it is noted that the masterplan foreshadowed a variation to the DCP height control of 6 storeys by approving a concept building height of 7 storeys.

It is noted that the master plan building heights (metres) were calculated on the basis that each storey represented a height of 3 metres. The plans were conceptual and did not take into account the varying topography of the western side of the Eastern Precinct. In this regard the masterplan approved a maximum building height of 7 storeys or 21 metres. The addition of an extra two storeys results in a building height of 33.3 metres and is calculated with respect to the contours of the site and includes a portion of the basement level which protrudes above natural ground level. The proposed building height is 12.3 metres higher than the conceptual building height.

The proposed departure to the building height of 6 storeys will not cause undue impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The overall massing of the site was predetermined as part of the masterplan and the proposed buildings are considered to respond appropriately to the interface of adjoining land.

The height and massing of the development is considered to respond appropriately to the topography of the site and consistent with the built form envisaged within Norwest Business Park directly adjacent to the south which comprises a building height of RL 116. Furthermore, a planning proposal (10/2013/PLP) of the site directly to the north known as Lot 101 DP 1176747 is being considered for high density residential development with a proposed height ranging between 16-41 metres across the subject site.

It is noted that a building height of RL 116 for the subject site is currently being considered under an LEP housekeeping amendment (13/2013/PLP). The proposal comprises a building height of RL 106.1 which is considerably below the height envisaged for the subject site.

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

e) Protrusion of Basement Car Park

The basement car park protrudes up to 3.0 metres along the northern and western boundary where the DCP limits basement car parking to a maximum 1.0 metre above natural ground level.

The objective of the DCP control is to ensure residential flat buildings reflect the height and scale of the Norwest Business Park, respond to the topography and minimise overshadowing.

The façade of the exposed basement car park is in keeping with the area being primarily a masonry wall in keeping with the overall colours and finishes, broken up by ventilation grills servicing the car park and stair cases allowing access from the podium level.

Further the site is separated from future residential development to the north through a future public road and to the west is screened by future landscaping upon the completion of revegetation works.

A variation to the DCP is considered satisfactory in this instance.

f) Overshadowing

The DCP requires common open space areas to receive 4 hours of solar access between 9am to 3pm in midwinter. The application was accompanied with shadow diagrams which detail the shadow cast of the proposed development during the winter solstice.

It is noted that the DCP requires common open space areas to be provided within the East Precinct in accordance with Figure 5 of the DCP. In this respect, the subject site does not have a requirement to provide communal open space however adjoins the Wetland Park and Detention Basin identified as a communal open space area to the west.

Given the orientation of the site and the siting of buildings which were determined at the master plan stage, overshadowing of the adjoining Wetland Park and Detention Basin is unavoidable. Nevertheless at least 50% of the adjoining communal open space area receives 4 hours of solar access between 11am and 3pm which is considered to be adequate with respect to solar access. In this regard, a variation is considered to be satisfactory.

g) Storage Facilities

The Norwest DCP requires that storage facilities are provided in accordance with DCP 2012 Part B Section 5 – Residential which states:

At least 10m³ must be provided for storage per dwelling within a lockable garage. It must not encroach into the parking space, and must cover a minimum area of 5m² with a minimum dimension of 2 metres required. The storage space shall be adjacent to a car space and not overhead.

The proposed development was designed in accordance with the 'Rule of Thumb' within the Residential Design Flat Code which states:

In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:

- *Studio apartment: 6m³*
- *One bedroom apartment: 6m³*
- *Two bedroom apartment: 8m³*
- *Three plus bedroom apartment: 10m³*

An amended Statement of Environmental Effects states that the proposal provides the following storage areas within the basement level with the remainder required by the RFDC contained within units:

- 1 bedroom: 5.1-12.6m³
- 2 bedroom: 5.5-27.3m³
- 3 bedroom: 8.2-35.8m³

The applicant has submitted the following justification for providing storage in accordance with the RFDC and not the DCP:

Storage has been a careful and intentional design element that stems from the high density nature of the proposal and providing additional on-site parking for 23.5 (18) vehicles within the basement beyond that required by the master plan consent. Given the height and density of the proposal having good storage areas within the unit is important to increase utility for occupants rather than requiring occupants to travel to the basement for all their storage needs. This enables storage of moderately sized items within the unit at easy reach.

The issue of on-site parking is of importance within the Hills Shire and providing additional on-site parking is seen as preferable to providing significant storage areas that are much greater than that required in the RFDC. The master plan consent only requires 1.5 spaces per 2 bedroom dwelling whereas the proposal provides 1.9 parking spaces per 2 bedroom dwelling and an additional 23.5 (18) spaces within the basement. These spaces could conceivably be turned into storage areas however this will have limited benefit for residents and will reduce the availability of on-site parking.

The objectives of the DCP aim to ensure units have reasonable private storage space either within the dwelling or in a secure garage contrary to the control which limits storage to basement car parking areas. Overall the proposal provides a reasonable minimum garage storage area of 5.1m³. The objectives of the DCP would permit the inclusion of built in wardrobes and other storage areas such as linen cupboards. The proposal provides linen cupboards and built in wardrobes to bedrooms. Overall the storage areas internal to the units are satisfactory and offset the shortfall in basement storage area. A variation is considered reasonable in this instance.

h) Car Parking

The proposed development has been assessed against DCP 2012 Part C Section 1 – Parking as required by the Norwest Residential DCP. The proposal provides 211 car parking spaces where the DCP requires 223 spaces.

The proposal relies on the master plan consent 910/2013/JP which approved a lesser car parking rate for 2 bedroom units being 1.5 spaces per unit in future built form applications.

Based on the above rate the proposal would be required to provide 193 car parking spaces in total. The proposal provides a surplus of 18 spaces when using the parking rates approved by the master plan.

The reasons for supporting a reduced parking rate primarily included close proximity to existing and planned transport infrastructure. The quality of the public transport infrastructure both existing and under construction has not changed from the time of the master plan application.

Given the proposal is not inconsistent with the master plan approval, a reduced rate is considered satisfactory in this instance.

i) Building Separation

The DCP requires a building separation of 12 metres where the proposal provides a separation of between 10 and 12 metres between Block A1 and A2.

The intent of the DCP control is to maintain privacy between residential flat buildings and sure an appropriate level of landscaping within the area of separation.

The southern elevation of Block A1 includes narrow windows to protect the privacy of the floor to ceiling windows on the northern elevation of Block A2. Further, given the differing axis of Block A1 and Block A2 the interface is to the narrower side of Block A1.

The proposal includes landscaping in between Block A1 and A2 and the development as a whole adjoins a revegetation area to the west which when developed will further integrate the development into the landscape setting of Norwest Business Park.

A variation to building separation is considered satisfactory in this instance.

4. Multi Unit Housing Guidelines

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

i. Character of the Area

The development integrates with the future built form character of the surrounding area and is consistent with the preceding master plan for the subject site. The proposed development responds to the zone objective and is considered satisfactory with respect to the desired character of the area.

ii. Site Analysis and Design

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

iii. Building Envelope and Siting

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

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from all adjoining interfaces. The proposed setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of Solent Circuit. The proposed setbacks are considered satisfactory as outlined previously in this report.

v. Building Height

The height of the buildings exceeds that permitted by the DCP and LEP however is consistent with the intended height limit of RL 116 which is a matter of consideration under a planning proposal. Nevertheless, the merits of a variation to the height limit is considered to be satisfactory as detailed previously in this report.

vi. Communal and Private Open Space

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

vii. Landscaping

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

viii. On-Site Car Parking and Access

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

ix. Solar Access

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

x. Resource, Energy and Water Efficiency

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

xi. Security

The location of buildings and associated balconies provides an opportunity for informal surveillance to improve the safety of future residents. It is considered that there is a clear definition of spaces and transition areas. The design of the development encourages passive to publicly visible areas.

xii. Ecological Sustainable Design

The development will provide a high energy efficiency rating for each dwelling. The dwellings will be designed to provide good thermal efficiency and adequate cross-ventilation.

xiii. Building Design

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

5. SEPP 65 – Design Quality of Residential Flat Buildings

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

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	The proposed building height is considered satisfactory and is consistent with the future character of the area and the built form envisaged in the preceding master plan. No FSR control applies to the site.	Yes
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18	18-22m depth. While the building depths exceed the suggested depths of	Yes

	metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	the SEPP, the design of the buildings are sufficiently articulated with all units provided with adequate sunlight and ventilation through the incorporation of dual aspect orientations.	
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	The separation distance between Block A1 and A2 will range between 10-12 metres from ground floor to the 8th storey.	No Variation proposed. –
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The proposed streetscape presentation and associated building setbacks is considered satisfactory. High quality landscaping is proposed to enhance the streetscape character of the development.	Yes
Side and rear setback	Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	Landscaped area and solar access is considered satisfactory and appropriately considered by the applicant in the design of the development.	Yes
Floor Space Ratio	Test the desired built form outcome against proposed	There is no specific floor space ratio	Yes

	<p>floor space ratio to ensure consistency with:</p> <ul style="list-style-type: none"> • Building height • Building footprint • The three dimensional building envelope • Open space requirements 	<p>applying to the site. However, it is noted the development is satisfactory in regard to the building envelope and curtilage surrounding the subject site.</p>	
Deep Soil Zones	<p>A minimum of 25% of the open space area of a site should be a deep soil zone.</p>	<p>The proposed development provides for 50% or 534 square metres of the common open space area of the site is provided with deep root zone planting.</p>	Yes
Open Space	<p>The area of communal open space required should generally be at least 25-30% of the site area.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m².</p>	<p>The proposed common open space area is 1,915 square metres which represents 41% of the site area.</p>	Yes
Pedestrian Access	<p>Identify the access requirement from the street or car parking area to the apartment entrance.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p>	<p>Will comply.</p> <p>Access is provided by way of lifts throughout the development and from the basement car parking areas and ground floor units.</p>	<p>Yes</p> <p>Yes</p>
Vehicular Access	<p>Generally limit the width of driveways to a maximum of 6m.</p>	<p>The driveway widths are compliant with the Australian Standards and ensure sufficient manoeuvring is available within the site.</p>	Yes

	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The basement access is not in direct conflict with pedestrian paths of travel.	Yes
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	Ten single aspect apartments do not comply and are approximately 8.2-8.7 metres deep. It is noted that kitchens are setback within 8 metres of a window and those areas in excess of 8 metres relate to wet areas and non-habitable rooms.	No Variation proposed. –
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 	The majority of units comply with the minimum apartment size requirement specified by the Residential Flat Design Code (RFDC) with the exception of 4 units that do not comply. It is noted that these units are one bedroom units with a floor area of less than 63m ² but greater than 58m ² .	No Variation proposed. –
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies comply as per the DCP requirements.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	All units will comprise a minimum height from floor to ceiling of 2.7 metres.	Yes
Ground floor apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.	Accessible unit provision is compliant with the DCP requirements.	Yes

	Provide ground floor apartments with access to private open space (i.e. terrace, garden).	All ground floor units are provided with at grade access and ground floor private open space access.	
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	The maximum number of apartments off any single lift and stair lobby is six.	Yes
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> • Studio – 6m³ • 1 bed – 6m³ • 2 bed – 8m³ • 3 bed+ - 10m³ 	Accessible storage is provided to all units within the unit floor area and within designated storage areas within the basement and unit.	Yes
Daylight Access	Living rooms and private open spaces for at 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	Sufficient solar access has been provided / demonstrated as outlined within the submitted shadow diagrams and Solar Access Report prepared by Gilsonan and Associates. The proposal provides 3 hours of solar access to 73% of units between 9am to 3pm in midwinter.	Yes
Natural Ventilation	60% of residential units should achieve natural cross flow ventilation and 25% of kitchens should have access to natural ventilation.	70% of units achieve natural cross ventilation and 69% of units have natural ventilation to the kitchen.	Yes
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	Waste Management Plans have been submitted, assessed by Council's Resource Recovery Section and considered satisfactory.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated	Satisfactory rainwater collection,	Yes

	with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	re-use and disposal proposed. Note that there are no offensive or hazardous roofing materials proposed.	
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Variations to the RFDC have been identified and are addressed as follows:

a) Building Separation

The RFDC requires a general building separation of 18 metres. The proposal provides a separation of between 10 and 12 metres between Block A1 and A2 for the entire height.

The intent of the RFDC control is to promote and help achieve appropriate massing and spaces between buildings, visual and acoustic privacy, to control overshadowing, to provide deep soil zones.

The proposal must be looked at within its context being the Eastern Residential Precinct and the Norwest Business Park. The apartments are within a master plan scheme that provides reasonable open space areas across the precinct. The proposed building separation does not impact on the ability to achieve the planned open space areas. The building design and massing is not out of place within the context of the Norwest Business Park and as discussed in this report does not represent any unreasonable amenity impacts between Block A1 and A2 or to adjoining properties.

A variation to building separation is considered satisfactory in this instance.

b) Apartment Layout

The RFDC requires single aspect apartments to comprise a maximum depth of 8 metres to a window. The proposed development comprises of ten single aspect units that have a depth ranging between 8.2-8.7 metres to a window which exceeds the maximum permitted by the RFDC.

The applicant has justified the variation on the basis that the proposed development complies with the solar access and natural ventilation requirements of the RFDC. The proposed development achieves at least 3 hours of solar access between 9am to 3pm during midwinter to 73% of units. Additionally, the proposed development achieves natural ventilation to 70% of units with 69% of kitchens being naturally ventilated.

It is further noted that kitchens are not setback more than 8 metres from a window with the non-compliance relating to wet areas and non-habitable areas.

In this regard, given that the proposed development achieves a satisfactory level of solar access and natural ventilation for the entirety of the development, the variation to the apartment depth for the non-compliant units is considered to be satisfactory.

c) Apartment Mix

The majority of units comply with the minimum apartment size requirement specified by the Residential Flat Design Code (RFDC) with the exception of 4 units that do not comply. It is noted that these units are one bedroom units with a floor area of less than 63m² but greater than 58m².

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 overall development and meets the required ventilation requirements.

The proposed variations to unit areas are considered to be minor. The proposal continues to meet the minimum floor areas specified in the Rules of Thumb. The internal unit areas which do not comply are 5m² below the area specified in the unit type table however exceed the minimum floor area specified in the Rule of Thumb. The unit areas reflect a well-designed and useable unit layout having regard to solar access and natural ventilation.

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings*' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code. The apartment sizes all exceed the minimum requirements of the RFDC 'Rules of Thumb'.

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

SEPP 65 Ten Quality Design Principles

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

Principle 1: Context

The development responds and reflects the context into which it is placed. The site is located along Solent Circuit and the development conforms to the future desired character of the area being zoned for residential flat buildings. The context is likely to change over as adjoining sites are developed in context with the nature of the zoning.

Principle 2: 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 spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between residential flat buildings. The building separations and setbacks will provide sufficient landscaping to ensure privacy is maintained.

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

Principle 3: Built Form

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

Principle 4: Density

The proposed development for 100 units is considered to be appropriate for the site and locality and within the context of the master plan.

Principle 5: Resources, Energy and Water Efficiency

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

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

Principle 6: Landscape

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

Principle 7: 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 for the enjoyment of residents.

Principle 8: Safety and Security

The development has been designed with safety and security concerns in mind having regard to the principles of Crime Prevention through Environmental Design. The common open spaces, balconies and windows provide opportunities for passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private open spaces are clearly defined and screened.

Principle 9: Social Dimensions

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development provides an apartment mix to accommodate a range of budgets.

Principle 10: Aesthetics

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

6. Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners. In response, one (1) submission was received. The following issues raised in the submissions are addressed in the following table:

ISSUE/OBJECTION	COMMENT	OUTCOME
Concern is raised that the proposed scale of the buildings will be out of character with the area and will set a precedence for multi storey complexes. The proposal should be amended to a maximum of 4 storeys.	<p>The proposed height of Block A1 is 8 storeys and the proposed height of Block A2 is 9 storeys. It is considered that the height of the proposed buildings will not cause undue impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The overall massing of the site was predetermined as part of the preceding master plan for the Eastern Residential Precinct and the proposed buildings are considered to respond appropriately to the interface of adjoining land.</p> <p>In this regard, the height of the proposed buildings is considered to be satisfactory given the minimal amenity impact and the context of the site.</p>	Issue addressed.

BUILDING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing swimming pool safety requirements.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing engineering, roads, stormwater and subdivision of the development.

ECOLOGY COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation and the landscaping plans are amended to provide suitable levels of endemic species within the planting schedule.

TREE MANAGEMENT COMMENTS

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

HEALTH & ENVIRONMENT COMMENTS

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

WASTE MANAGEMENT COMMENTS

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

TRAFFIC COMMENTS

No objection raised to the proposal. A condition of consent is provided to ensure that consideration is given to the future signalisation at the eastern intersection of Norwest Boulevard and Solent Circuit.

ROADS & TRAFFIC AUTHORITY COMMENTS

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

NSW OFFICE OF WATER

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

NSW POLICE COMMENTS

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

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

CONCLUSION

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

The proposal will provide additional housing choice for residents of the Shire. The external and internal design of the apartment buildings is satisfactory and will result in an appropriate streetscape outcome for the future character of the area.

The proposal was advertised and notified to adjoining property owners for a period of 30 days and one submission was received which has been addressed in the report but not warrant amendments to, or refusal of, the Development Application.

The proposal is recommended for approval subject to conditions.

RECOMMENDATION

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

GENERAL MATTERS

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

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

The amendments in red include:

- Notations that the bin standing area in the front setback area to Solent Circuit is to be amended on Drawing Nos. DA 103, DA 120, 2000, 2102 and 2200 to be in accordance with drawing no. SK as further amended by other conditions of consent.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA 001	Site Location and Master Plan	B	26/05/2014
DA 101	Blocks A1 & A2 – Basement 2 Parking	B	26/05/2014
DA 102	Blocks A1 & A2 – Basement 1 Parking	B	26/05/2014
DA 103	Ground Floor Plan - Blocks A1 & A2	B	26/05/2014
DA 104	Combined Floor Plan – Level 1	B	26/05/2014
DA 105	Combined Floor Plan – Level 2	B	26/05/2014
DA 106	Combined Floor Plan – Level 3	B	26/05/2014
DA 107	Combined Floor Plan – Level 4	B	26/05/2014
DA 108	Combined Floor Plan – Level 5	B	26/05/2014
DA 109	Combined Floor Plan – Level 6	B	26/05/2014
DA 1010	Combined Floor Plan – Level 7	B	26/05/2014
DA 1011	Combined Floor Plan – Level 8	B	26/05/2014
DA 1012	Combined Roof Plan	B	26/05/2014
DA 110	Block A1: Ground Floor & Level 1 Plan	B	26/05/2014
DA 111	Block A1: Level 2 -3 Plan	B	26/05/2014
DA 112	Block A1: Level 4-5 Plan	B	26/05/2014
DA 113	Block A1: Level 6-7 Plan	B	26/05/2014
DA 114	Block A1: Level 8	B	26/05/2014
DA 120	Block A2: Ground Floor Plan	B	26/05/2014
DA 121	Block A2: Level 1-2 Plan	B	26/05/2014
DA 122	Block A2: Level 3-4 Plan	B	26/05/2014
DA 123	Block A2: Level 5-6 Plan	B	26/05/2014
DA 124	Block A2: Level 7-8 Plan	B	26/05/2014

DA 125	Block A2: Roof Plan	B	26/05/2014
DA 126	Block A2 – Adaptable Units	B	26/05/2014
DA 200	Site Elevations – East & West	B	26/05/2014
DA 201	Site Elevations – North & South	B	26/05/2014
DA 220	Block A2 – North Elevation	B	26/05/2014
DA 221	Block A2 – South Elevation	B	26/05/2014
DA 222	Block A2 – East & West Elevations	B	26/05/2014
DA 223	Block A1 – North & South Elevations	B	26/05/2014
DA 224	Block A1 – West Elevation	B	26/05/2014
DA 225	Block A1 – East Elevation	B	26/05/2014
DA 301	Site Section A & Section B	B	26/05/2014
DA 302	Carpark Driveway Section	B	26/05/2014
-	Block A1 – Typical Garbage Chute and Recycle Room Layout	-	-
-	Block A2 – Typical Garbage Chute and Recycle Room Layout	-	-
DA 404	Basement Waste & Recycling Areas		
SK	Waste Collection – Proposed Alternative Arrangement 4	-	18/06/2014
DA 501	Blocks A1 & A2 – 3D Views	B	26/05/2014
2000	Landscape Cover Sheet	C	20/05/2014
2101	Landscape Plan West	C	20/05/2014
2102	Landscape Plan East	C	20/05/2014
2501	Landscape Details	B	29/01/2014
2502	Landscape Details and Specification Notes	G	16/07/2014
2200	Landscape Plan Coloured Rendered	C	20/05/2014

2. Construction Certificate

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

3. External Finishes

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

4. Tree Removal

Approval is granted for the removal of one tree marked in dashed lines on the Landscape Masterplan prepared by Site Image Landscape Architects.

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. Compliance with RMS Requirements

Compliance with the requirements of the NSW Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveway grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS290.2 – 2002 for heavy vehicles.
- (ii) Car parking provision to Council's satisfaction.
- (iii) All vehicles to enter and leave the site in a forward direction.
- (iv) All works associated with the proposed development are to be at no cost to RMS.

6. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the Office of Water attached as Appendix (A) to this consent and dated 5 March 2014.

7. Compliance with NSW Police Force Requirements

General compliance with the recommendations of the NSW Police Force – The Hills Local Area Command dated 30 March 2014 attached as Appendix (B) to this consent. Recommendations relate to the development achieving Crime Prevention Through Environmental Design (CPTED).

8. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

9. Replacement Planting Requirements

To maintain the treed environment of the Shire two (2) advanced (100 litres) replacement trees from the following list are to be planted elsewhere within the property.

Eucalyptus tereticornis

Forest Red Gum

10. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Mark John Andrew dated 31 March 2014 except where amended by other conditions of consent.

11. Separate Application for Strata Subdivision

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

12. 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.

13. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- v. The gradient of the driveway through the footpath verge must be 4% for the full length, rather than varying between 2.5% and 5% as shown on the plans.
- vi. The direct pedestrian connection to the footpath in Solent Circuit (which extends all the way to the kerb on some plans) must stop at the property boundary.

14. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per 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. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveways 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 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.

16. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

17. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

18. Water Sensitive Urban Design Handover Process

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

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;
- d) Intended maintenance responsibility, Council, landowner etc;
- e) Inspection method and estimated frequency;
- f) Adopted design cleaning/ maintenance frequency;
- g) Estimate life-cycle costs;
- h) Site access details, including confirmation of legal access, access limitations etc;
- i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l) A work method statement;
- m) A standard inspection and cleaning form.

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

19. 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.

20. 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.

21. Provision of No Parking Signs

Provide 24 metres of No Parking 6:00am to 12:00pm Wednesday at Solent Circuit. This is to ensure that there is no conflict between on street vehicle parking and waste collection.

22. Management of Construction Waste

Waste materials must be appropriately stored and secured within a designated waste area on site at all times, prior to its reuse on site or being sent off site. 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. Any material moved off site must be transported to a place that can lawfully be used as a waste facility or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timber, masonry products, clean waste plasterboard and mixed plastics and cardboard. This can be achieved by source separation on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. 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.

23. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without formal approval from Council prior to works commencing on site. Any unauthorised disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. 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.

24. Commencement of Domestic Waste Service

The building owner or agent acting for the owner 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. The service is to be arranged by telephoning Council on (02) 9843 0310. All requirements of Council's waste collection service must be complied with at all times.

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

The responsibility for property numbering is vested solely in Council.

Approved numbering for Stage is as follows:

Building A2 Units 1-51/38 Solent Circuit Baulkham Hills

Building A1 Units 52-100/38 Solent Circuit Baulkham Hills

Approved Unit numbering is as per Drawing Number 801 dated 26 May 2014

Unit 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, lift 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.

26. Accessibility

Compliance with the requirements and recommendations of the Access Review prepared by Morris-Goding Accessibility Consulting dated 29 January 2014 attached as Appendix (C) to this consent.

27. Geotechnical Requirements

Compliance with the requirements of the Geotechnical Advice prepared by Geotechnique Pty Ltd dated 9 May 2014 (Ref. No. 10281/1-AB) attached to this consent as Appendix (D).

28. Construction of Bulk Bin Hardstand Area

The bulk bin hardstand area must be constructed of concrete, bounded by kerb and be at least 4200mm x 3600mm. The finished surface of the hardstand area is to be level and non-slip. The width of the clear floor opening shall be 1.5m. The waste servicing path must lead to the street including kerb crossing. The width of this path is to be no less than 1.5m and shall not exceed a grade of 5% (1:20). The hardstand area must be screened by planting as best as possible to ensure bins are not visible from the public road.

29. Construction of Floor Level Waste Rooms

The floor level waste rooms are to be sized to contain the chute hopper and at least one 240 litre mobile recycling bin. All rooms are to be mechanically ventilated.

30. Construction of Basement Waste Storage Rooms

All work involving construction of the basement waste storage rooms shall comply with the requirements of Council's Bin Storage Facility Design Specifications, and in addition to, the rooms shall be adequately ventilated (mechanically) and contain an artificial light source. Storage facility must be provided for a minimum of nine (9) 660 litre bulk garbage bins and fifty (50) 240 litre mobile recycling bins. The garbage chute is required to empty into 660 litre bulk garbage bins housed in a 2-bin carousel compactor (fully automatic compaction with a compaction ratio set at 2:1).

31. Signalisation of Norwest Boulevard/Solent Circuit (east)

In accordance with the Norwest Town Centre Master Plan (DA 790/2006/HC), a signalised intersection at Norwest Boulevard/Solent Circuit (east) shall be provided at the expense of the applicant prior to the occupation of 400 units within the Norwest Town Centre Residential Precinct (including the West, Central and Eastern Precincts). The design of this signalised intersection shall be prepared by Council and approved by the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

32. Bulk Bin Standing Area

The relocated bulk bin standing area shown in Drawing No. SK approved by this consent is to be embellished with landscaping or otherwise to the satisfaction of Council.

33. 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.

34. Stormwater Pump/ Basement Car Park Requirements

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

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street along with the remaining site runoff, under gravity.

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

35. Registration of Drainage Easement

A 1.5m wide drainage easement must be created over the downstream property, Lot 2102 DP 1176614, prior to a Construction Certificate being issued. The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council. The easement must coincide with the stormwater connection shown on Drawing 00777_DA201 Revision 03 dated 20 May 2014.

36. 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.

37. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$88,060.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (148m) multiplied by the width of the road (7m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council 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 costs.

38. 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 amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

39. Engineering Works and Design

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

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

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

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

The following engineering works are required:

i. Stormwater Drainage – Pipe Extension

Four new kerb inlet pits must be provided in Solent Circuit fronting the site generally as shown on Drawing 00777_DA201 Revision 03 dated 20/05/2014. The stormwater runoff from the development site must be directed to the existing pipe further north and a new pit installed as shown on the same drawing.

ii. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of a rainwater tank and other proprietary products as shown on Drawing 00777_DA201 Revision 03 dated 20/05/2014, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

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

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

40. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) Have no expiry date;
- b) Be sent to Council direct from the bank;
- c) Reference the development application, condition and matter to which it relates;
- d) The amount must match that required to be paid;
- e) If a single bank guarantee is used for multiple bonds, it must be itemised.

Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

41. 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).

42. 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	Credit	1 Bedroom: 17	2 Bedroom: 59	3 Bedroom: 24	Sum of Units	Credits:1	Total Section 94
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 60,401.17	\$ 338,628.73	\$ 177,103.68	\$ 576,133.58	\$ 10,112.40	\$ 566,021.18
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 24,842.78	\$ 139,276.58	\$ 72,841.92	\$ 236,961.28	\$ 4,159.19	\$ 232,802.09
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 217.91	\$ 1,301.52	\$ 7,297.12	\$ 3,816.48	\$ 12,415.12	\$ 217.91	\$ 12,197.21
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 11,268.28	\$ 63,174.25	\$ 33,040.08	\$ 107,482.61	\$ 1,886.55	\$ 105,596.06
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 290.11	\$ 1,732.81	\$ 9,714.35	\$ 5,080.80	\$ 16,527.96	\$ 290.11	\$ 16,237.85
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 9,951.97	\$ 55,793.94	\$ 29,180.40	\$ 94,926.31	\$ 1,666.16	\$ 93,260.15
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 23,660.60	\$ 132,649.11	\$ 69,375.84	\$ 225,685.55	\$ 3,961.28	\$ 221,724.27
Total	\$ 7,832.89	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 133,159.13	\$ 746,534.08	\$ 390,439.20	\$ 1,270,132.41	\$ 22,293.60	\$ 1,247,838.81

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.

43. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$10,000 to ensure satisfactory completion is to be lodged with Council. It shall be refunded six months following issue of the Final Occupation Certificate provided works are to the satisfaction of Council's Manager – Environment and Health. Works are to be certified by a qualified Landscape Architect via the submission of appropriate documentation demonstrating compliance with the approved landscape plan.

44. Landscape Plan Plant Procurement

The bush regeneration contractor shall order all local provenance plants that are required to be planted as part of the Council approved Landscape Plan. Invoices detailing the procurement shall be submitted to Council.

PRIOR TO WORK COMMENCING ON THE SITE

45. Public Infrastructure Inventory 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. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

46. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

47. 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;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) 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.

48. 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.

49. Principal Certifying Authority

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

50. 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.

51. 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.

52. 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).

53. 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).

54. 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).

55. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing. The plan is to include details for the management of stormwater accumulated in any excavation and include proposed treatment of the water for suspended solids and method of discharge of the water from the site.

56. 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.

57. Waste Management Plan Required

Prior to works commencing on site, a Waste Management Plan for construction is required to be submitted to and approved by Council. The plan shall be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All commitments of the approved plan must be implemented during construction of the development. The plan shall address:

- (1) The type and estimated quantity of waste material to be removed from the site;
- (2) The location of waste disposal and recycling;
- (3) The name of the skip bin hire company or waste transport contractor/s; and
- (4) The proposed reuse or recycling methods for waste remaining on site.

DURING CONSTRUCTION

58. Standard of Works

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

59. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

60. 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.

61. 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.

62. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 527108m_03 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

63. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

64. Stockpiles

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

65. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and

- All stockpiles of materials that are likely to generate dust must be kept damp of covered.

66. Rock Breaking Noise

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

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

67. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

68. 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.

69. Landscaping Prior to Issue of Occupation Certificate

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

70. 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.

71. Public Infrastructure Inventory Report - Post Construction

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 and the means of rectification for the approval of Council.

72. 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.

73. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

i. Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

ii. Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

iii. Positive Covenant – Stormwater Pump

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

74. Water Sensitive Urban Design Certification

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

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

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

75. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

76. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision 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/ bonded works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

77. Confirmation of Pipe Locations

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

78. Removal of Sediment and Erosion Control Measures

Where the sediment and erosion control measures are required to be retained post construction to allow the site to establish, as directed by Council's Construction Engineer, a \$5,000.00 bond must be submitted to ensure their eventual removal, along with any collected debris.

79. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

80. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

81. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

82. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

83. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

84. Final Inspection of Waste Areas

Prior to an Occupation Certificate being issued, a final inspection of the waste storage areas and all other waste facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with design requirements and related conditions of consent. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

85. Planting Local Provenance Plants for Landscaping Purposes

Planting of the required local provenance plants is to be completed in accordance with the Council-approved Landscape Plan. Invoices detailing the source of the local provenance plant species used for Landscaping shall be submitted to Council.

86. Bin Tug and Trailer

Prior to an Occupation Certificate being issued, a mechanical bin tug suitable for 660 litre bulk bins and an eight bay wide trailer to suit 240 litre mobile bins must be provided at the site. The mechanical bin tug must be able to convey bins over all ramps and slopes between the bin storage and collection points and also have sufficient towing capacity.

THE USE OF THE SITE

87. 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*. The fans and exhaust for the underground car park shall be positioned to not impact the residents of this development or any neighbouring development and the noise level controlled to not exceed the background noise when measured any the boundary of any of the residential units.

88. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

89. Landscaping

Landscaping is to be maintained in accordance with the approved Landscape Plans in Condition No. 1 of this consent in perpetuity.

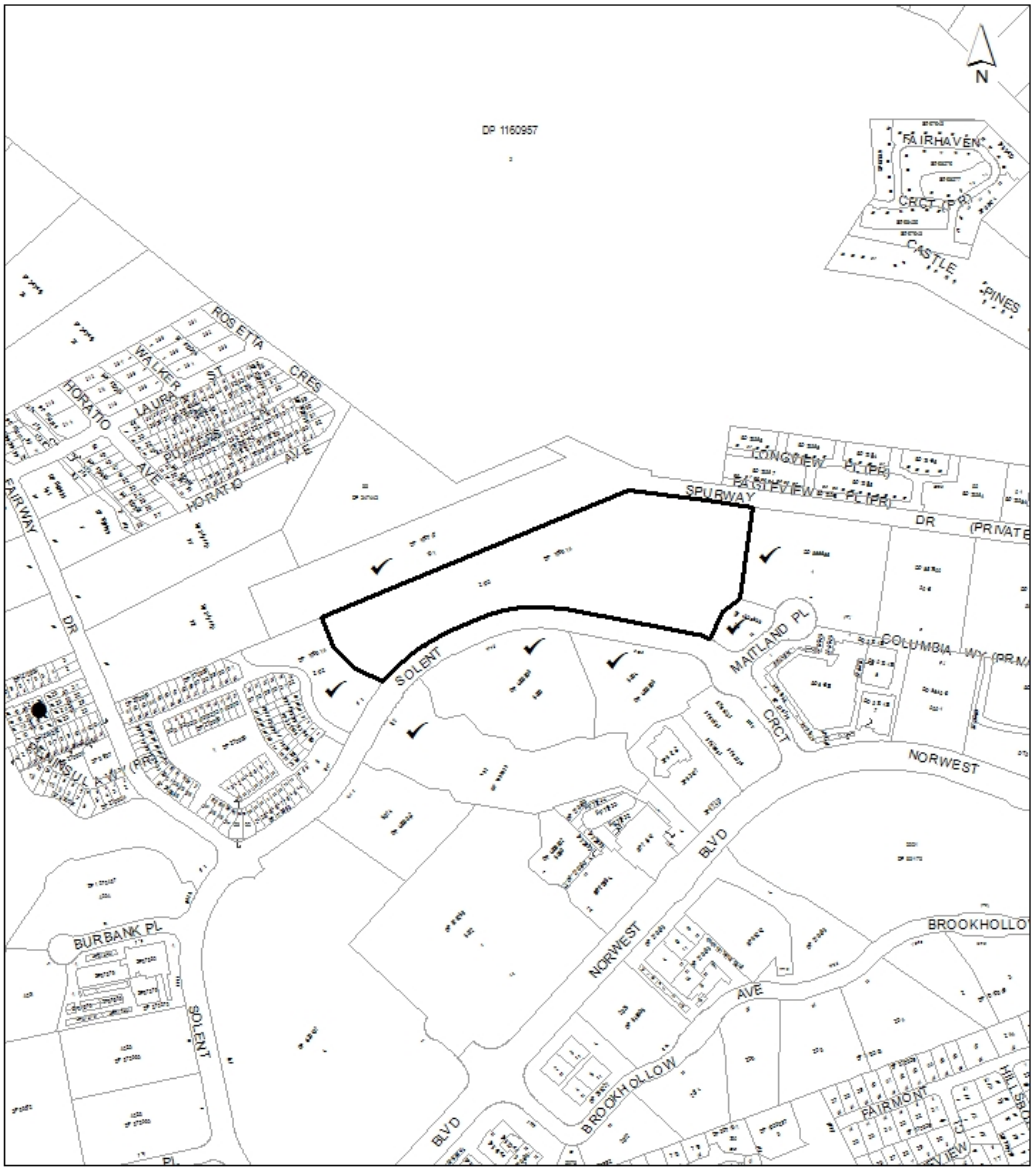
90. Waste and Recycling Management

Engagement of a caretaker responsible for the movement of all bins provided to the development to and from the waste storage and collection points on the day allocated by Council. Bins must be removed from the street and the bulk bin standing area within 6 hours of collection.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Site in Context of Master Plan
5. Site Plan
6. Perspectives
7. Elevations

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

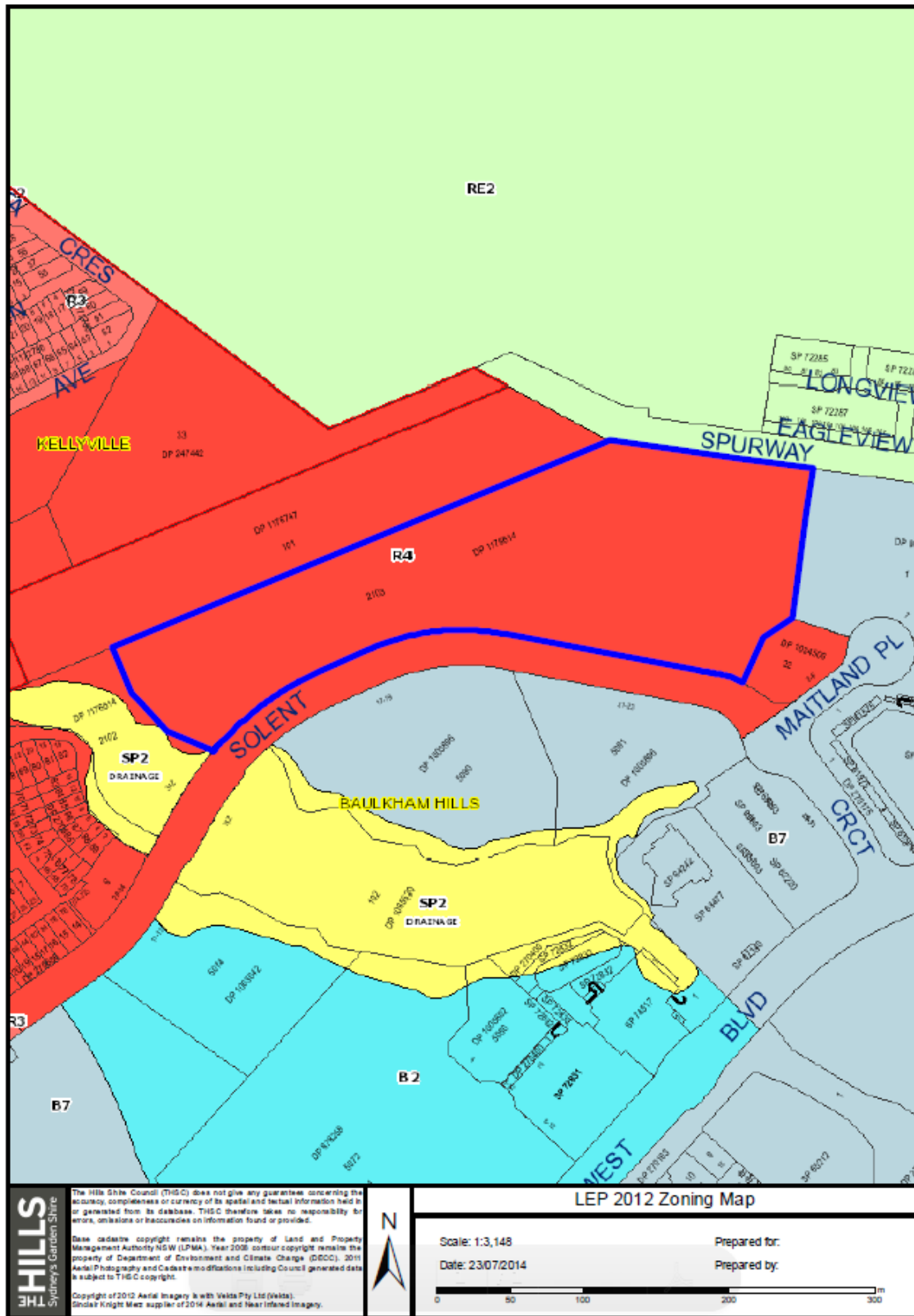
THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – SITE IN CONTEXT OF MASTER PLAN



ATTACHMENT 5 – SITE PLAN



ATTACHMENT 6 – PERSPECTIVES

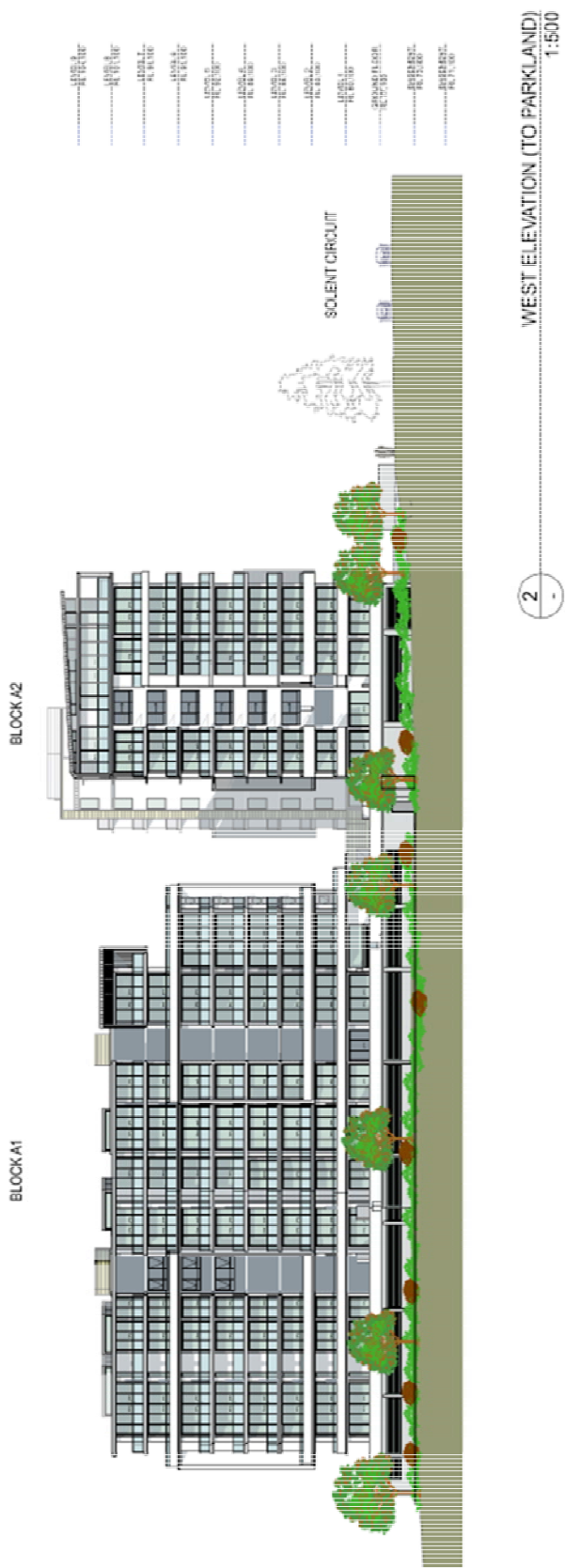


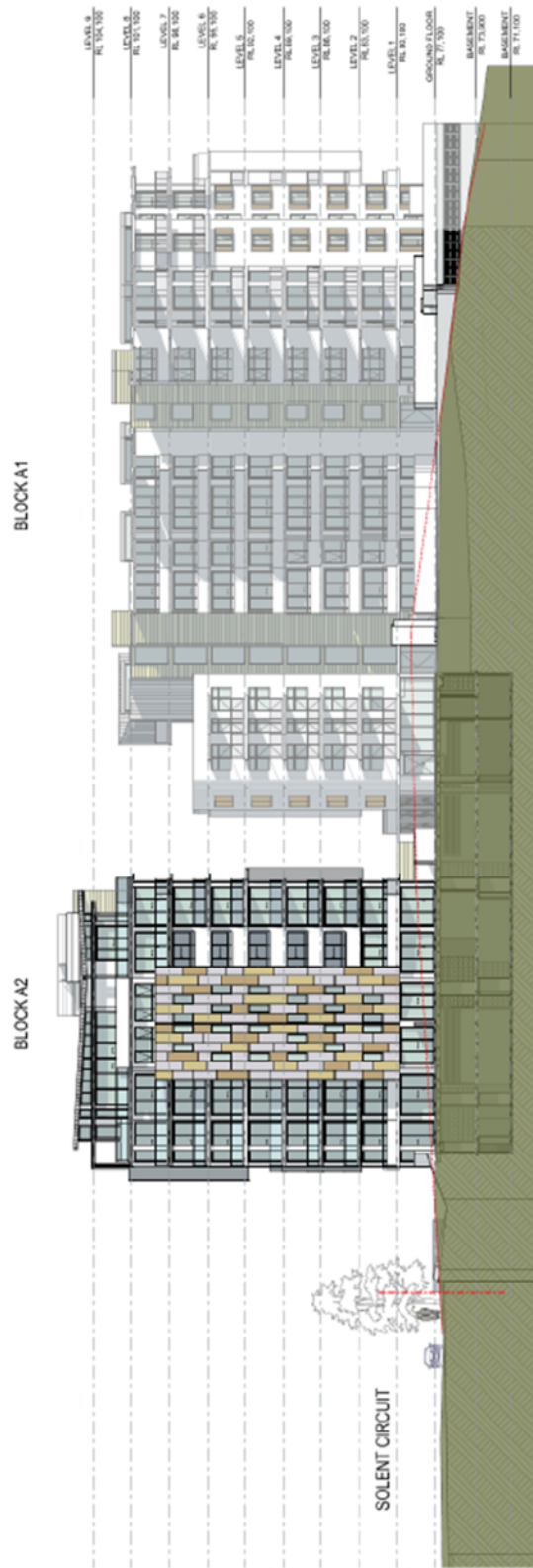
BLOCKS A1 & A2- SOUTH EAST PERSPECTIVE



BLOCKS A1 & A2- WESTERN PERSPECTIVE

ATTACHMENT 7 – ELEVATIONS





EAST ELEVATION
1:500





