

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW098
DA Number	137/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	RESIDENTIAL FLAT BUILDING COMPLEX CONSISTING OF TWO (2) X FIVE (5) STOREY BUILDINGS CONTAINING SEVENTY TWO (72) DWELLINGS WITH ONE HUNDRED AND SIXTY FOUR (164) CAR PARKING SPACES WITHIN THE BASEMENT.
Street Address	LOT 46 DP 1171548 APPELGUM CRESCENT, KELLYVILLE
Applicant/Owner	URBAN LINK PTY LTD
Number of Submissions	FOURTEEN PLUS A PETITION
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • The Hills LEP 2012 • The Hills DCP 2012 • SEPP No. 65 – Design Quality of Residential Flat Development • Residential Flat Design Code
List all documents submitted with this report for the panel's consideration	COPY OF SUBMISSIONS
Recommendation	DEFERRAL
Report by	DEVELOPMENT ASSESSMENT COORDINATOR ROBERT BUCKHAM

EXECUTIVE SUMMARY

The Development Application is for a Residential Flat Building Complex consisting of two (2) x five (5) storey buildings containing seventy two (72) units with associated basement carparking for one hundred and sixty four (164) vehicles. The proposal incorporates 9 x 1 bedroom units, 52 x 2 bedroom units and 11 x 3 bedroom units. All units achieve Council's largest apartment size requirements. The Capital Investment Value is \$20,106,317.

The subject site is located on land zoned R4 – High Density Residential under The Hills LEP 2012 and has a LEP height limit of 16m. It should be noted that the entire estate is zoned R4 High Density Residential. The proposal is permissible and does not exceed the LEP height limit control.

The proposed development includes variations to The Hills DCP Part B Section 5 – Residential Flat Buildings in respect to the number of storeys and a minor front setback variation.

In relation to the number of storeys variation, the design of the proposed development provides appropriate articulation of the building mass and seeks to reduce the bulk of the building across the site by providing greater open space and landscaping on the site whilst achieving a compliant density. The 5th storey is located below the 16m LEP height limit and is recessed from the four storeys below. The design in most parts complies with recommended building setbacks other than minor encroachments discussed in this report, and in conjunction with the landscaping, ensures that reasonable privacy is provided to neighbouring developments and impacts of the built form are minimised. There will be no unreasonable loss of privacy or amenity as a result of the variation.

The setback variation to Applegum Crescent is minor and only relates to balcony balustrades and window awnings. The variations are negligible and can be supported.

The application was advertised and notified and 14 submissions and an online petition were received. The issues raised primarily relate to marketing of the estate, traffic, contaminated land, zoning, compliance with planning controls and amenity impacts. Given the number of submission received a conciliation conference was held and the applicant subsequently made amendments to the application.

The RFS have required a setback of 25 metres to the north-east boundary (rather than the 23 metres originally proposed). The plans were amended on 16 January 2015 to provide a 25 metre setback and it would appear the RFS requirement is now met. However Council concurrence has not been provided to date. It is recommended that the application be deferred until concurrence is provided by the Rural Fire Service. With the exception of any requirements of the RFS, conditions have been recommended in this report to enable the JRPP to determine the matter if concurrence is obtained from the RFS prior to the JRPP panel meeting.

In the absence of the JRPP process the matter would be referred to the Development Assessment Unit for determination.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	JQ Point Pty Ltd.	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R4 High Density Residential	2.	<u>The Hills LEP 2012</u> – Complies.
Area:	8,767m ²	3.	<u>SEPP 65 – Design Quality of Residential Flat Development</u> - Satisfactory
Existing Development:	Vacant land.	4.	<u>Draft SEPP 65 (Consultation) – Design Quality of Residential Flat Development and Apartment Guideline</u> - Satisfactory
		5.	<u>State Environmental Planning Policy No 55—Remediation of Land</u> - Satisfactory
		6.	<u>DCP Part D Section 5 – Kellyville/Rouse Hill Release Area</u> - Satisfactory
		7.	<u>DCP Part B Section 5 – Residential Flat Buildings</u> – Variation, see report
		8.	<u>DCP Part C Section 1 – Parking</u> – Satisfactory

		9.	Section 94 Contribution: \$885,115.95
		10.	Capital Investment Value: \$20,106,317

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, 14 days		
3. Number Advised:	24		
4. Submissions Received:	14 plus a petition		

HISTORY

31/07/2014	Subject Development Application lodged.
18/09/2014	Briefing to JRPP Panel members.
08/10/2014	Conciliation Conference held.
24/10/2014	Letter sent to applicant requesting design amendments and additional information in relation to Rural Fire Service requirements, engineering matters, unit mix and consideration of the issues raised at the conciliation conference.
02/12/2014	<p>Additional information submitted. The information included:</p> <ul style="list-style-type: none"> • Revision to the access arrangements to align with Council staff comments in relation to clearances from kerb inlets pits, and achievement of required grades and head heights for truck access; • Revision to lift overrun to ensure compliance with the 16m height control; • Revision of the unit breakdown and overall building form, noting compliance with the dwelling mix controls. • Updated Traffic Report dealing with cumulative impacts on traffic network has been prepared to align with comments received and the Conciliation Conference. • Further justification of retaining a 23m setback to north eastern boundary in lieu of a 25m setback requested by the Rural Fire Service.
22/12/2014	Letters sent to objectors advising amended plans had been received for their information but were not being formally renotified given the changes are relatively minor.
16/02/2015	Comments received from the Rural Fire Service maintain that a 25m setback to north eastern boundary was required.
16/02/2015	Amended plans with a 25m setback to the north eastern boundary submitted to satisfy Rural Fire Service requirements. The plans were forwarded to the RFS for consideration at the time of writing this report concurrence has not yet been provided.

PROPOSAL

The Development Application is for a Residential Flat Building Complex consisting of two (2) x five (5) storey buildings containing seventy two (72) units with associated basement carparking for one hundred and sixty four (164) vehicles. The proposal incorporates 9 x 1 bedroom units, 52 x 2 bedroom units and 11 x 3 bedroom units. All units achieve Council's largest apartment size requirements. Access is provided to a common basement via Applegum Crescent.

The Capital Investment Value is \$20,106,317.

1. SEPP State and Regional Development 2011

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

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

The proposed development has a Capital Investment Value of \$20,106,317 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with The Hills Local Environmental Plan 2012

(i) Permissibility

The proposal is defined as a residential flat building:

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

A residential flat building is permitted within the R4 High Density Residential zone.

(ii) The Hills LEP 2012 - Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height of buildings	16 metres	16 metres	Yes

3. Compliance with The Hills Development Control Plan

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

- Part B Section 5 – Residential Flat Buildings
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part D Section 5 – Kellyville Rouse Hill Release Area

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

DEVELOPMENT STANDARD	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 5 - 3.3 (a) Setbacks	Primary street frontage setback – 10m	9.6m. Minor encroachment of sun shading elements and balcony balustrade of Building A fronting Applegum Crescent.	No, minor encroachment of front setback to Applegum Crescent.
Part B Section 5 – Clause 3.4 (c) Building Heights	No building shall contain more than 4 storeys above natural ground level	The development incorporates a 5 storey element	No, the development exceeds the maximum storey control by 1 storey.

a) Setbacks

Clause 3.3(a) of BHDGP Part B Section 5 requires that buildings are to have a primary road frontage setback of 10 metres.

The development includes minor encroachments of up to 400mm into the Applegum Crescent setback. The encroachments relate to window awnings and balcony balustrade.

The relevant objectives of this clause of the DCP are:

- i. *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- iv. *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy adjacent and adjoining properties .*

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

"The encroachments are minor and improve articulation and useability of the balconies."

Comment:

The proposed variations are minor and do not result in any impacts on adjoining properties. The variations add to the articulation of the building façade and can be supported in this instance.

b) Building Height

Clause 3.4(d) of BHDGP Part B Section 5 requires that;

"No building shall contain more than 4 storeys above natural ground level"

The development includes a number of buildings all 5 storey.

The relevant objectives of this clause of the DCP are:

- v. *To ensure that buildings reflect the existing landform of the neighbourhood, including ridgelines and drainage depressions.*
- vi. *To protect privacy and amenity of surrounding allotments and residential development in accordance with Council's ESD objective 7.*
- vii. *To minimise overshadowing of adjoining properties.*

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

"A maximum building height of 16m is identified for the site under The Hills Local Environmental Plan 2012, Height of Buildings Map Sheet. The development complies with the 16m height and comprises 5 storeys with the 5th storey component of the development recessed at the upper most level with the extent of building footprint being reduced as compared to the lower levels.

This design approach is proposed to ensure an appropriate density on the site whilst maximising landscaped areas around the building given the context. In addition sufficient separation is provided between the three buildings will result in minimising overshadowing and privacy impacts. In addition the buildings will be read as 4 storeys from the majority of key viewpoints to the site.

The non-compliance to maximum height control (storey control only) is considered appropriate as the development aims to provide a prominent building that responds to the unique site attributes, is consistent with other key controls including density and setback controls and won't result in any additional amenity impacts to adjoining properties.

The increased height also enables slimmer buildings to be provided to maximise solar access and natural ventilation as well as complying with other key DCP controls relating to facade widths and other RFDC matters such as the requirement to provide no more than 8 dwellings per level. The additional landscaping around the site also enables a better contextual fit in the locality given the residential character of surrounding development.

Therefore the design response is preferable to strict compliance and it is reinforced that the proposal meets the 16m maximum height control contained within the LEP.

Finally the provisions of Section 74C of the Environmental Planning and Assessment Act provide:

(5) A provision of a development control plan (whenever made) has no effect to the extent that:

- (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
- (b) it is inconsistent or incompatible with a provision of any such instrument.*

Given the proposal complies with the 16m height control contained in the LEP it is considered that the 4 storey control is incompatible with the LEP control and is of no effect."

Comment:

The design of the proposed development provides appropriate articulation of the building mass and seeks to reduce the bulk of the building across the site frontage by providing greater open space and landscaping on the site between buildings whilst achieving a compliant density. The 5th storey is located below the 16m LEP height limit and is recessed from the four storeys below.

The design in most parts complies with recommended building setbacks other than minor encroachments discussed in this report, and in conjunction with the landscaping, ensures that reasonable privacy is provided to neighbouring developments and impacts of the built form are minimised. There will be no unreasonable loss of privacy or amenity as a result of the variation.

The design also provides a better outcome for future residents in terms of solar access and cross-flow ventilation.

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

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

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

(i) Context

The development responds and reflects the context into which it is placed. The site is located in the Kellyville Rouse Hill Release Area. The development conforms to the future desired character of the area.

(ii) Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The proposal responds to the existing topography of the site within its context. The height generally ensures that the development responds to the desired future scale and character of the site.

The 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 and open space matters.

(iii) Built Form

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

(iv) Density

The proposal provides an appropriate built form outcome within the desired density range for the site.

(v) Resources, Energy and Water Efficiency

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

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

(vi) Landscape

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

(vii) Amenity

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

(viii) Safety and Security

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

(ix) Social Dimensions

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

(x) Aesthetics

The building mass is articulated to provide smaller scale forms, with variable setbacks, using natural material colours, and a diversity of material textures to provide visual relief and strengthen the rural character of the architectural language. The choice of materials will be from a limited palette for the entire site.

The relevant provisions of the Residential Flat Design Code are addressed below:

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	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.	No FSR control however the proposal meets the density controls that apply to the site.	NA.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Test heights against the proposed number of storeys and the minimum ceiling heights for the desired building use.	The proposed ceiling heights for each residential storey are 3m.	Yes
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	The proposed building depth is between 10m and 20m. Appropriate solar access is provided to all units.	Yes
Building Separation	<p><u>Up to 4 storeys</u></p> <p>12 m between habitable rooms/balconies</p> <p>9m between habitable rooms/balconies and non-habitable rooms;</p> <p>6m between non-habitable rooms.</p> <p><u>Five to eight storeys/up to 25 metres</u></p> <p>18m between habitable rooms/balconies</p> <p>13m between habitable rooms/balconies and non-habitable rooms</p> <p>9 metres between non-habitable rooms</p> <p>Design and test building separation controls in plan and section.</p> <ul style="list-style-type: none"> - Test building separation controls for daylight access to buildings and open spaces. - Building separation controls may be varied in response to site and context constraints. - Developments that propose less than the recommended distances apart must demonstrate that daylight access, 	<p>12m minimum provided.</p> <p>Encroachments within 18m.</p>	<p>Yes.</p> <p>No, The building separation of the fifth storey does not meet the 18m separation control (13m provided balcony to balcony) however each of the units is provided with balconies on two elevations so opportunity exists for private outdoor areas and habitable room to habitable room separation exceeds 18m.</p>

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	urban form and visual and acoustic privacy has been satisfactorily achieved (see Daylight Access, Visual Privacy and Acoustic Privacy).		
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The development is located in a new release area. The street setback is considered acceptable.	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.	Side setbacks are either provided by generous landscaped setback areas or access driveways.	Yes.
Floor Space Ratio	Test the desired built form outcome against proposed floor space ratio to ensure consistency with: <ul style="list-style-type: none"> - Building height - Building footprint - The three dimensional building envelope - Open space requirements 	NA, no FSR control however the proposal meets the density controls that apply to the site.	NA.
Part 2: Site Design			
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The majority open space is provided around the buildings. Deep soil zones equate to 43.7%.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
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 development provides for a range of open space areas exceeding 30% of the site area.</p> <p>Each unit is provided with a balcony or terrace area of at least 20m².</p>	<p>Yes</p> <p>Yes</p>
Pedestrian Access	<p>Identify the access requirement from the street or car parking area to the apartment entrance.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p>	<p>Pedestrian access is provided from the street or car parking area to the apartment entrance. Entrance and access to the basement parking is achieved via the internal stairs and elevators.</p>	Yes
Vehicular Access	<p>Generally limit the width of driveways to a maximum of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	<p>The maximum width of the driveway is 6 metres.</p> <p>Vehicular access is suitably separated from the pedestrian access.</p>	<p>Yes</p> <p>Yes</p>
Part 3: Building Design			
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	No single aspect units proposed.	Yes
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	The proposal provides for 9 x 1 bedroom units, 52 x 2 bedroom units and 11 x 3 bedroom units.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies provide useable areas with a depth of 2.5 metres.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	Minimum 3.0 metres.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Ground floor apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. Provide ground floor apartments with access to private open space (i.e. terrace, garden).	Ground floor apartments are proposed.	Yes
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	There are a maximum of 8 units per floor.	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 	Separate storage closets are provided in each unit in addition to storage areas in the basement car park exceeding 10m ³ .	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	76% of the units receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.	Yes
Natural Ventilation	60% of residential units should achieve natural cross flow ventilation.	76% of units achieve cross flow ventilation.	Yes
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	A satisfactory waste management plan was submitted with the application.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	The development will be connected to recycled water to be used for landscape irrigation and car washing.	Yes

An assessment was also undertaken against the provisions of the Draft SEPP 65 amendment together with the new Apartment Design Guide (replacing the Residential Flat Design Code). The proposed amendments were exhibited in October 2014. The

changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design. The proposal is considered satisfactory with respect to the draft amendment and Apartment Design Guide.

5. Issues Raised in Submissions

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

ISSUE/OBJECTION	COMMENT	OUTCOME
Lot 42 was advertised as a townhouse building site.	<p>The marketing of Grey Gums estate was undertaken on behalf of Council by an estate agent and included an estate map which indicated which lots were available for purchase as well as a fly-through indicating to potential purchasers what could be achieved in terms of built form in the estate including on the larger development lots (4,000m² – 9,000m²). It indicates lot 42 as a Townhouse site.</p> <p>In this regard, Council engaged the services of a designer to prepare concept plans for development of the larger lots, however an offer to purchase these lots was made and the lots were sold.</p> <p>The owner of the site intends to develop the lots for an apartment development which is permissible in the zone.</p>	Issue addressed.
Council's promotional material was misleading.	The issues related to marketing are addressed above and are not a planning consideration.	Issue addressed.
The proposed developments are not in keeping with the 'blue ribbon' description marketed to residents.	The development is permissible with consent in the R4 zone and meets all relevant LEP development standards. All units achieve Council's largest apartment size requirements. The issues related to marketing are addressed above and are not a planning consideration.	Issue addressed.
Contracts of Sale include diagrams from Endeavour Energy and Sydney Water. These diagrams show 17	This is not a matter relating to the subject application. The applicant is required to consult with service authorities to	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
townhouses on Lot 42 and 39 units on each of Lots 43, 44, 45. Endeavour Energy and Sydney Water authority did not come up these numbers by themselves. Hills Shire Council must have provided these numbers and based on these input Energy and Water authority planned the services accordingly.	ensure that adequate infrastructure is provided for the development.	
The submitted traffic reports are inadequate and don't consider cumulative traffic volumes including the child care centre, netball traffic or development in North Kellyville.	An amended traffic report was submitted by the applicant and has been reviewed by Council's Traffic Section and deemed to be satisfactory. See traffic comments.	Issue addressed.
Consideration should be given as to whether a single lane round-a-bout is adequate.	Council's future predicted traffic volumes for Withers Road indicate that the single lane roundabout will continue to operate at a satisfactory level of service up until approximately 2019, at which time an upgrade to two circulating lanes will be required to reduce queue lengths on the eastern approach of Withers Road.	Issue addressed.
Increased wait periods at roundabouts increases the likelihood of car accidents.	As identified above, upgrading to a two lane round-a-bout is envisaged in 2019 to accommodate increased wait times. Should traffic levels into the future warrant any further upgrading, this will occur through Council Local Traffic Committee.	Issue addressed.
Concern regarding traffic congestion if evacuation is required due to bushfire.	The original subdivision application was referred to the Rural Fire Service who provided concurrence.	Issue addressed.
Concerns about parking due the adjoining netball courts and proposed childcare centre. Concerned that developments of this density will increase the amount of cars parked on the street	Parking is provided on site in accordance with Councils DCP including 29 visitor parking spaces.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Residents asked that additional vehicular access points be explored to Withers Road.	Council has no ability to provide an access road through either Lot 1021 to Regent Honey Eater Grove or Lot 1023 to Applegum Crescent, as both lots are the subject of a BioBanking Agreement with the NSW State Government (OEH) that precludes any activity on the BioBank lots other than for conservation management purposes.	Issue addressed.
Concern regarding the safety of children playing on surrounding streets from the high volume of traffic.	Traffic volume is within environmental capacity. Children playing on local streets is not encouraged.	Issue addressed.
What are the proposed plans for refuse collection if the bins are to be stored underground, as in the Development Plans? It is therefore unclear as to how this will be managed. Rubbish collection on the street does not seem appropriate.	Garbage bins will be collected within the basements.	Issue addressed.
Health concerns for residents, especially for those living within 20m of the proposed development site, for asbestos and other soil contaminants – especially during the proposed construction time.	The contamination investigation carried out by SMEC Australia Pty Ltd identified a number of contamination issues which has been appropriately remediated. However should any contamination be identified during works, works are to cease and a contamination assessment is to be undertaken in accordance with State Environmental Planning Policy 55- Remediation of Land. A condition has been recommended in this regard.	Issue addressed. Refer Condition No 60.
Has the depth of excavation been considered and could excavation breach any capping?	The site has been appropriately remediated and a validation report prepared by DLA Environmental who concluded that the site has met the validation objectives and that the site presents no unacceptable risk to the human health or environment and therefore suitable for an end	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	land use of residential with garden accessible soils.	
A risk assessment should be required which would include appropriate mitigating actions for the excavation and removal of contaminated soils.	Should any contamination be identified during works, works are to cease and a contamination assessment is to be undertaken in accordance with State Environmental Planning Policy 55- Remediation of Land. A condition has been recommended in this regard.	Issue addressed. Issue addressed. Refer Condition No 60.
Loss of privacy, particularly from upper levels.	Adequate separation and landscaping is provided to adjoining properties.	Issue addressed.
A limited number of neighbours were notified about the proposed development. We request that every resident in the estate be notified	Council's DCP requires that adjoining neighbours be notified. Notification beyond neighbours directly adjoining the site was undertaken. The application was also advertised which involved placement of a sign on the site and an advertisement within the local papers.	Issue addressed.
This development does not meet The Hills Local Environment Plan 2012 guidelines for High Density Residential as it is neither close to public transport routes or population centres.	The site is zoned R4 High Density Residential. The merits of the zoning are not a consideration for this application.	Issue addressed.
Concern was raised regarding the zoning translation process from 2(a) to R4 as the site was never zoned as 2(a4) which is designed for flat buildings.	This process was undertaken as part of Council's adoption of a Standard Instrument LEP which involved development of a Local Strategy to guide major changes in land use management within the Shire. In locations outside those identified for change in the Local Strategy, the translation involved a 'best fit' approach to the new Standard Instrument. The result for the subject land was R4 Residential High Density. The rezoning from 2(a1) to R4 is not relevant to this application.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Grey Gum Estate is 3.1km from Rouse Hill Town Centre, the nearest population centre, which is a 44 minute walk if using the road.	It is anticipated that local bus services will be amplified once population is in place and demand rises.	Issue addressed.
Has the impact of additional children been considered on local schools?	This is not a matter for consideration for the current application.	Issue addressed.
The development should comply with all planning controls.	An applicant is permitted to vary the development standards. The merits of any variations are addressed in this report.	Issue addressed.
The DCP should not be pushed to the side with respect to the four level limit.	This matter is addressed in Section 3 of this report.	Issue addressed.
The development should be required to comply with the same bushfire requirements as residents (BAL 40).	The application was referred to the Rural Fire Service assessment. The RFS will determine BAL levels required.	Issue addressed.
Lift over runs are not shown on the plans	The applicant has amended the plans to notate that the lift overruns are located within the roof line of the apartment buildings.	Issue addressed.
The reports have been produced by the developer and independent reports should be produced by Council.	Council staff undertake an independent assessment of the proposal.	Issue addressed.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions can be recommended.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions can be recommended.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

"(1) A consent authority must not consent to the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The preceding subdivision application 1357/2010/JPZ for the lots known as Lot 39 DP 1171547, Lot 40 DP 1171547, Lot 41 DP 1171547, Lot 39, 40 & 41 DP 1171547 Regent Honeyeater Grove, Kellyville with regard to contamination. The contamination report prepared by SMEC Australia Pty Ltd, referenced as 3001125, dated August 2006 which identified a number of contamination issues that existed on the site. Remediation and validation was then required to address the identified contamination issues. The validation report prepared by DLA Environmental; David Lane Associates, referenced as DL2515, dated August 2010 states that the site has been appropriately remediated and has met the validation objectives and that the site presents no unacceptable risk to the human health or environment and therefore suitable for an end land use of residential with garden accessible soils.

No objection raised to the proposal. Relevant conditions can be recommended.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions can be recommended.

TRAFFIC

With respect to the traffic generation identified predicted by Varga Traffic Planning for the three DA's currently for determination by the JRPP. The Varga Traffic Planning report for the three apartment sites utilising the RMS generation rates predicts the 362 higher density apartments will generate 182 peak hour trips.

Whilst there is a slight difference of 6 peak hour trips between the Varga Traffic report and in traffic report prepared as part of the subdivision application the impact this difference will have on the operational efficiency of the single lane circulating roundabout on Withers Road is negligible. To verify this statement and by utilising the future predicted traffic volumes for Withers Road contained within the North Kellyville Traffic Assessment, in house SIDRA modelling has confirmed that the single lane roundabout at Withers Road and the estate access will continue to operate at a satisfactory level of service up until approximately 2019, at which time an upgrade to two circulating lanes will be required to reduce queue lengths on the eastern approach of Withers Road.

ROAD AND MARITIME SERVICES COMMENTS

The application was referred to the RMS under the provisions of SEPP Infrastructure. The RMS raised no objection to the proposal.

RURAL FIRE SERVICE COMMENTS

The Rural Fire Service provided the following comments:

"The NSW Rural Fire Service (RFS) has assessed that under Appendix 2 of Planning for Bush Fire Protection 2006 the development should provide an asset protection zone (APZ) to the north-east of 25m. However, only 23m is provided in relation to Building B.

The RFS is aware that a 23m APZ was indicated in the plan of subdivision for this land. However, this lesser APZ was proposed on the basis of a Fire Management Plan that was included with that development application (prepared by Australian Bushfire Protection Planners Pty Limited, dated March 2010). A site inspection revealed that this Fire Management Plan has not been implemented. None of the recommended actions of the fire Management Plan appear to have been undertaken. The plan recommended hazard

reduction burns for Strategic Fire Management Zones 1, 5 (which adjoins the subject site) and 3, in 2011, 2012 and 2013 respectively. None of these hazard reduction burns have been carried out.

Given that it is apparent that Council is not implementing the Fire Management Plan, the lesser Asset Protection Zone cannot now be accepted. Therefore, the RFS recommendation is that the development be amended to provide a 25m APZ along the north-eastern boundary of the site."

Comment:

Council's Property Section have advised that no hazard reduction burns have yet been carried out. This is primarily due to the fact that Greening Australia were carrying out management actions which included the clearing of woody weed growth and the planting out of seedlings in areas devoid of native vegetation.

The Biobanking Agreement "Management Actions" details the suggested times of the year when hazard reduction burns can be carried out without an adverse impact on the native vegetation we are trying to conserve, protect and re-establish.

The suggested time of the year for hazard reduction burns is generally between March and October and of intervals of not less than seven (7) years.

The last recorded wildfire through the site was in November 2004 meaning the next scheduled hazard reduction burn should have been in 2011, however this was not carried out for the reasons detailed above.

Council staff inspected the site in October with the Office of Environment and Heritage than met with the NSW Rural Fire Service (Kenthurst Brigade) with the aim of arranging a hazard reduction burn in all Fire Management Zones between April and late September 2015.

Discussions with RFS staff in relation to the advice above did not result in any concessions from the earlier advice provided. The applicant has subsequently amended the application to provide a 25m setback to the north eastern boundary.

It would appear that the requirements of the RFS have now been satisfied but at the time of writing this report no formal concurrence has been provided.

CONCLUSION

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

The applicant provided amended plans addressing issues raised with the application. The issues raised in the submissions have been addressed in this report and do not warrant refusal of the application.

Given the Rural Fire Service are yet to grant concurrence, the application is recommended for deferral but is otherwise considered satisfactory.

With the exception of any requirements of the RFS, the following conditions would be recommended once concurrence was granted.

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: - No works are to be undertaken within the drainage easement 'B'.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
14-025	Site Analysis Plan	02	E	16/02/2015
14-025	Basement Plan 02	03	E	16/02/2015
14-025	Basement Plan 01	04	E	16/02/2015
14-025	Ground Floor Plan	05	E	16/02/2015
14-025	First Floor Plan	06	E	16/02/2015
14-025	Second Floor Plan	07	E	16/02/2015
14-025	Third Floor Plan	08	E	16/02/2015
14-025	Fourth Floor Plan	09	E	16/02/2015
14-025	Roof Plan	10	E	16/02/2015
14-025	North and South Elevations	11	E	16/02/2015
14-025	East and West Elevations	12	E	16/02/2015
14-025	Internal Elevations	13	E	16/02/2015
14-025	Sections	14	E	16/02/2015
14-025	Schedule of Finishes	18	E	16/02/2015

2. Provision of Parking Spaces

The development is required to be provided with 164 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

3. Australia Post Mail Box Requirements

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

4. Street Trees

Street trees must be provided for the section of Applegum Crescent within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street

trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

A performance/ maintenance bond is required to be submitted to Council once the street trees are planted. The bond will be held for one year and may be extended if replacement street trees are required to be planted. The bond is refundable upon written application to Council. Alternatively, street trees can be planted by Council subject to **payment of the applicable fee as per Council's Schedule of Fees and Charges.**

5. 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.

6. 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.

7. External Finishes

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

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

The responsibility for property numbering is vested solely in Council.

The property address for this development is:

Units 1-72/40 Applegum Crescent Kellyville

Unit numbers as follows

Building A Units 1-35

Building B Units 36-72

Numbering notated on plan submitted dated 25/7/2014 will not be approved. Unit numbers must not be repeated from one building to the next and must run sequentially in an ascending order via lift well.

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

9. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 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.

10. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd, referenced as 2014-324-03, dated 14 July 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Proposed windows and doors
- External wall recommendations
- Roof recommendations

- External door recommendations
- Car park mechanical ventilation

11. Separate Application for Strata Subdivision

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

application to Council. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

12. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

13. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

14. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

15. 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.

16. 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. Adequate turning area must be provided within the basement carpark to facilitate manoeuvring the service vehicle without reversing.

- iii. driveway to comply with AS with regards gradient and change of gradient to facilitate a service vehicle SRV.
- iv. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- v. 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.
- vi. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

17. 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**.

18. 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 8m 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 site stormwater management must include a separate 10,000 litre (minimum) rain water tank for each Blocks A & B for reuse purposes.

Stormwater discharge from the development must be directed to a kerb inlet pit in Applegum Crescent near the driveway to ensure it is directed to the basin and treated along with stormwater runoff from Applegum Crescent.

19. Requirements for Council Drainage Easements

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

- a) Provision for overland flow and access for earthmoving equipment must be maintained.
- b) The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- c) No fill, stockpiles, building materials or sheds can be placed within the easement.
- d) Open style fencing must be used. New or replacement fencing must be approved by Council.

20. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction development. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

21. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, 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 onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

22. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized 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 onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

23. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy **of the development. All requirements of Council's domestic collection service must be complied with at all times.** Please telephone Council on (02) 9843 0310 for the commencement of waste services.

24. Provision of Domestic Waste Storage Area

All work involving construction of the central waste storage room is required to comply **with the requirements of Council's 'Bin Storage Facility Design Specifications'.** Further to these requirements, the room must also be adequately ventilated (mechanically) and internally light (artificial light). Storage facility must be provided for a minimum number

of 8 x 1100L bulk garbage bins and 36 x 240L recycling bins. The measurements of an 1100L and 240L bin are as follows:

240L: 735mm (d) 580mm (w) 1080mm (h)

1100L: 1245mm (d) 1370mm (w) 1470mm (h)

25. Waste Loading Bay Signage

Appropriate signage must be mounted in a visible location and is to be maintained by the Body Corporate, indicating the waste loading bay is to be available and unimpeded at all times. This must be referenced within the strata management statement.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

26. Section 94 Contribution

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

Payments comprise of the following: -

	<i>1br per Unit</i>	<i>2br per Unit</i>	<i>3br per Unit</i>	<i>1 Bedroom: 9</i>	<i>2 Bedroom: 52</i>	<i>3 Bedroom: 11</i>	<i>Sum of Units</i>	<i>Credits: 1</i>	<i>Total Section 94</i>
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 31,977.09	\$ 298,452.44	\$ 81,172.52	\$ 411,602.05	\$ 10,112.40	\$ 401,489.65
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 13,152.06	\$ 122,752.24	\$ 33,385.88	\$ 169,290.18	\$ 4,159.19	\$ 165,130.99
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 689.04	\$ 6,431.36	\$ 1,749.22	\$ 8,869.62	\$ 217.91	\$ 8,651.71
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 5,965.56	\$ 55,679.00	\$ 15,143.37	\$ 76,787.93	\$ 1,886.55	\$ 74,901.38
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 917.37	\$ 8,561.80	\$ 2,328.70	\$ 11,807.87	\$ 290.11	\$ 11,517.76
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 5,268.69	\$ 49,174.32	\$ 13,374.35	\$ 67,817.36	\$ 1,666.16	\$ 66,151.20
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 12,526.20	\$ 116,911.08	\$ 31,797.26	\$ 161,234.54	\$ 3,961.28	\$ 157,273.26
Total	\$ 7,832.89	\$ 12,653.12	\$ 16,268.30	\$ 70,496.01	\$ 657,962.24	\$ 178,951.30	\$ 907,409.55	\$ 22,293.60	\$ 885,115.95

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.

27. Landscaping Plan

A Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to Council's Sustainability Team for approval prior to Issue of a Construction Certificate. The plan must contain:

- Site boundaries and dimensions surveyed;
- North point, scale (1:200 desirable);
- Existing and proposed levels;
- All trees, grassed areas, landscape features and main structures on the site
- A schedule of proposed planting, including botanical name, common name, quantities, pot size, expected mature height and staking requirements.
- At least 80% of all plants used in landscaping (excluding lawn) for this development must be grown from local provenance seed and cuttings of species found on the NSW Scientific Committee's Final Determination for Cumberland Plain Woodland.
- No works within Drainage Easement 'B'.

28. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$15,000 shall be lodged with Council to ensure satisfactory completion of the landscaping works.

The landscape bond shall be released:

- a) six months from the issue of the Final Occupation/Subdivision Certificate; and

- b) after submission of certification from a qualified landscape architect; or
- c) to the satisfaction of the Manager – Health & Environment;
- d) that the landscaping has been completed in accordance with the approved landscape plan.

29. Works in Existing Easement

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

30. Works on Adjoining Land

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

31. 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.

32. 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.

33. 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 \$147,000.00 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 (132m) multiplied by the width of the road (7.5m).

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.**

34. 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.**

35. 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.
- f) Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

36. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

PRIOR TO WORK COMMENCING ON THE SITE

37. Principal Certifying Authority

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

38. 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.

39. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

40. 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.

41. 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.

42. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "*Works Specification - Subdivisions/Developments*" (September 2010). All devices are to be established prior to the commencement of engineering works and maintained until completion of works and the site is stabilised. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

43. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The Stabilised access point is to be constructed in accordance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by the NSW Department of Housing.

44. 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.

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.

DURING CONSTRUCTION

46. 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.

47. 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. 562620M 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.

48. 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.

49. 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 or covered.

50. 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.

51. 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)*.

52. 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's Manager** – Environment and Health within seven (7) days of receiving notice from Council.

53. 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.

54. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

55. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

56. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

57. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

58. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

59. Temporary Fencing of Pools

This condition applies to unoccupied land.

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

60. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land.

The report is to be submitted to Council for review prior to works recommencing on site.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

61. 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.

62. 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 BHDGP Part D, Section 3 – Landscaping and the approved landscape plan.

63. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in acoustic report prepared by Acoustic Noise and Vibrations Solutions Pty Ltd dated 14 July 2014 referenced as 2014-324-03.

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

64. 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.

65. 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.

66. 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.

67. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

68. 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.

69. 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 positive covenant that refers to the WSUD element (Rain Water Tank) referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

iii. Positive Covenant – Stormwater Pump

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

70. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

71. Final Inspection of Waste Storage Area

Prior to an Occupation Certificate being issued, a final inspection of the waste storage area and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council’s design specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority’s suggested appointment time.

72. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

THE USE OF THE SITE

73. 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 Control of Obtrusive Effects of Outdoor Lighting*.

74. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council’s **Manager – Environment and Health** for review. Any noise attenuation recommendations approved by Council must be implemented.

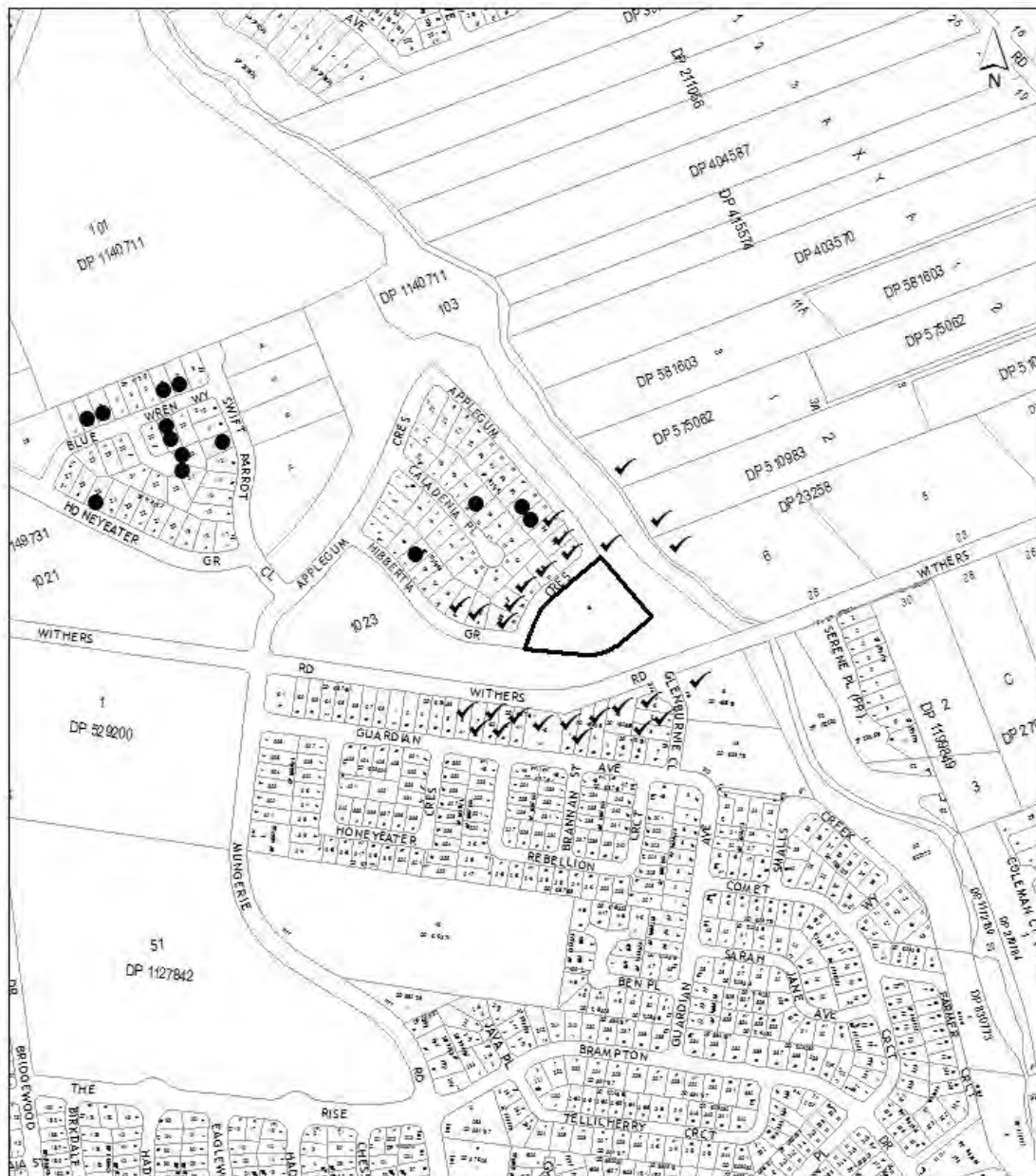
RECOMMENDATION

The application be deferred pending the concurrence of the Rural Fire Service.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Site Plan
5. Elevations and Sections

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ PROPERTIES NOTIFIED
- ☒ SUBMISSIONS RECEIVED PLUS A PETITION

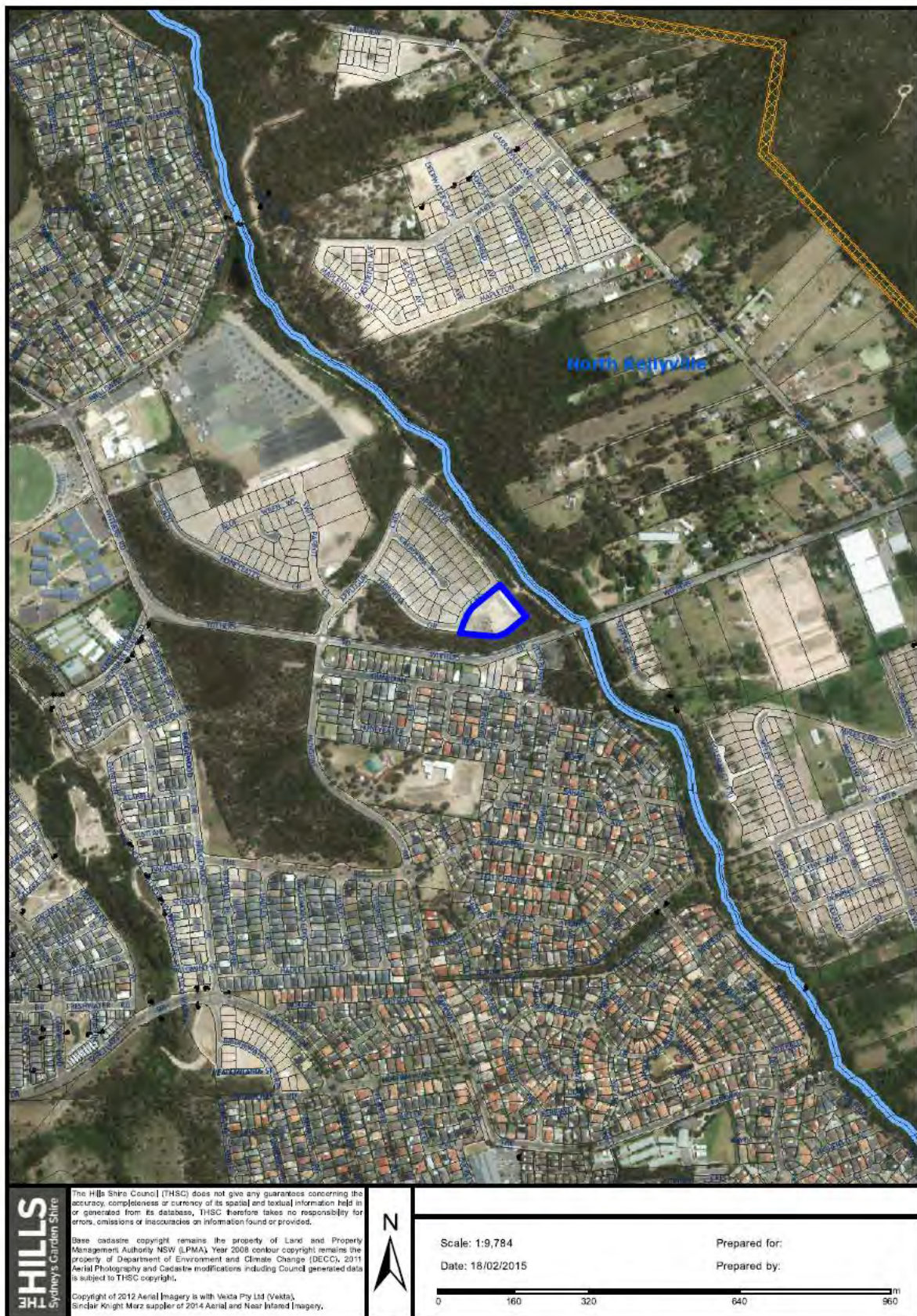
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

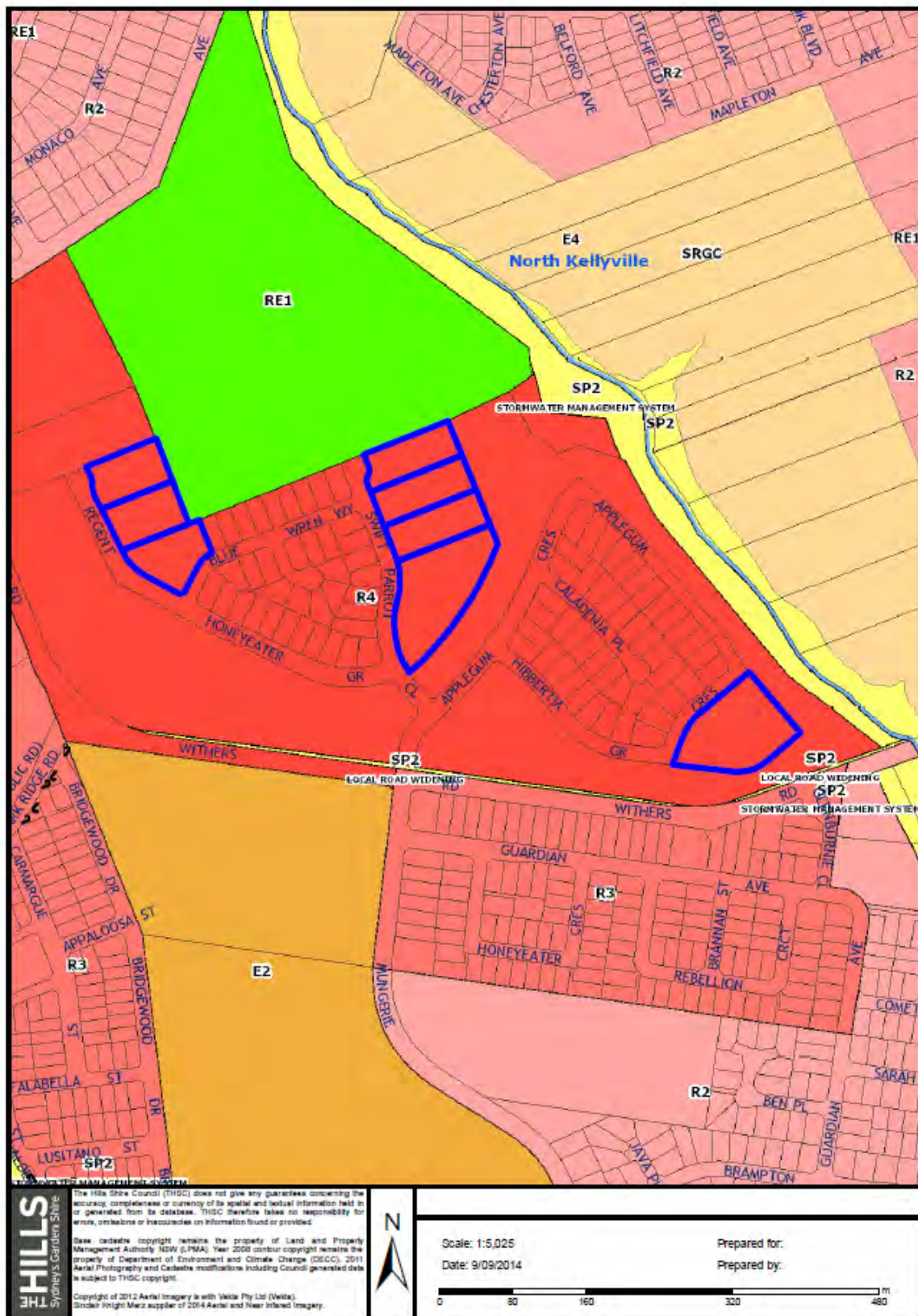
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ATTACHMENT 2 – AERIAL PHOTOGRAPH



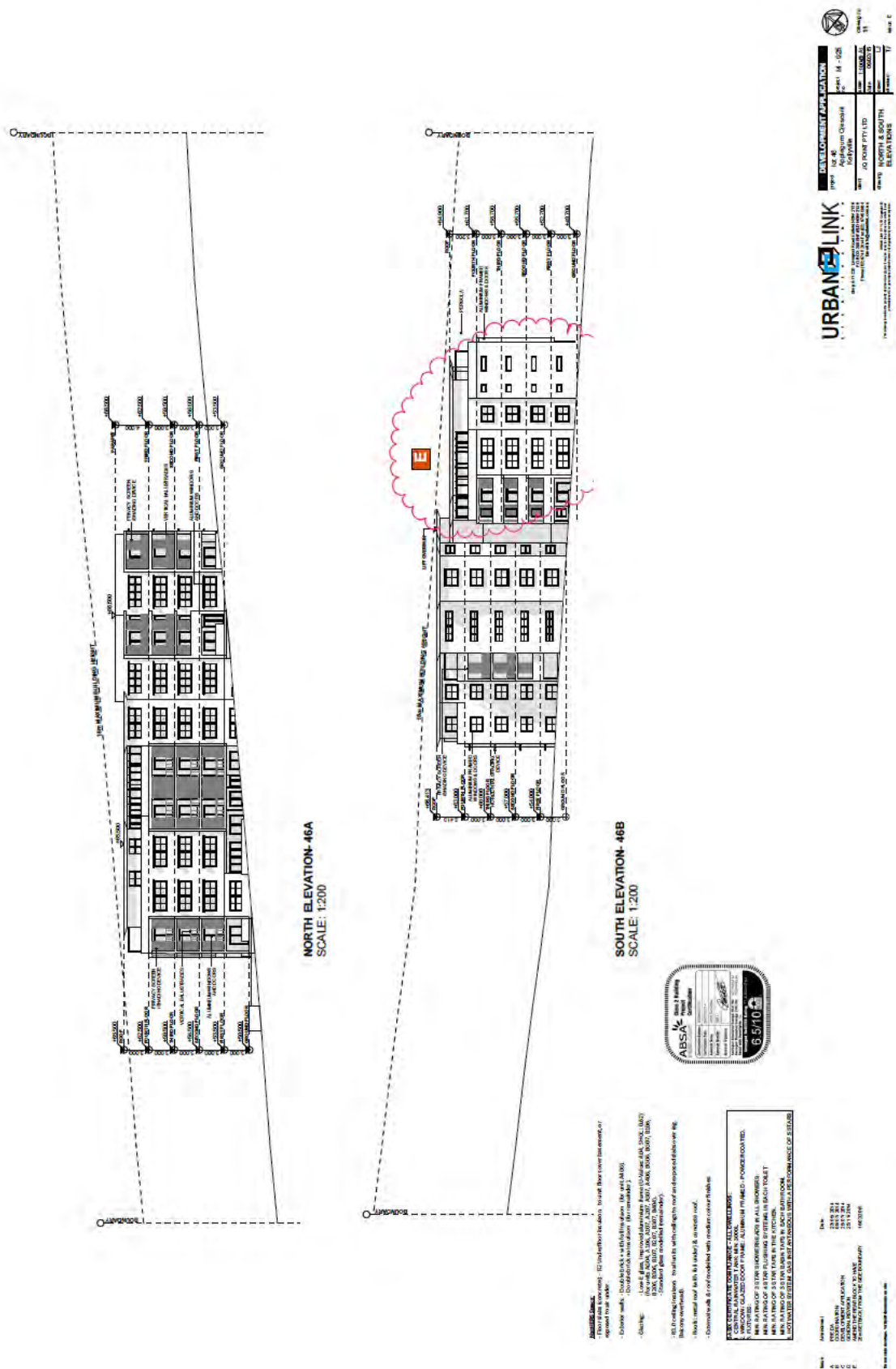
ATTACHMENT 3 – ZONING MAP

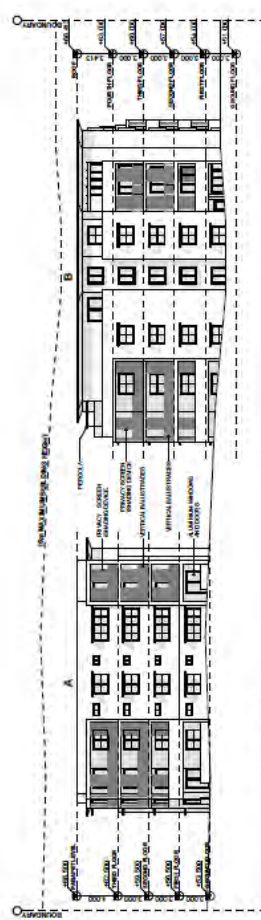
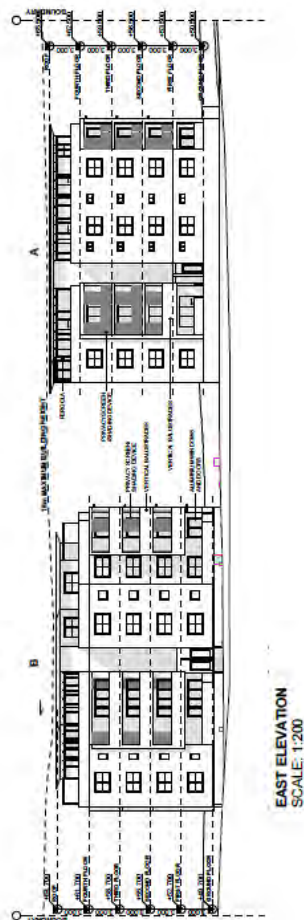


ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – ELEVATIONS AND SECTIONS



[illegible]

	Amount	Year
Paid cash	20,000	2014
Accrued interest	600	2014
Total payment	20,600	2014
Interest expense	200	2014
Principal reduction	19,400	2014
Unpaid principal balance	20,000	2015

