

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW144
DA Number	437/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF FOUR SEPARATE RESIDENTIAL FLAT BUILDINGS IN FOUR STAGES CONSISTING OF A TOTAL OF 140 UNITS AND ASSOCIATED LANDSCAPING AND PARKING
Street Address	PROPOSED LOT 71 IN A SUBDIVISION OF LOT 6 DP 2123 AND LOT 5B DP 394943 – NOS. 16-20 WITHERS ROAD, KELLYVILLE
Applicant/Owner	WAKEFIELD ASHURST DEVELOPMENT PTY LTD
Number of Submissions	NIL
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"> • SEPP SYDNEY REGION GROWN CENTRES 2006 • NORTH KELLYVILLE PRECINCT DCP • SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT • RESIDENTIAL FLAT DESIGN CODE
List all documents submitted with this report for the panel's consideration	NIL
Recommendation	APPROVAL – DEFERRED COMMENCEMENT
Report by	SENIOR TOWN PLANNER SANDA WATTS

EXECUTIVE SUMMARY

The Development Application is for 4 residential flat buildings containing 140 dwellings with 304 car parking spaces. The proposal incorporates 32 x 1 bedroom units, 72 x 2 bedroom units and 36 x 3 bedroom units. The Capital Investment Value is \$44,683,928.

The subject site is located on land zoned R3 – Medium Density Residential under Sydney Region Growth Centres SEPP 2006 and has a height limit of 16m. The proposal exceeds the height limit by a maximum of 761mm or 4.8%.

The proposed development includes a front setback variation of up to a maximum of 1.5m to the North Kellyville DCP. The design generally complies with recommended building setbacks other than minor encroachments discussed in this report.

In conjunction with the landscaping, a reasonable streetscape is provided 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 variations to the upper storeys are minor and generally only relate to balcony balustrades. The variations are minor and there are no residents adjacent. The variations are reasonable and can be supported.

The Development Application has responded to the development standards contained within relevant planning instruments with the exception of the abovementioned variations. In the absence of the JRPP process the matter would be determined under Delegated Authority.

The application is recommended for approval as deferred commencement. The consent may be acted upon once the works detailed within DA 690/2015/ZA and 365/2015/ZE have been completed and the subdivisions are registered as these applications involve the construction of the roads which surround the site and are required for access to the development.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Jotown International Pty and Wakefield Ashurst Developments Pty Ltd	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R3 Medium Density and SP2 Local Road Widening	2.	<u>SEPP Sydney Region Grown Centres 2006</u> – Variation, see report.
Area:	60,300m ² Proposed Lot 71 – 9550m ²	3.	<u>SEPP 65 – Design Quality of Residential Flat Development</u> – Satisfactory
Existing Development:	Three dwelling houses and a nursery	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>North Kellyville DCP</u> – Variation, see report.
		7.	<u>Section 94 Contribution</u> – Stage 1 – \$652,097.72 Stage 2 – \$855,779.40 Stage 3 – \$682,097.72 Stage 4 – \$855,779.40
		8.	<u>Capital Investment Value:</u> \$44,683,928

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:	7		
4. Submissions Received:	Nil		

HISTORY

26/09/2014	Subject Development Application lodged.
20/10/2014	Subject Development Application notified to surrounding properties.
03/12/2014	Council staff sought clarification from the Applicant in regards to civil works associated with the site, specifically road construction.
18/12/2014	Briefing to JRPP Panel members.
15/01/2015	Correspondence sent to the applicant requesting justification for the non-compliance with setbacks.
03/03/2015	Justification for non-compliance with front setbacks received from the applicant.
10/03/2015	Correspondence sent to the applicant requesting amended plans to resolve car parking standard and waste management issues.
25/03/2015	Amended plans received.
31/03/2015	<p>Development Application 365/2015/ZE approved for Integrated housing development and subdivision creating 53 residential lots/ dwellings, one residue lot and one road widening lot including new road. This application includes the construction of part of Massie Street which the subject application relies on for access to the basement parking of blocks 1 and 2.</p> <p>Development Application 690/2015/ZA approved for Subdivision creating two residue lots and one road widening lot including new road and demolition. The subject development is to be located on one of the approved residue lots (71) and relies on access to the development from the Barry Road extension which is to be constructed as part of this subdivision application. Blocks 3 and 4 rely on access to the basement parking from the Barry Road extension.</p>

PROPOSAL

The Development Application is for the demolition of existing structures and construction of four separate residential flat buildings, to be built in 4 stages containing a total of 140 units and 304 parking spaces. The proposal incorporates 32 x 1 bedroom units, 72 x 2 bedroom units, 36 x 3 bedroom units. Access to the development is from the new proposed Massie Street and Barry Road extension. The application can be commenced once DA 690/2015/ZA and 365/2015/ZE are registered as these subdivision applications involve the construction of the roads which surround the site and are required for access to the development.

The buildings are 4 and 5 storeys, and exceed the maximum height prescribed by the Sydney Region Growth Centres SEPP 2006. The building height limit is 16m and the maximum proposed building height is 16.761m. The Development Application is accompanied by a written justification to Clause 4.6 to vary the building height standard.

The proposed development has a Capital Investment Value of \$44,683,928.

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 \$44,683,928 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 Requirements of SEPP (Sydney Region Growth Centres) 2006

(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.

Pursuant to the Land Use Table in Appendix 2 North Kellyville Precinct Plan, a residential flat building is permitted with consent within the R3 Medium Density Residential zone.

(ii) Development Standards

The following addresses the relevant principal development standards of the SEPP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1B Residential density	Minimum 20 dwellings per hectare.	145.99 dwellings per hectare.	Yes
4.3 Height of buildings	16 metres	Components of the buildings exceed 16 metres within a range of 450mm to 761mm	No – see comments below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	Variations proposed to height are addressed below.	Yes

Clause 4.6 Exceptions to Development Standards states as follows:

- (1) *The objectives of this clause are:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *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:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (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 the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow consent to be granted for development that would contravene any of the following:*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,*
 - (c) *clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.*

a. Variation to Height

SEPP Sydney Region Growth Centres 2006 limits the height of the development to 16 metres. The following variations apply:

Building	Maximum Height	Variation
Building 2	Ridge – 16.54	540mm
	Clerestory window - 16.711m	711mm
Building 4	Ridge – 16.45	450mm
	Clerestory window – 16.761	761mm

The applicant has reviewed this matter and has concluded that:

"As the proposal exceeds the building height development standard contained within the SRGC SEPP, a request to vary this development standard pursuant to Clause 4.6 of the SRGC has been prepared by DFP and is attached at Appendix J of this SEE.

The Clause 4.6 variation justifies the non-compliance with the maximum building height development standard on the basis that the maximum encroachment is located on the clerestory window which represents a very small portion of the roof of the building and has been provided to enhance solar access opportunities to the south facing units. The clerestory window is not required to ensure compliance with SEPP 65 for solar access but does improve solar access to south facing units. The non-compliance with the maximum height development does not result in any adverse overshadowing impacts, privacy impacts nor does it have a detrimental impact on the streetscape."

Comment:

The objectives of the SEPP are:

- (a) *to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
- (b) *to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
- (c) *to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
- (d) *to provide appropriate height controls for commercial development,*
- (e) *to restrict the height of buildings within the curtilage of heritage items.*

The proposed height of the buildings is considered satisfactory given that the site is surrounded by proposed and future roads. As such the development is separated from adjoining sites in terms of its location. The shadow impact from the development is considered reasonable given the form of the development. The separation to adjoining future development will reduce the potential for overlooking and privacy impacts.

The urban form is considered to be appropriate for the area and the development of a residential nature. The proposal incorporates a variety of finishes and colours and will result in an appropriate urban outcome.

The subject site generally slopes from the east, down to the west, with the site having an RL of 76 at the northern-eastern corner at the intersection of Barry Road and Withers

Road and an approximate RL of 70.5 at the south-western corner. This results in a cross-fall of approximately 5.5 metres over a distance of approximately 132 metres. The development has been designed to cater for the topography of the site.

The non-compliance in height generally relates to clerestory windows which have been provided to improve solar access to the units. The non-compliance does not result in any adverse amenity impacts and does not result in a detrimental impact on the streetscape.

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

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

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 North Kellyville 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.
	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 2.7m.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
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 20m, however the maximum unit depth is 10.5 metres. 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; 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, urban form and visual and acoustic privacy has been satisfactorily achieved (see Daylight Access, Visual Privacy 	18m minimum provided.	Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	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. The proposal provides for a minimum 6 metre setback to all roads.	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.	As the development is surrounded by public roads, there is no designated side setbacks, nevertheless, 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 	N/A, no FSR control however the proposal meets the density controls that apply to the site.	N/A
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 of open space is provided around the buildings. Deep soil zones equate to 22%.	No, however the common open space areas are consolidated ensuring they are useable.
Open Space	The area of communal open space required should generally be at least 25-30% of the site area.	The development provides for an open space area being 28% of the site.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	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 25m ² .	Each unit at ground level is provided with a private open space area of at least 25m ² .	Yes
Pedestrian Access	Identify the access requirement from the street or car parking area to the apartment entrance. Provide barrier free access to at least 20% of dwellings in the development.	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.	Yes
Vehicular Access	Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The maximum width of the driveway is 6.6 metres. Vehicular access is suitably separated from the pedestrian access.	Yes Yes
Part 3: Building Design			
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	Single aspect units are limited to 8 metres.	Yes
Apartment size	Minimum apartments sizes: 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 95m ²	All units comply with the minimum apartment size requirements, being a minimum of: 1 bedroom – 64.6m ² 2 bedroom – 83.9m ² 3 bedroom – 124.1m ²	Yes
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	The proposal provides for 32 x 1 bedroom units, 72 x 2 bedroom units and 36 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 minimum depth of 2 metres.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	Minimum 2.7 metres.	Yes

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Ground floor apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.</p> <p>Provide ground floor apartments with access to private open space (i.e. terrace, garden).</p>	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	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> - Studio – 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.	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.	75% 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.	85.6% 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 collect rainwater and stormwater and will be stored for re-use on the site.	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 compliance with the draft amendment and Apartment Design Guide.

3. Compliance with the North Kellyville Development Control Plan

The proposal has been assessed against the provisions of The North Kellyville Development Control Plan. The proposed development achieves compliance with the relevant requirements of the North Kellyville Development Control Plan with the exception of the following:

DEVELOPMENT STANDARD	TNKP DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Section 4.3.4 – Table 19 Front Setbacks Minimum	Front Setback Minimum – 6 metres Balconies and other articulation may encroach into the setback to a maximum of 4.5 metres from the boundary for the first 3 storeys and for a maximum of 50% of the façade length.	Varies for each block, but generally 0.5m to 1.5 metre encroachments. The extent of the breach ranges from 15.5% to 42.9% of the total façade lengths.	No, minor encroachment of front setback, refer below.

a) Setbacks

Section 4.3.4 – Table 19 of The North Kellyville DCP requires that residential flat buildings are to have a minimum front setback of 6 metres, balconies and other articulation may encroach into the setback to a maximum of 4.5 metres from the boundary for the first 3 storeys and for a maximum of 50% of the façade length.

The development includes minor encroachments of up to 1.5m into front setback for the upper level storeys. The encroachments relate to balcony balustrades.

The objectives of this section of the DCP are:

- To establish a high quality residential environment where all dwellings have a good level of amenity.*
- To ensure a variety of housing forms within residential areas.*
- To ensure the provision of the housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*

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

"The non-compliance with the amended DCP provision for the front setback is limited to balcony encroachments only on the 2nd, 3rd and 4th storey of Block 1, the 4th storey of Block 3 and the 4th and 5th storeys for Block 2 and 4. The non-compliance is limited to balcony encroachments as all facades are setback at least 6 metres from the four road frontages. The non-compliance is generated as the upper floors are identical in shape, size and mass to the floors below which assists in providing rhythm and balance to the building. The non-compliance along Withers

Road is predominantly generated by the balconies in the centre of Block 1 and 3 with the buildings stepping back towards the sides and accordingly the central balconies provide a variation in the façade that promotes visual interest. If an average of the front setback was taken along Withers Road the average setback would be in excess 6 metres.

Although the internal layout of the four buildings are identical, the southern facades of Block 2 and 4 present to Lumsden Avenue. The southern units are provided with a curved balcony which extends into the 6 metre front setback to Lumsden Avenue, however the curved balconies are also located in the centre of the building with the building stepping back beyond the 6 metre front setback at the edges of the building. If the front setback was averaged, the front setback would be in excess 6 metres. The buildings presenting to Lumsden Avenue are well articulated to provide visual interest and will provide a positive effect on the streetscape.

The western balcony of Block 1 provides articulation to the western façade that would ordinarily be a side wall if the site did not have four road frontages. The balconies represent 15.5% of the total face lengths along Massie Street and accordingly does not present a significant amount of mass the façade.

The development site occupies the entire block of Withers Road, Massey Street, Lumsden Avenue and Barry Road which directly adjoins the North Kellyville Town Centre to the east. Land to the west along Withers Road is zoned R1 and land to the south is zoned R2 and accordingly the typology of dwellings on sites on adjoining blocks will be different to that of the development proposal and accordingly the breach of the setbacks of the balconies will not be out of character with other development on adjoining blocks. Development on adjoining blocks will be completely different either comprising of low density dwellings, shop-top housing or commercial development.

The breach in the setbacks of the balconies at the upper floors does not prevent provision of extensive site landscaping which will ensure that the future development is located in a landscaped setting.

Conclusion

The non-compliance with the front setback controls are limited to balconies only and with the exception of the western balcony of Block 1, the extent of non-compliance is limited to balconies on the 4th storey of Block 1 and 3 and the 4th and 5th storey of Block 2 and 4. This submission has provided the reasons why in the opinion of DFP the non-compliance with the front setback due to the encroachment of the balconies is warranted in this instance and it remains our position that the proposal will provide a positive effect on the built form of the North Kellyville Precinct as the balconies provide articulation and visual interest. As discussed, the facades are well modulated and the average setback along Withers Road and Lumsden Avenue will be in excess of 6 metres.

The balconies will not result in a development that is out of character given that the development site occupies the entire block of Withers Road, Massey Street, Lumsden Avenue and Barry Road and that land to the west is zoned R1, land to the south is zoned R2 and land to the east is zoned Commercial. The building typologies along the southern side of Withers Road will be different to the residential flat building proposed on the site. The development complies with the previous version of the Kellyville Precinct DCP and accordingly this development will not be inconsistent with any other approved residential flat buildings in the Precinct."

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) Sub-precincts – Road Layout

Development sub-precincts are areas generally bounded by fixed roads as indicated in Figure 20 of the DCP. Withers Road, Barry Road and Lumsden Avenue are fixed roads. The DCP shows a non-fixed road (Hennessy Way) through the centre of the development site. The development does not provide for this non-fixed road as the 4 residential flat buildings form one application and are provided access from Barry Road and Massie Street. The non-provision of Hennessy Way is not considered to be a variation given the non-fixed status of the future road and the fact that it is entirely within the subject property, and does not impede the orderly development of the land or surrounding sites. Hennessy Way is provided to the west of the subject site, as part of DA 365/2015/ZE. Furthermore, the development complies with the maximum block dimension which is not to exceed 85 metres x 220 metres.

4. The Hills Development Control Plan 2012 - Part B Section 5 Residential Flat Buildings

Under the provisions of clause 1.3 of the North Kellyville Development Control Plan, The Hills Development Control Plan 2012 Part B Section 5 Residential Flat Buildings does not apply to the subject site. However the proposal has been reviewed against Section 3.11 Unit Layout and Design. The development complies with the control which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments, as the development comprises of 23% one bedroom units. Of the 140 proposed units, 93 units (or 66%) fall under 'Type 1' and the remainder 47 units fall under 'Type 2'; no units that fall under 'Type 3' are proposed. The development does not conform to the unit size typology requirement in the DCP. Although the development does not meet the requirements of the DCP, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes.

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

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.

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.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the Sydney Region Growth

Centres SEPP 2006, The North Kellyville Precinct Development Control Plan, and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

The application is recommended for approval – deferred commencement, subject to conditions.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

DEFERRED COMMENCEMENT

Deferred Commencement – Registration of Subdivision

- A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:
1. The registration of the preceding subdivisions pursuant to Development Consent DA 690/2015/ZA and DA 365/2015/ZE.
- A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

ALL STAGES

GENERAL MATTERS – ALL STAGES

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA02	Site Analysis Plan	B	24/03/2015
DA03	Site Plan	B	24/03/2015
DA04	Basement 2 Carpark	B	24/03/2015
DA05	Basement 1 Carpark	C	16/04/2015
DA06	Ground Floor Plan	B	24/03/2015
DA07	Typical Floor Plan	A	27/08/2014
DA08	External Building Elevations	B	24/03/2015
DA09	Internal Building Elevations	B	24/03/2015
DA10	Site Sections	B	24/03/2015
DA12	Adaptable Apartment Plans	A	27/08/2014
DA14	Coloured Elevations and Finishes	B	24/03/2015
100	Landscape Masterplan	C	24/03/2015
501	Landscape Details	C	24/03/2015
502	Landscape Details Specifications Notes & Planting Schedule	C	24/03/2015

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Construction Certificate

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

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team.

5. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

6. External Finishes

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

7. 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.

8. Tree Removal

Approval is granted for the removal of trees denoted in arborist report by Australis Tree Management dated 21/1/2013 as SULE 5B or 4, and proposed for removal (highlighted in report), and where trees required for removal to undertake approved works such as engineering for road construction and drainage.

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

9. Acoustic Requirements

The recommendations of the Acoustic Assessment – Mechanical Plant for 16-20 Withers Road, Kellyville NSW 2155 prepared by Atkins Acoustics referenced as 44.6896R2.Rev01:CFCD7 and dated 22 July 2014 are to be implemented as part of this approval. In particular the project specific criteria for the impact of the mechanical plant on any neighbouring residential receivers (including those units within the subject development):

- Day $L_{Aeq(15 \text{ min})}$ 52dB(A);
- Evening $L_{Aeq(15 \text{ min})}$ 40dB(A); and
- Night $L_{Aeq(15 \text{ min})}$ 37dB(A).

10. Salinity Requirements

The recommendations (management plan) of the following report *Salinity Assessment for 16-20 Withers Road, Kellyville NSW 2155, prepared by Geotest Services Pty Ltd project reference 6093/2 and dated 6 June 2012* should be reviewed prior to works commencing on the site.

11. 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.

12. Separate Application for Strata Subdivision

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

13. 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.

14. 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. Car parking spaces of the same width are to be grouped together.
- vi. All accessible car parking spaces are to have shared zones adjacent as per AS 2890.6.
- vii. Entrance ramps are to provide for a minimum 3.5m clear height to suit the SRV vehicle required to service the site.
- viii. Entrance ramps are to be at a maximum grade of 1:6.5 as per AS 2890.2 maximum grade for an SRV.

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 6.6m wide at the boundary. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Footpath Verge Formation

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

iv. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

v. Service Conduits

Service conduits to each of the proposed structures, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

vi. Water Sensitive Urban Design Elements (North Kellyville)

Water sensitive urban design elements, consisting of bio-retention swales in roads and rain gardens and rainwater reuse tanks within lots, are required generally in accordance with the plans and information submitted with the application. The bio-retention swales in roads are to be provided as part of the subdivision works and the rain gardens and rainwater reuse tanks when the lots are developed. For integrated housing developments both are required.

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 following requirements apply:

- a) The lot must provide a rain garden with a cumulative minimum storage volume of 24.74m^3 and a minimum surface area of 168.22m^2 based on a residential net developable area of 1.294ha and the requirements applying to the Smalls Creek catchment area from Section 6.1 of the North Kellyville DCP.

- b) Each of the structures must provide for a 20kL (minimum) rainwater reuse tank that must be plumbed specifically for washing machine use. External use is also permitted however the recycled water system supplied by Sydney Water must be connected to all toilets for flushing purposes, and at least one external tap as per Section 6.1 of the North Kellyville DCP.

All calculations 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/>

The rain gardens and rainwater reuse tanks are required to be constructed in accordance with the following documents and requirements:

- Council's Typical Rain Garden Plan and Details (Standard Drawing 44)
- Council's Rain Garden Installation Guide and Specifications

16. Rain Garden and Rainwater Reuse Tank (North Kellyville)

A rain garden and rainwater reuse tank is required to be constructed in accordance with the following documents and requirements:

- a) Council's Typical Rain Garden Plan and Details (Standard Drawing 44)
- b) Council's Rain Garden Installation Guide and Specifications

The area/ volume of the rain garden must comply with the restriction that appears on the title of the subject site.

The rainwater reuse tank must be plumbed specifically for washing machine use. External use is also permitted however the recycled water system supplied by Sydney Water must be connected to all toilets for flushing purposes, and at least one external tap.

17. 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

18. 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.

19. 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.

20. Security Shutter Activation

Security shutter activation for waste collection vehicles entering and exiting the site must be keyless. This can be achieved by elevated sensors or from a loop detector located on the inside of the pavement. Further consultation (written) with the Resource Recovery Department is required (prior to issue of final Occupational Certificate) where security shutter activation is not keyless.

21. Safety Measures (Waste Collection)

Waste collection vehicles are required to undertake a reverse movement to exit the basement. Adequate safety measures such as ceiling and wall mounted mirrors must be provided to assist waste operators undertake this reverse movement with the highest regard for safety.

22. Access for Waste Collection

Vehicles access must be designed in accordance with the Australian Standard 2890.2-2002 for the standard SRV. Note the overall truck length is required to be 7.4m not 6.4m. The additional one metre overhang is to the rear of the truck.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – ALL STAGES

23. 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.

24. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growths Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

25. 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).

26. 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.

27. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

28. 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.

29. 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.

30. Water Sensitive Urban Design Elements - Rain Garden and Rainwater Reuse Tank (North Kellyville)

The construction certificate issued for this development must include the rain garden and rainwater reuse tank conditioned earlier in this consent.

31. 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 waste collection vehicle from the boundary to the waste collection point including any manoeuvring areas. A minimum vertical clearance of 3.5m is required.

PRIOR TO WORK COMMENCING ON THE SITE – ALL STAGES

32. Principal Certifying Authority

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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).

38. Erosion and Sedimentation Controls

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. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

39. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

40. 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 available to Council on request.

41. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

42. 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.

43. Erection of Signage – Supervision of Work

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

- a) The name, address and telephone number of the Principal Certifying Authority;
- 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.

44. Contractors Details

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

45. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works,

these measures must be maintained for a minimum period of six months following the completion of all works.

46. 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.

47. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

48. Discontinuation of Domestic Waste Service

Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner or site manager must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste. Please telephone Council on (02) 9843 0310 for the discontinuation of waste services.

49. Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and demolition phases of the development must be submitted to and approved by Council. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and demolition phases of the development. The plan must address the following, but not limited to:

- (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 transport contractor(s); and
- (4) The proposed reuse or recycling methods for waste remaining onsite.

DURING CONSTRUCTION – ALL STAGES

50. Survey Report

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

51. Compliance with 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.

52. Acoustic Requirements – Detailed Acoustic Design

The Acoustic Assessment – Mechanical Plant for 16-20 Withers Road, Kellyville NSW 2155 prepared by Atkins Acoustics referenced as 44.6896R2.Rev01:CFCD7 and dated 22 July 2014 recommends that the all plant, equipment and mechanical drawings be the subject of a detailed acoustic design which has been reviewed by an acoustic consultant prior to the final specifications to ensure that the project noise goals and any pending consent conditions can be achieved.

The detailed acoustic design report is to be submitted to Council's Manager – Environment and Health for review and recommendation. The detailed acoustic design report is to demonstrate how the site specific criteria can be met at all neighbouring residential receivers including those within the development.

53. 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.

54. 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)*.

55. Removal of Septic Tanks and Effluent Disposal Areas

The existing subsurface effluent disposal areas and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any septic tank collection well or aerated waste water treatment system is to be removed or reused in accordance with *NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS)* available from the NSW Health website (www.health.nsw.gov.au).

Note: Methods 1 & 5 (Demolition) are not permitted.

56. 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's Manager- Environment and health 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's Manager – Environment and Health for review prior to works recommencing on site.

57. 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.

58. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

59. 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.

60. 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.

61. Critical Stage Inspections – Engineering Works

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

62. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

63. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

64. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

65. Working Hours

All work must be restricted to between the hours of 7.00am and 5.00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – ALL STAGES

66. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Acoustic Assessment – Mechanical Plant for 16-20 Withers Road, Kellyville NSW 2155 prepared by Atkins Acoustics referenced as 44.6896R2.Rev01:CFCD7, dated 22 July 2014 and any further report that has been accepted by Council's Manager – Environment and Health. Certification of the correct installation and confirmation that the project specific criterion has been achieved is to be provided to Council.

67. Occupational Hygienist Report for Asbestos Removal

On completion of the asbestos removal works an Occupational Hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

68. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

69. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

70. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

71. 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.

72. 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.

73. 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.

74. 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 elements 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.

75. Rain Garden/ Rainwater Tanks (North Kellyville)

An Occupation Certificate must not be issued prior to the completion of the rain garden and rainwater reuse tank required by this consent. A copy of the completed Construction Checklist (Appendix A) included with Council’s Rain Garden Installation Guide and Specifications must be submitted to Council.

76. 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 waste collection vehicle.

77. 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 – ALL STAGES

78. 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*.

79. 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.

80. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals and not less frequent than twice weekly for garbage and once weekly for recycling, unless otherwise determined by Council. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

STAGE 1

GENERAL MATTERS – STAGE 1

81. Provision of Parking Spaces

The development is required to be provided with 76 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

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

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with application does not comply with Council Guidelines, LPI NSW Addressing Policy – Multi-level Sub-Address allocation-AS\NZS4819.

Approved unit numbering:

BLOCK 1

Grd	G01-G07
1 st	101-108
2 nd	201-208
3 rd	301-308
4 th	N/A

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances. Any changes to unit configuration are to be forwarded to Land Information for reassessment.

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

Land Information Section to be contacted for availability of street numbers.

83. Construction of Waste Storage Areas

All work involving construction of the waste storage areas must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. Storage facility in each area must be provided for a minimum of 4 x 1100L garbage bins and 6 x 660L recycling bins. A caged area must also be provided in the areas for unwanted bulky goods with a minimum area of 4m². The measurements of the abovementioned bins are provided below:

660L	850mm (d) 1370mm (w) 1250mm (h)
1100L	1245mm (d) 1370mm (w) 1470mm (h)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 1

84. Section 94 Contribution – North Kellyville

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:-

Stage 1

Stage 1	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 7	No. of 2 Bedroom Units: 16	No. of 3 Bedroom Units: 8	Sum of Units	No. of Credits: 1	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 40,984.72	\$ 163,977.44	\$ 111,267.04	\$ 316,229.20	\$ 13,908.38	\$ 302,320.82
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 6,402.76	\$ 25,617.12	\$ 17,382.48	\$ 49,402.36	\$ 2,172.81	\$ 47,229.55
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 3,239.39	\$ 12,960.48	\$ 8,794.40	\$ 24,994.27	\$ 1,099.30	\$ 23,894.97
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 24,115.35	\$ 96,484.00	\$ 65,469.36	\$ 186,068.71	\$ 8,183.67	\$ 177,885.04
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 5,998.93	\$ 24,001.28	\$ 16,286.08	\$ 46,286.29	\$ 2,035.76	\$ 44,250.53
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 2,636.62	\$ 10,548.96	\$ 7,158.00	\$ 20,343.58	\$ 894.75	\$ 19,448.83
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,368.43	\$ 5,474.88	\$ 3,715.04	\$ 10,558.35	\$ 464.38	\$ 10,093.97
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 3,333.75	\$ 13,338.08	\$ 9,050.64	\$ 25,722.47	\$ 1,131.33	\$ 24,591.14
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 323.05	\$ 1,292.48	\$ 876.96	\$ 2,492.49	\$ 109.62	\$ 2,382.87
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 88,403.00	\$ 353,694.72	\$ 240,000.00	\$ 682,097.72	\$ 30,000.00	\$ 652,097.72

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. 13 .

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.

85. 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 \$387,600.00 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 (380m) multiplied by the width of the road (12m typical).

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.

DURING CONSTRUCTION – STAGE 1

86. 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. 568835M 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 1

87. Final Inspection of Waste Storage Areas

Prior to a final or interim Occupation Certificate being issued, a final inspection of the waste storage areas 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.

STAGE 2

GENERAL MATTERS – STAGE 2

88. Provision of Parking Spaces

The development is required to be provided with 76 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

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

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with application does not comply with Council Guidelines, LPI NSW Addressing Policy – Multi-level Sub-Address allocation-AS\NZS4819.

Approved unit numbering:

BLOCK 2

Grd	G08-G14
1 st	109-116
2 nd	209-216
3 rd	309-316
4 th	401-408

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances. Any changes to unit configuration are to be forwarded to Land Information for reassessment.

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

Land Information Section to be contacted for availability of street numbers.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2

90. Section 94 Contribution – North Kellyville

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:-

Stage 2

Stage 2	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 20	No. of 3 Bedroom Units: 10	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 52,694.64	\$ 204,971.80	\$ 139,083.80	\$ 396,750.24	\$ -	\$ 396,750.24
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 8,232.12	\$ 32,021.40	\$ 21,728.10	\$ 61,981.62	\$ -	\$ 61,981.62
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 4,164.93	\$ 16,200.60	\$ 10,993.00	\$ 31,358.53	\$ -	\$ 31,358.53
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 31,005.45	\$ 120,605.00	\$ 81,836.70	\$ 233,447.15	\$ -	\$ 233,447.15
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 7,712.91	\$ 30,001.60	\$ 20,357.60	\$ 58,072.11	\$ -	\$ 58,072.11
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 3,389.94	\$ 13,186.20	\$ 8,947.50	\$ 25,523.64	\$ -	\$ 25,523.64
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,759.41	\$ 6,843.60	\$ 4,643.80	\$ 13,246.81	\$ -	\$ 13,246.81
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 4,286.25	\$ 16,672.60	\$ 11,313.30	\$ 32,272.15	\$ -	\$ 32,272.15
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 415.35	\$ 1,615.60	\$ 1,096.20	\$ 3,127.15	\$ -	\$ 3,127.15
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 113,661.00	\$ 442,118.40	\$ 300,000.00	\$ 855,779.40	\$ -	\$ 855,779.40

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. 13.

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.

DURING CONSTRUCTION – STAGE 2

91. 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. 568832M 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.

STAGE 3

GENERAL MATTERS – STAGE 3

92. Provision of Parking Spaces

The development is required to be provided with 76 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

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

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with application does not comply with Council Guidelines, LPI NSW Addressing Policy – Multi-level Sub-Address allocation-AS\NZS4819.

Approved unit numbering:

BLOCK 3

Grd	G15-G21
1 st	117-124
2 nd	217-224
3 rd	317-324
4 th	409-416

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances. Any changes to unit configuration are to be forwarded to Land Information for reassessment.

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

Land Information Section to be contacted for availability of street numbers.

94. Construction of Waste Storage Areas

All work involving construction of the waste storage areas must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. Storage facility in each area must be provided for a minimum of 4 x 1100L garbage bins and 6 x 660L recycling bins. A caged area must also be provided in the areas for unwanted bulky goods with a minimum area of 4m². The measurements of the abovementioned bins are provided below:

660L	850mm (d) 1370mm (w) 1250mm (h)
1100L	1245mm (d) 1370mm (w) 1470mm (h)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 3

95. Section 94 Contribution – North Kellyville

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:-

Stage 3

Stage 3	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 7	No. of 2 Bedroom Units: 16	No. of 3 Bedroom Units: 8	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 40,984.72	\$ 163,977.44	\$ 111,267.04	\$ 316,229.20	\$ -	\$ 316,229.20
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 6,402.76	\$ 25,617.12	\$ 17,382.48	\$ 49,402.36	\$ -	\$ 49,402.36
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 3,239.39	\$ 12,960.48	\$ 8,794.40	\$ 24,994.27	\$ -	\$ 24,994.27
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 24,115.35	\$ 96,484.00	\$ 65,469.36	\$ 186,068.71	\$ -	\$ 186,068.71
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 5,998.93	\$ 24,001.28	\$ 16,286.08	\$ 46,286.29	\$ -	\$ 46,286.29
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 2,636.62	\$ 10,548.96	\$ 7,158.00	\$ 20,343.58	\$ -	\$ 20,343.58
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,368.43	\$ 5,474.88	\$ 3,715.04	\$ 10,558.35	\$ -	\$ 10,558.35
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 3,333.75	\$ 13,338.08	\$ 9,050.64	\$ 25,722.47	\$ -	\$ 25,722.47
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 323.05	\$ 1,292.48	\$ 876.96	\$ 2,492.49	\$ -	\$ 2,492.49
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 88,403.00	\$ 353,694.72	\$ 240,000.00	\$ 682,097.72	\$ -	\$ 682,097.72

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. 13 .

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.

DURING CONSTRUCTION – STAGE 3

96. 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. 555385M 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 3

97. Final Inspection of Waste Storage Areas

Prior to a final or interim Occupation Certificate being issued, a final inspection of the waste storage areas 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.

STAGE 4

GENERAL MATTERS – STAGE 4

98. Provision of Parking Spaces

The development is required to be provided with 76 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

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

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with application does not comply with Council Guidelines, LPI NSW Addressing Policy – Multi-level Sub-Address allocation-AS\NZS4819.

Approved unit numbering:

BLOCK 4

Grd	G22-G28
1 st	125-132
2 nd	225-232
3 rd	325-332
4 th	N/A

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances. Any changes to unit configuration are to be forwarded to Land Information for reassessment.

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

Land Information Section to be contacted for availability of street numbers.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 4

100. Section 94 Contribution – North Kellyville

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:-

Stage 4

Stage 4	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 20	No. of 3 Bedroom Units: 10	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 52,694.64	\$ 204,971.80	\$ 139,083.80	\$ 396,750.24	\$ -	\$ 396,750.24
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 8,232.12	\$ 32,021.40	\$ 21,728.10	\$ 61,981.62	\$ -	\$ 61,981.62
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 4,164.93	\$ 16,200.60	\$ 10,993.00	\$ 31,358.53	\$ -	\$ 31,358.53
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 31,005.45	\$ 120,605.00	\$ 81,836.70	\$ 233,447.15	\$ -	\$ 233,447.15
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 7,712.91	\$ 30,001.60	\$ 20,357.60	\$ 58,072.11	\$ -	\$ 58,072.11
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 3,389.94	\$ 13,186.20	\$ 8,947.50	\$ 25,523.64	\$ -	\$ 25,523.64
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,759.41	\$ 6,843.60	\$ 4,643.80	\$ 13,246.81	\$ -	\$ 13,246.81
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 4,286.25	\$ 16,672.60	\$ 11,313.30	\$ 32,272.15	\$ -	\$ 32,272.15
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 415.35	\$ 1,615.60	\$ 1,096.20	\$ 3,127.15	\$ -	\$ 3,127.15
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 113,661.00	\$ 442,118.40	\$ 300,000.00	\$ 855,779.40	\$ -	\$ 855,779.40

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. 13.

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.

DURING CONSTRUCTION – STAGE 4

101. 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. 544226M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

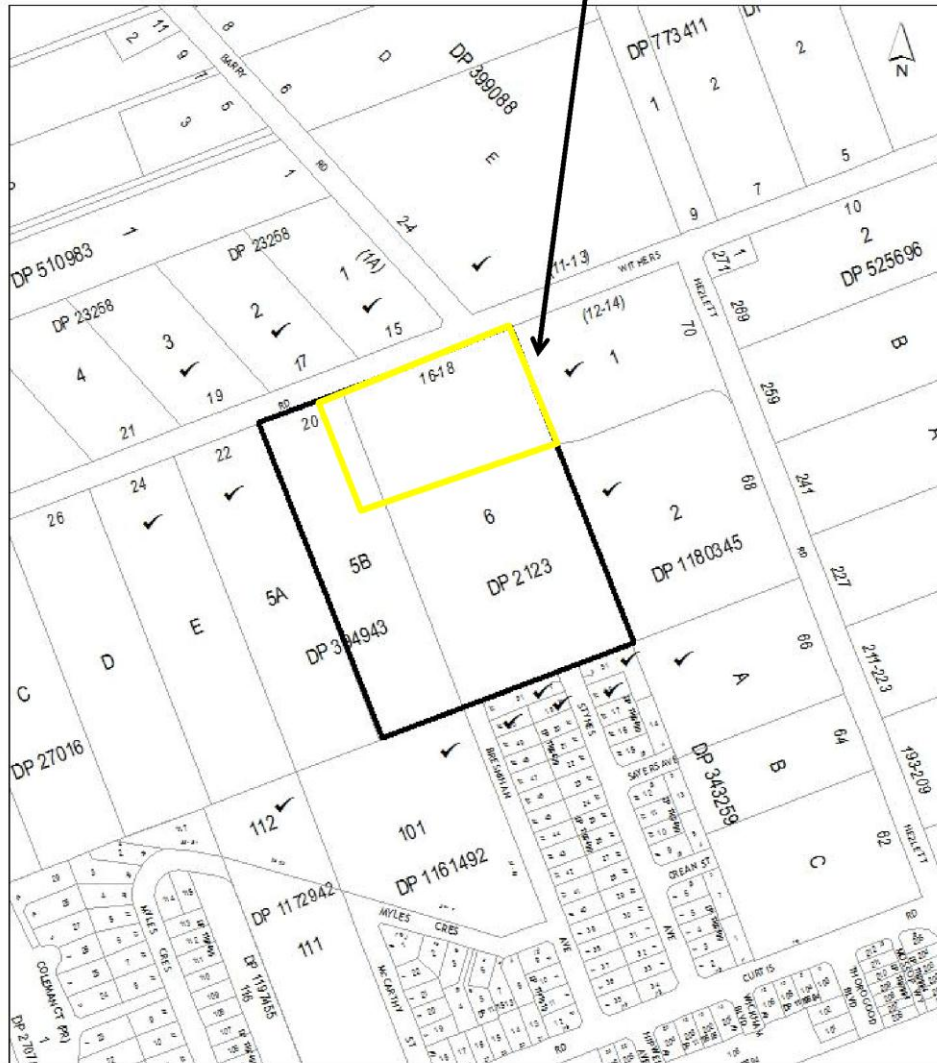
A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Site Plan
5. Approved Subdivision Plan – DA 690/2015/ZA
6. Elevations

ATTACHMENT 1 – LOCALITY PLAN

Note: Development site outlined in yellow



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

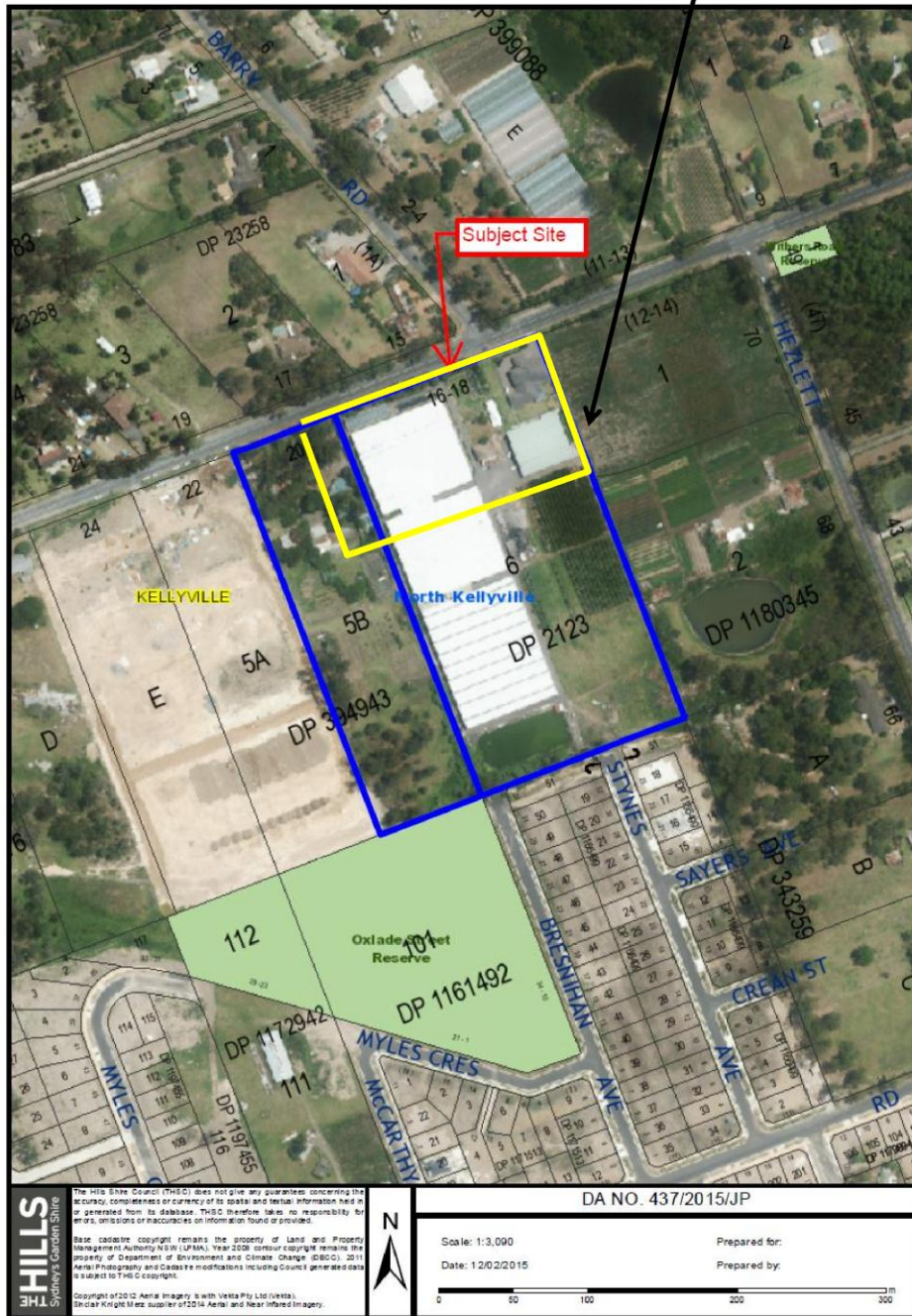
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

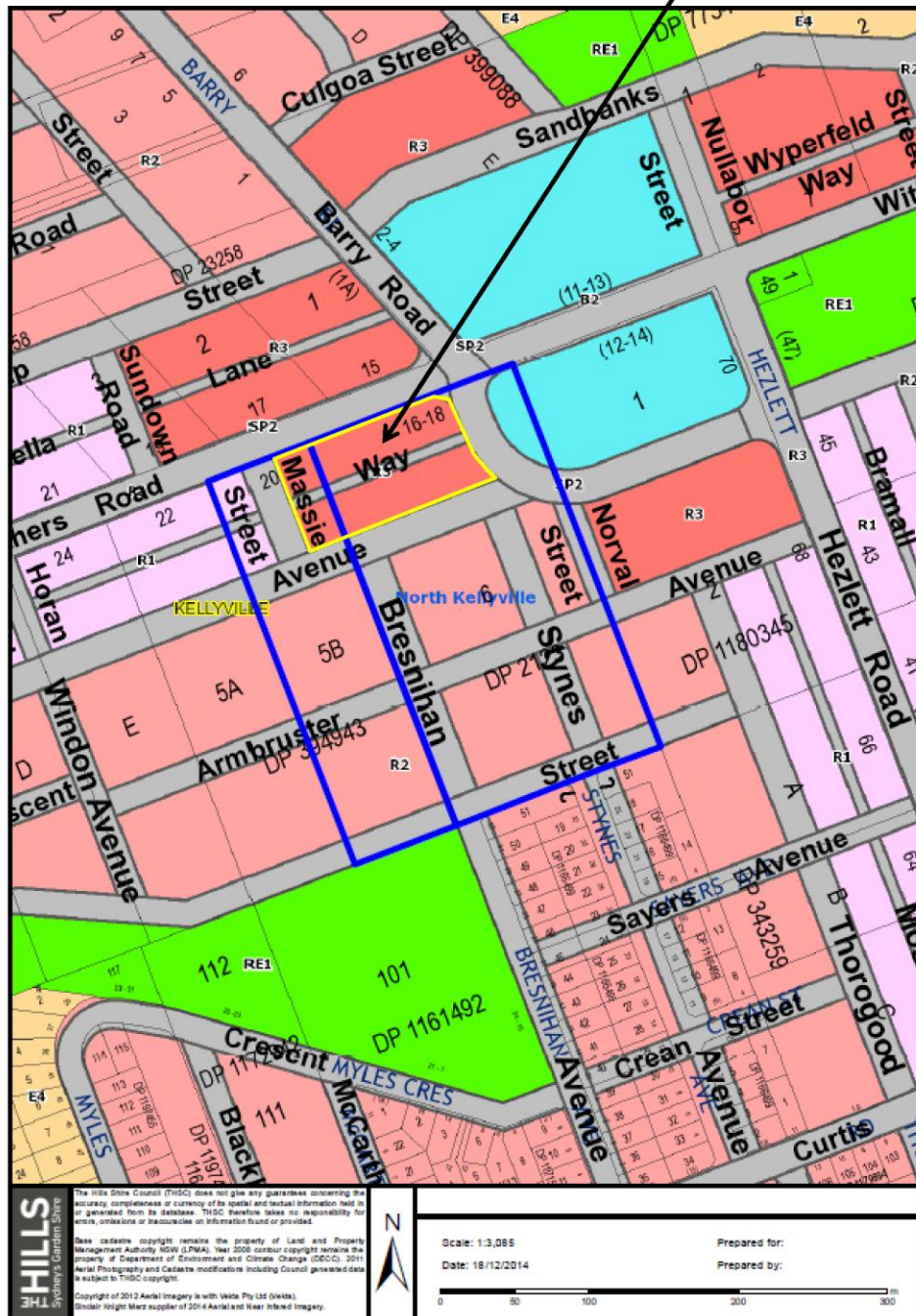
ATTACHMENT 2 – AERIAL PHOTOGRAPH

Note: Development site outlined in yellow

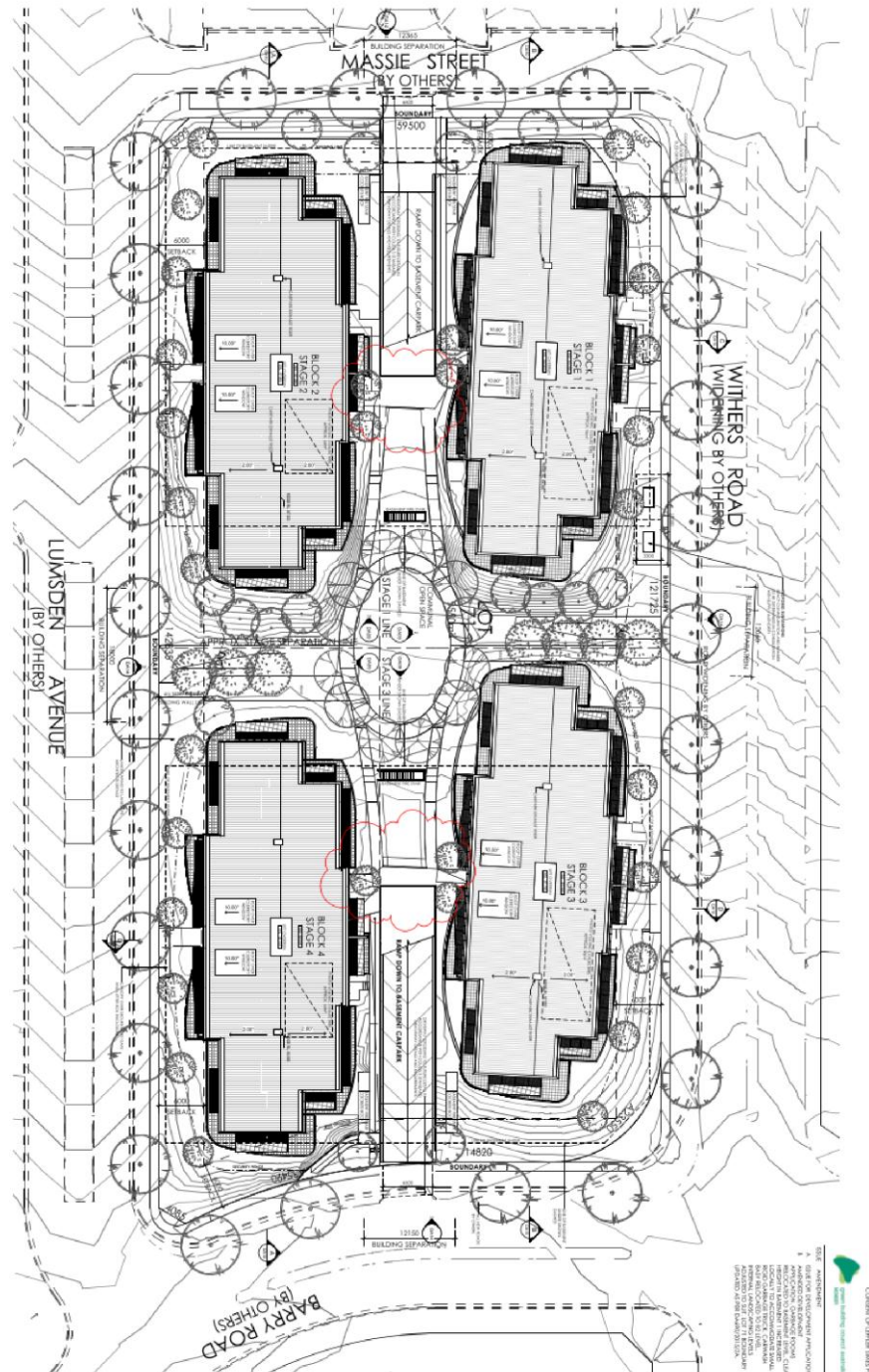


ATTACHMENT 3 – SEPP ZONING MAP

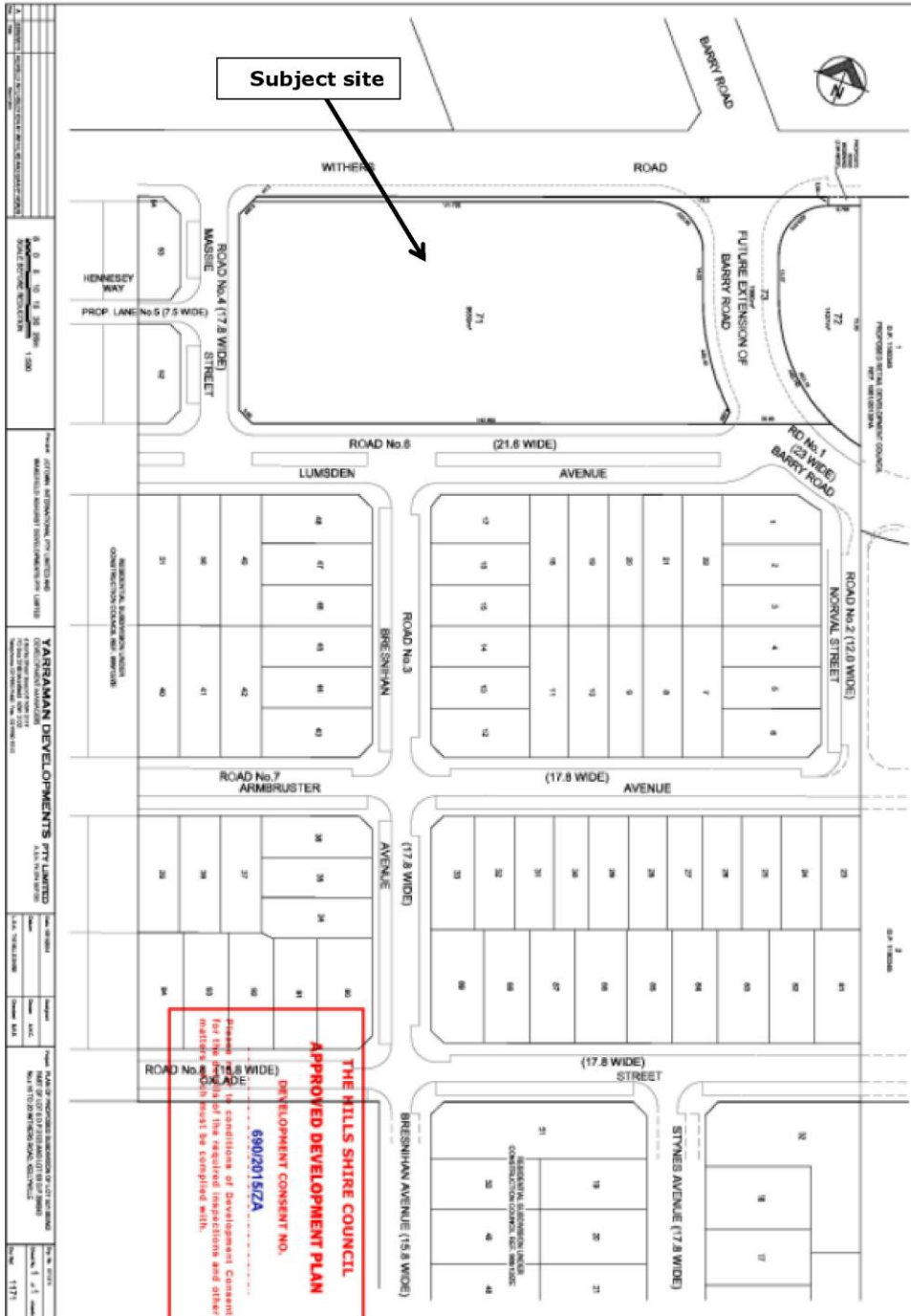
Note: Development site outlined in yellow



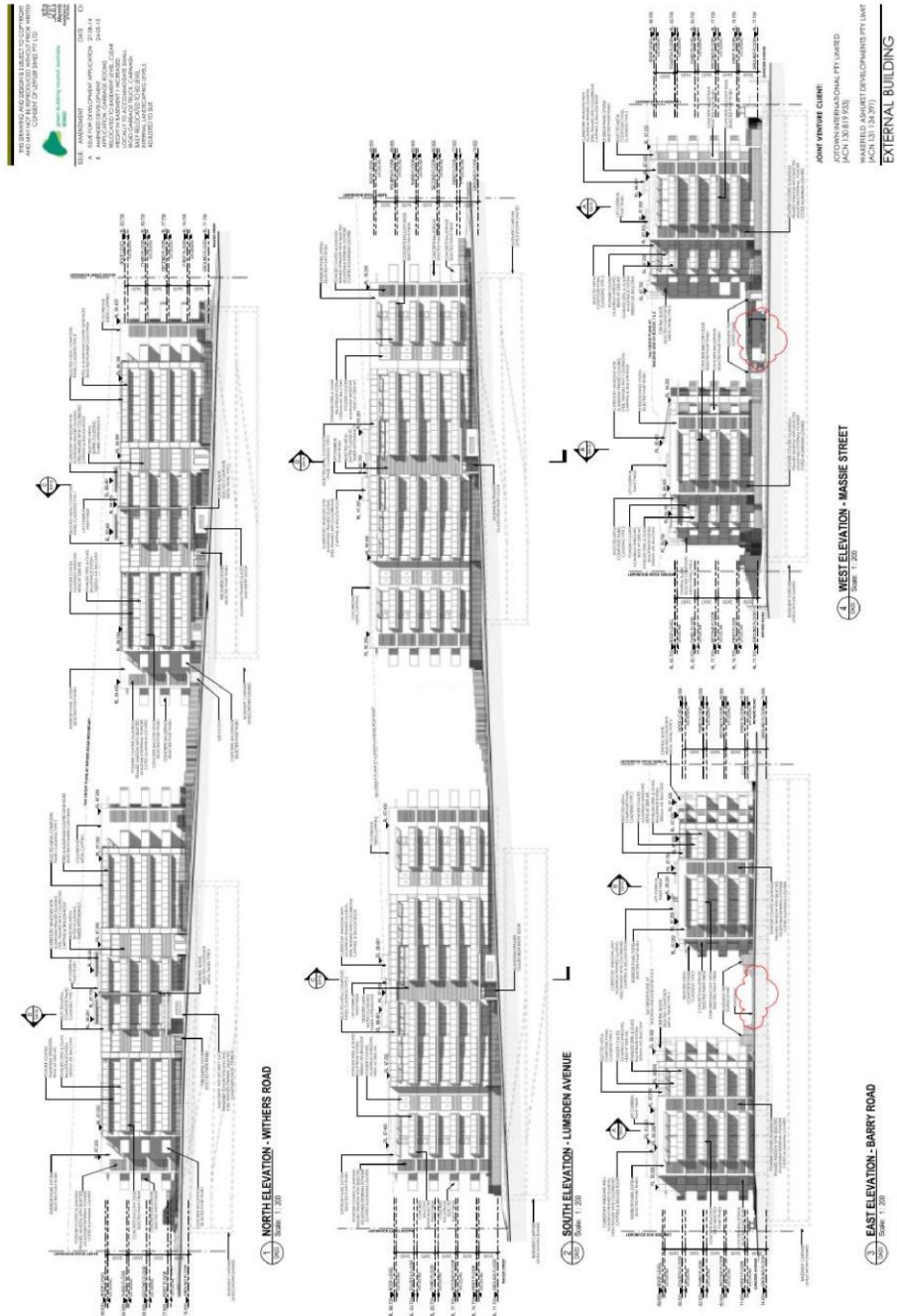
ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – APPROVED SUBDIVISION PLAN – DA 690/2015/ZA



ATTACHMENT 6 – ELEVATIONS



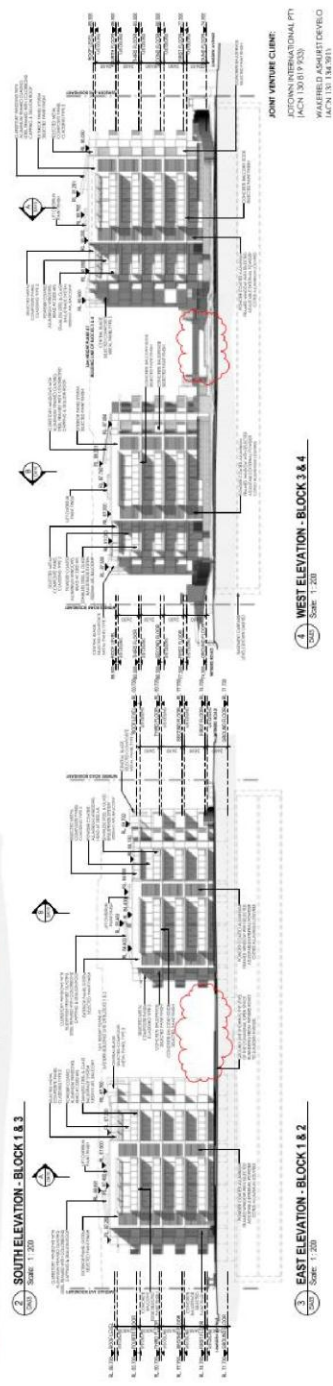
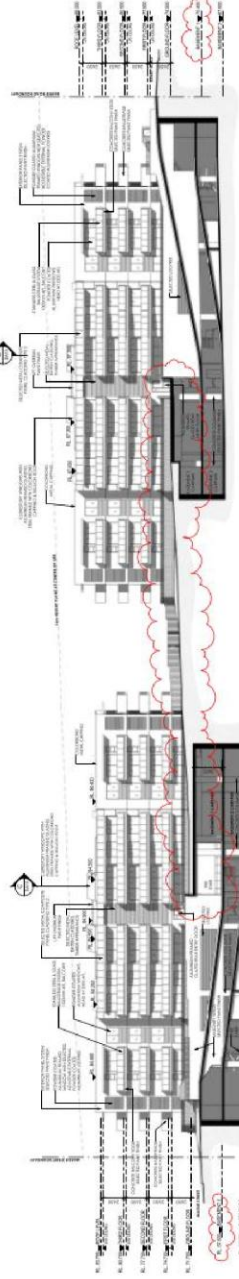
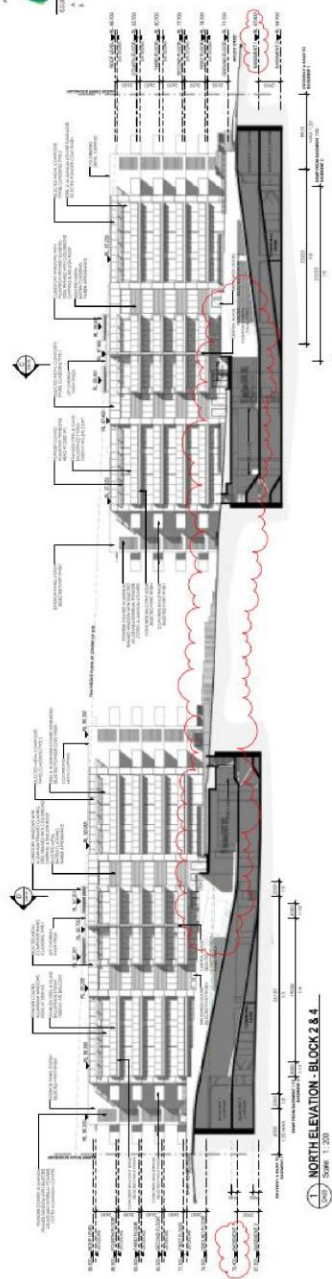
THE DRAWING AND DESIGN OF THE
ARCHITECTURE
CONSIST OF PARTS 1-4

1. ARCHITECTURE
2. STRUCTURE
3. SERVICES
4. LANDSCAPE

THE DRAWING IS A PRELIMINARY
DESIGN AND IS NOT TO BE USED
FOR CONSTRUCTION OR FOR
OBTAINING A BUILDING PERMIT
WITHOUT THE WRITTEN CONSENT
OF THE ARCHITECT.

THE ARCHITECT'S OFFICE IS
NOT RESPONSIBLE FOR THE
ACCURACY OF THE INFORMATION
CONTAINED IN THIS DRAWING
OR FOR THE CONSEQUENCES OF
ANY ACTION TAKEN THEREON.

ADAPTED TO THE
ARCHITECT'S OFFICE



JOHN VENTURE CLINE
JOHN VENTURE CLINE PT
ARCHITECTS
ARCHITECTS
ARCHITECTS