

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW020
DA Number	906/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT
Street Address	LOT 14 DP 280013 (PREVIOUSLY PART LOT 13 DP 280013), CORNER OF CADDIES BOULEVARD AND WHITE HART DRIVE, ROUSE HILL
Applicant	GPT FUNDS MANAGEMENT 2 PTY LTD AND GPT MANGEMENT HOLDINGS LTD
Number of Submissions	ONE
Regional Development Criteria (Schedule 4A of the Act)	DEVELOPMENT EXCEEDING \$20 MILLION
List of All Relevant s79C(1)(a) Matters	• Section 79C EP and A ACT • LEP 2012 • SEPP 32 - Urban Consolidation • SEPP 65 – Design Quality of Residential Apartment Development • Draft SEPP 65 - Design Quality of Residential Apartment Development • SREP 19 – Rouse Hill Development Area • SREP 20 – Hawkesbury/Nepean River • DCP Part D – Section 6 Rouse Hill Regional Centre
List all documents submitted with this report for the panel's consideration	ONE SUBMISSION
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	Kristine McKenzie PRINCIPAL EXECUTIVE PLANNER

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 58 units. The units are proposed within a part six and part seven storey building at the corner of Caddies Boulevard and White Hart Drive which provides a sleeve to the retail centre.

The development includes a variation to LEP 2012 in regard to site area for residential flat buildings. In this regard the LEP requires a 4000m² minimum site area whilst the subject site has an area of 1888m². This is a variation of 52.8%. The site is considered to have an adequate area for an apartment development with an appropriate landscape area built form provided. The site has always been envisaged for residential development since the approval of the Masterplan in 2004 which indicated that the site would be used

for multi-storey development. The site is in a Town Centre location suitable for higher density development.

The development also includes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks, separation, unit size and mix, parking, landscape area, private open space, and common open space. In addition, variations are proposed to the Town Centre Precinct Plan in regard to non-provision of a mixed use component, height, balcony area, and open space and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to separation, deep soil zone, common open space and daylight access. Most of the variations arise from the constrained nature of the site with its narrow depth adjacent to the Town Centre

The design provides a genuine range of unit sizes to cater for all future occupants. The units provide a high level of amenity and provide housing diversity. The unit sizes all comply with the minimum requirements of SEPP 65.

The development site has a relatively narrow depth of approximately 19-30 metres. The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site is also in close proximity to Caddies Creek and is therefore located in a park setting. The variations are considered reasonable in that context.

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

The proposal was exhibited and notified to adjoining property owners and one submission was received.

The proposal is recommended for approval subject to conditions.

In the absence of the JRPP process, this matter would be determined by Council due to the variation to lot size exceeding 10%.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	GPT Funds Management 2 Pty Ltd and GPT Management Holdings Ltd	1.	<u>LEP 2012</u> – Satisfactory. Variation to lot size for residential flat buildings.
Zoning:	B4 Mixed Use	2.	<u>SEPP 65 – Design Quality of Residential Apartment Development</u> – Variation required, see report.
Area:	1888m ²	3.	<u>Draft SEPP 65 – Design Quality of Residential Apartment Development</u> – Variation required, see report.
Existing Development:	Vacant	4.	<u>SEPP 32 – Urban Consolidation</u> – Satisfactory.
		5.	<u>SREP 19 – Rouse Hill Development Area</u> – Satisfactory. Funds Management 2 Pty Ltd
		6.	<u>SREP 20 – Hawkesbury/Nepean River</u> – Satisfactory.
		7.	<u>DCP Part D – Section 6 Rouse Hill Regional Centre</u> – Variations required, see report.
		8.	<u>Section 79C</u> – Satisfactory.
		9.	<u>Section 94 Contributions</u> – No, however a Planning Agreement is in place.

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 14 days.	1.	CIV exceeds \$20 million.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	Four		
4. Submissions Received:	One		

HISTORY

- 16/01/2015** Development Application lodged.
- 27/03/2015** Letter sent to the applicant requesting additional information regarding DCP compliance, Design Guideline compliance, SEPP 65 and the RFDC, waste management, engineering and drainage matters.
- 22/06/2015** Additional information submitted by the applicant.
- 17/09/2015** Email sent to the applicant requesting further information regarding DCP compliance, Design Guideline compliance, SEPP 65 and the RFDC, waste management and engineering matters.
- 28/09/2015** Additional information submitted by the applicant.
- 14/10/2015** Additional information submitted by the applicant.

PROPOSAL

The proposal is for a part six and part seven storey residential flat building containing 58 units. Specifically the works include:

- Site preparation works including site excavation and removal of trees and landscaping.
- Construction of a two level basement carpark with 74 parking spaces, which comprises 68 spaces resident spaces and 6 visitor spaces.
- Construction of a residential flat building containing 58 units comprising:
 - 18 x 1 bedroom units;
 - 35 x 2 bedroom units; and
 - 5 x 3 bedroom units.
- Vehicular access to the basement provided off Caddies Boulevard.
- Associated landscaping and infrastructure works.

The subject site is at the corner of Caddies Boulevard and White hart Drive and is adjacent to the retail Town Centre. The site is currently used for temporary landscape planting.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

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

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

The proposed development has a capital investment value of \$23,799, 600 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. Minimum Lot Size for Residential Flat Buildings

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 1888m² (ground level). This is a variation of 52.8%.

The applicant has requested a variation to the minimum lot size and has submitted a detailed address of Clause 4.6 which is summarised as follows:

As the site area is 1888m² (at ground level), a variation to the above standard is required. Relevantly, however, on 26 September 2014, an LEP amendment added the following new sub-clause after Clause 4.1A(2):-

"(3) Despite subclause (2), development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to subclause (2) for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table, if Council is satisfied that:

- (a) the form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height, and*
- (b) the design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and*
- (c) the dwellings are designed to minimise energy needs and utilise passive solar design principles, and*
- (d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas."* (our emphasis)

In relation to matters (a) to (d) above:-

- the proposal will be compatible in height, setback, scale and streetscape appearance with nearby buildings, both existing and approved (but not yet built);*
- the facades of the proposal are well-articulated;*
- it has been designed so units are primarily oriented to adjoining roads, will have good amenity (including acceptable acoustic and visual privacy) and will have good solar access and cross-ventilation;*
- no significant vegetation exists on the site; and*
- new landscaping is proposed.*

.....it can be concluded that strict compliance with the minimum lot size standard would be unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify the proposed non-compliance. The proposal is in the public interest because it is consistent with the objectives both of the minimum lot size standard and the B4 Mixed Use zone and consistent with the approved Masterplan and Precinct Plan relevant to the site.

Comment:

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 1888m². This is a variation of 52.8%.

Clause 4.1A of LEP 2012 lists the following objective:

'The objective of this clause is to achieve planned residential density in certain zones'.

In addition, Clause 4.1A(3) of LEP 2012 allows a variation to be requested to the minimum land area for residential flat buildings subject to assessment of certain criteria. Clause 4.1A(3) states:

Despite subclause (2), development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to subclause (2) for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table, if Council is satisfied with that:

- (a) the form of the proposed structures is compatible with adjoining structures, in terms of their elevation to the street and building height, and*
- (b) the design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and*
- (c) the dwellings are designed to minimise energy needs and utilise passive solar design principles, and*
- (d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.*

The proposal is considered satisfactory given that the site has been identified since the approval of the Rouse Hill Masterplan in 2004 as being set aside for residential development. The proposed residential flat building will provide a higher density form of living which is suitable for the Town Centre location and which is consistent with the principles in the DCP.

The site adjoins the Town Centre which provides a high level of access to a variety of retail, commercial and community uses. The site is located in close proximity to the Caddies Creek area, future Leisure Square and Council's Iron Bark Ridge Park. The site is located in a landscape setting.

The proposal is satisfactory in regard to the objectives of the B4 Mixed Use zone in that the proposal is a compatible land use to the adjoining retail and commercial uses, the location is highly accessible in terms of location and access to existing and future public transport, and the proposal is integrated with civic spaces in the area.

The proposal is considered satisfactory in regard to the criteria under Clause 4.1A(3) of LEP 2012 in that the proposal is consistent with the existing and future character in respect to its modern design and features, will result in reasonable acoustic and visual privacy, is designed to consider BASIX requirements and passive design features and includes appropriate landscape planting.

Clause 4.6 (4) of LEP 2012 states:

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

- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

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

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

Comment: As detailed above, the proposal is an appropriate development outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

- (b) the concurrence of the Director-General has been obtained.*

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and infrastructure.

On the basis of the above comments, the proposed variation to the minimum lot size for residential flat buildings is considered reasonable and will not result in an adverse impact on residential amenity to future residents.

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

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

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

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

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

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

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

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Density Per Hectare	In the Town Centre Core, a minimum of 40 dwellings/net hectare. There is no maximum density.	A minimum of 7.5 dwellings are required on the site, with 58 units proposed.	Yes
Site Frontage	20m	The site has a road frontage of approx. 54m to Caddies Boulevard and approx. 36m to White Hart Drive.	Yes
Building Height	Building heights to be consistent with LEP 2012.	LEP 2012 has no building height limit.	Yes
	Attached Dwellings and Residential Flat Buildings: (i) Ground floor/ living Spaces: minimum of 2.7 metres floor to ceiling; and (ii) Upper Levels/ Bedrooms: 2.55 metres.	The floor to ceiling heights are 2.7m	Yes
Setbacks	Front setback for building height 5 storeys or above: 5 metres.	The setback varies between 2.1m - 4.56m.	No – see comments below.
	Side setback: 1.5 metres.	Nil setback proposed to both side boundaries.	No – see comments below.
	Rear setback: 4 metres.	Minimum nil setback proposed in part to the rear boundary.	No – see comments below.
	The minimum separation between buildings is 12 metres.	Approximately 8.5m separation to the approved apartment building on Lot 12.	No – see comments below.
Building Appearance, Articulation, orientation and Design	Buildings are required to address the street, entries points are to be clearly articulated, corner buildings to address both street frontages.	The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the building adequately addresses both street frontages.	Yes

Apartment Layout and Design	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit mix and sizes.	No – see comments below.
Storage	Storage is to be provided in units or lockable garages as follows: Studio/1 bed: 6m ³ 2 bed: 8m ³ 3+ bed: 10m ³	All units exceed 10m ³ of storage area.	Yes
Roof Design	Use of a variety of roof forms which are in character with modern design principles.	The proposed roof design is satisfactory.	Yes
Driveways	Buildings of 4 or more storeys may have access to a basement car park. Access to a public street should be in a forward direction.	The proposal has a basement carpark with access off Caddies Boulevard. Access to Caddies Boulevard from the carpark will be in a forward direction.	Yes
Car Parking	Residential flat buildings: Off-street parking is to be provided for each dwelling at the rate of: 1 bedroom: 1 space/dwelling 2 bedrooms: 1.5 space / dwelling 3 + bedrooms: 2 spaces/ dwelling	Based on 18 x 1 bedroom, 35 x 2 bedroom and 5 x 3 bedroom units, 80.5 resident spaces are required. There are 68 resident spaces proposed which includes 20 stacked spaces.	No – see comments below
	Visitor parking: 2 spaces/5 dwellings for development with up to 60 units.	Based on 58 units, 24 visitor spaces are required. There are 6 visitor spaces proposed.	No – see comments below.
	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 58 units, 12 bicycle spaces are required. Twelve bicycle spaces are provided.	Yes
Garage Design	Ensure that garages are not dominant and that materials and colours are in keeping with the proposed building.	The proposed garage has security gates located done the driveway and as such will not be visible from the street.	Yes
Solar Access	Solar access for residential flat buildings is to be in accordance with SEPP 65.	The proposed solar access is satisfactory – see comments below in Section 5.	Yes
Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural	The landscape areas provided represents 9.6% of landscape area at natural ground level (183m ²) and 13.6% total (257m ²) landscape area.	No – see comments below.

	ground level can be included. At least 25% or 50m ² (whichever is greater) ground level open space is to be provided on natural ground.		
Open Space and (Private Common)	Residential flat buildings: Private Open Space: Must be accessible from living areas. Ground level units to have a minimum width of 4m and minimum depth of 3m. Above ground levels units to have a minimum area of 8m ² and minimum depth of 3m. Solar access to be in accordance with SEPP 65.	All ground and upper level open space is accessible from living areas. Variation proposed to depth for ground level units. Variation proposed to area for Unit G07 (ground floor) which has an area of 10m ² . The solar access provided varies the requirements of SEPP 65. See comments in SEPP 65 assessment.	No – see comments below.
	Common Open Space: A minimum 10m ² of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces.	A common open space area of 580m ² is required. There is no common open space area provided.	No – see comments below.
Fencing and Courtyard Walls	There are no standards applicable to residential flat buildings. The principles relate to providing fencing which contributes to the character of the street.	The front fencing comprises slats, in part located atop a retaining wall. Landscape works will be provided forward of the retaining wall to provide a screen and soften the fencing.	Yes
Designing for Privacy	Provision of at least one semi-private balcony. Minimise direct overlooking to internal living areas and private open space through design.	Given the location, the site is effectively separated from adjoining development. There is adequate privacy provisions made within the design.	Yes
	Acoustic privacy is to be protected to ensure that potential noise sources are appropriately addressed.	An acoustic report has been submitted to address potential noise from the loading dock and conditions have been recommended.	Yes

Waste Management	The submission of a waste management plan for construction and on-going.	The proposed waste management arrangements are satisfactory.	Yes
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a. Setbacks and Separation

The DCP requires the following setbacks:

Front setback for building height 5 storeys or above: 5 metres – the proposed setback varies between 2.1m - 4.56m.

Side setback: 1.5 metres - nil setback proposed to both side boundaries.

Rear setback: 4 metres - minimum nil setback proposed in part to the rear boundary.

The minimum separation between buildings is 12 metres – approximately 8.5 metres.

It is noted that the DCP does not contain setback requirements for corner lots for residential flat buildings.

The applicant has submitted the following as justification:

The DCP requires a 5-metre ground floor front setback for buildings of 5 storeys or greater, side setbacks of 1.5 metres and a rear setback of 4 metres. No specific setbacks are nominated for corner sites, such as the subject site. Compliance with the front and rear setback requirements would prevent the effective development of the site which would be contrary to the intent of the Masterplan, the Precinct Plan and the Design Guidelines. The proposed setbacks are appropriate in the circumstances and generally consistent with the Design Guidelines and with other approved developments nearby.

In relation to building separation, the proposal will be some 9.0 metres apart from the approved building on Lot 12, whereas the DCP requires 12 metres. Privacy relationships are addressed in the design of the interfacing facades; therefore, no adverse impacts arise from this minor non-compliance.

Comment:

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

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

Nil setback to Caddies Boulevard and 2m to White Hart Drive. There are no setback requirements for the rear and side boundary.

The proposed setbacks are consistent with the Design Guidelines.

It is noted that courtyard areas and raised balconies are located within the setback to Caddies Boulevard and White Hart Drive. The Design Guidelines state that setbacks are a minimum from the property line to the front façade of the ground floor residential uses.

The site is located on a corner and is a prominent and highly visual entry point to the Town Centre. To the east of the site is a landscaped tributary (Tributary 3) across White Hart Drive. To the north is an approved residential flat building which is under

construction across Caddies Boulevard. The site adjoins the Town Centre and access driveways to the south and west.

The proposed setbacks are considered satisfactory given the Town Centre location. The site is effectively separated from adjacent future residential development which will be located across Caddies Boulevard and the access driveways into the Town Centre. The site directly adjoins the Town Centre and is located on a main thoroughfare within the Town Centre. The site is discrete in that it has two street frontages. The variations are considered reasonable in that context.

The proposal is also considered to be adequately separated from the approved apartment development on Lot 12 to the north. The separation is approximately 8.5 metres with this area being used as a vehicle access point into the Town Centre loading dock. There are no windows located along this elevation and as such there is no adverse impact on privacy or overlooking.

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

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

b. Apartment Layout and Design

The DCP requires the following in relation to unit mix and size:

Apartment Mix

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

Residential Flat Development (30 or more units)

- (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (g) All remaining apartments are to comply with the Type 3 apartment sizes.

The following is proposed:

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 18 x 1 bedroom units (31% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 5 x 3 bedroom units (8.6% of the total).

Proposed Unit Sizes are:

Unit Type	Size	No. of Units	Type
1 bedroom	55m ²	3	Type 1
	56m ²	2	Type 1
	65m ²	7	Type 2
	75m ²	6	Type 3
2 bedroom	71m ²	10	Type 1
	90m ²	14	Type 2
	110m ²	11	Type 3
3 bedroom	120m ²	3	Type 2
	135m ²	2	Type 3

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 15 x Type 1 apartments (26% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 24 x Type 2 apartments (41% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes. ie: 40% - there are 19 x Type 3 apartments (33% of the total).

The applicant has submitted the following as justification:

Most of the detailed requirements relating to new residential flat buildings in the Rouse Hill Town Centre are found in Part D, Section 6 of the DCP, which relates specifically to the Rouse Hill Regional Centre. Additionally, there are the detailed provisions in the Design Guidelines which apply as part of the approved Level 2 Town Centre Core Precinct ("TCCP") Precinct Plan DA. However, Clause 3.11 of Part B, Section 5 of the DCP relates to unit layout and design and contains provisions applying to apartment mix and unit size. In this regard, the proposal is for 18 x 1-bedroom units, which is 31% of the total, whereas Clause 3.11(a) in the DCP limits the number of studio and 1-bedroom units to no more than 25% of the dwelling yield. Clause 3.11(b) requires no less than 10% to be 3-bedroom units. Of the 58 units which are proposed, 5 have 3 bedrooms (i.e. 8.6%). The non-compliances are not significant, have no environmental impact, and a good range/mix of units is nevertheless proposed.

Clause 3.11(d) prescribes required unit sizes for residential flat buildings of 30 or more units dividing 1-, 2- and 3-bedroom units into Type 1, Type 2 and Type 3 (by size) and requires no more than 30% to be Type 1, no more than 30% to be Type 2 and all remaining apartments to be Type 3. The proposal complies with the Type 1 requirements, but does not comply with the Type 2 requirements.

There are 24 Type 2 units in the proposal (7 x 1-bedroom, 14 x 2-bedroom and 3 x 3-bedroom) which amount to 43% of the total number of units (i.e. 58), rather than the 30% limit set by this provision in the DCP. This non-compliance is not considered to be significant, particularly given that Type 1 and Type 2 apartments combined (i.e. 15 + 24 = 39) amount to 67%, only 7% more than the 60% which the DCP permits for the Types 1 and 2 combined.

Furthermore, whilst the Applicant has addressed Clause 3.11 of the DCP, it does not concede that compliance is required, due to the requirements of Clause 30A of SEPP 65. All of the proposed units are equal to or exceed the 'rule of thumb' for minimum unit sizes set out in Part 3 of the RFDC which are 50m² for a 1 bedroom unit, 70m² for a 2 bedroom unit and 95m² for a 3 bedroom unit. (It is acknowledged that Council has sought exemption from the Clause 30A provision in SEPP 65, but at the time of writing this SEE, such exemption was not granted.)

The 'Apartment Layout' part of the RFDC provides a range of unit sizes for different number of bedrooms and configurations which are generally equal to or greater than the minimum size set out in the Rule of Thumb. There are illustrative examples which were never intended as prescriptive requirements. It is the 'rule-of-thumb' minimums which are the relevant minimum for the purpose of Clause 30A of SEPP 65.

Clause 6 of SEPP 65 means that the minimum size of units in SEPP 65 prevail over the size of units in Council's DCP and as such, the proposed unit sizes are not matters that can support refusal of the DA. The proposal provides minimum apartment sizes in excess of the 'rule of thumb' minimum: the minimum size of the 1 bedroom apartments is 55m²; the minimum size of the 2 bedroom apartments is 71m²; and the minimum size of the 3 bedroom apartments is 120m².

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

Proposed Development Unit Type	RFDC Apartment Type	RFDC Required Internal Area	Proposed Internal Area	RFDC Required External Area	Proposed External Area
1 bedroom	One bedroom single aspect	63.4m ²	55-56m ² (units G3, G4, G7, 4.9 and 5.9)	10m ²	8 – 9m ² (units 3.3 and 4.3)
2 bedroom	Two bedroom cross-through	89m ²	90m ²	21m ²	10m ² (units 1.1, 2.1, 3.1 and 4.1)
3 bedroom	Three bedroom	124m ²	120m ² (units 1.10, 2.10 and 3.10)	24m ²	17-19m ² (units 1.10, 2.10 and 3.10)

Note: the RFDC specifies particular apartment types. Due to the proposed built form, there are a number of unit designs proposed which do not fall within the specified apartment types. These units have been considered on merit and are satisfactory.

Comment:

The objectives of the DCP are:

- (i) *To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) *To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) *To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

As outlined above, the proposal includes variations to both the unit type and mix. However the variations are minor and do not result in an unreasonable built form. Strict compliance with the DCP requirements will not result in an improved outcome for future residents.

The proposal meets the objectives of the DCP in that it provides units which have a suitable size to meet resident needs, have a satisfactory level of amenity and provide housing choice and diversity.

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

If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability)

- *1 bedroom apartment 50 m²*
- *2 bedroom apartment 70m²*
- *3 bedroom apartment 95m²*

The units all exceed the minimum requirements of the RFDC.

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

The units are also considered to have a high level of amenity in regard to the Town centre location, with a high level of access to retail, commercial and leisure activities.

The proposed units have been designed to have regard to the views towards the Caddies Creek and Tributary area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location with access to the Caddies Creek area and future Leisure Square. In addition Council's Iron Bark Ridge Park is located to the east.

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

c. Car Parking

The DCP requires the following parking:

Off-street parking:

1 bed: 1 space/dwelling
2 bed: 1.5 spaces/dwelling
3+ bed: 2 spaces/dwelling

Visitor parking:

2 spaces/5 dwellings for developments with up to 60 units.
1 space/5 dwellings for developments with 60 or more units.

Total resident parking required = 81 spaces (80.5) spaces

Total visitor parking required = 24 spaces

Total spaces required = 105 spaces (104.5) spaces

Spaces provided: 74 parking spaces (comprising 68 resident spaces and 6 visitor spaces)

Some of the spaces are stacked spaces which are not included in the calculations as per the Parking DCP.

Spaces provided: 54 parking spaces which are not stacked and 20 stacked spaces.

The applicant has provided the following as justification:

In short, the proposed car parking provision cannot be augmented, therefore the Applicant requests that you give consideration to not rigidly applying the parking rates in the DCP for the reasons set out below.

The constraints of Lot 14 limit the amount of parking that can be provided on this site. It is not practical (or necessary) to accommodate 104.5 spaces on this site, and in the circumstances of the case a lesser number of spaces is considered both reasonable and appropriate, notwithstanding non-compliance with what are relatively high parking rates in Council's DCP. Justification for the non-compliance is provided in the SEE submitted as part of the DA and in providing 74 spaces, at least 1 space is provided for each 1- or 2-bedroom unit, 2 spaces are provided for each 3-bedroom unit, and 1 visitor space is provided per 10 units (i.e. there will be 6 visitor spaces).

In relation to the 20 stacked spaces, these are in 10 pairs. Five of these pairs will be allocated to the 5, 3-bedroom units; the other 5 pairs will be allocated to 5 of the 35, 2-bedroom units. The other 30, 2-bedroom units will each be allocated 1 space, as will each of the 18, 1-bedroom units.

The parking report submitted with the DA provides the following justification for the amount of parking which is proposed:-

"The proposed parking provision is less than that required by the current DCP. However, the proposed parking provision considered the close proximity of the subject site to the Rouse Hill Town Centre and public transport services including a new railway station that is currently under construction.

In addition, the proposed parking provision is consistent with State Government's transport planning objectives and principles to reduce reliance on private car travel and encouraging transport modal shift to non-car modes i.e. public transport services.

The site is well located in relation to access to public transport being located within 500m walking distances to all nearby public transport services. The site is also well located in terms of local services, retail and recreational facilities and would hence reduce the need for vehicle use.

It is further noted that the State Government has recently released the Apartment Design Guide (Draft) as part of the proposed changes to the SEPP65. The draft apartment design guideline recommends for apartments located within 400-800m of a railway station, parking is to be provided at the lesser rates of the following requirements:

- RMS' Guide to Traffic Generating Developments, or*
- Car parking requirements prescribed by the relevant council.*

In this case, the RMS' guidelines require some 62 car parking spaces whilst Council's DCP requires some 105 parking spaces. It is proposed to provide 74 car parking spaces to serve the proposed development. The proposed parking provision is slightly higher than the RMS' requirements, but the additional spaces are not expected to result in any adverse impacts.

In relation to the proposed parking provision for visitors, it is noted that the proposed development site is located within a major shopping centre with ample public car parking spaces (Rouse Hill Town Centre was surveyed to have a total of 3,250 car parking spaces) as well as being in close proximity to existing and future high frequency public transport services (namely the bus interchange and the proposed railway station). It is expected that some visitors would combine their trip together with a shopping trip thereby reducing the potential parking demand.

It is further noted that the proposed provision is equivalent to a rate of one space per 10 dwellings which is consistent with the Ryde DCP requirement. In the light of the above, the proposed parking is not expected to create any noticeable adverse impacts, and is therefore considered acceptable."

Council's DCP parking rates are the same for a proposed residential flat building in the Rouse Hill Town Centre within walking distance of a new railway station as for a proposed residential flat building not in a Town Centre and not within walking distance of a new railway station. In the context of attempts to better-integrate land use and transport planning, and of reduced parking rates (relative to out-of-centre development) in multi-activity, mixed-use centres across Sydney, there is a sound basis to be flexible in the application of the DCP parking rates.

Furthermore, the provisions of the DCP (as with all DCP's) are intended to be applied flexibly. In this regard Section 79C(3A) of the Environmental Planning and Assessment Act 1979 states as follows:-

"(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) If those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) If those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) May consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria."*

We also note that pursuant to Section 74BA(1) and (2) of the Act:-

"(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:
(a) giving effect to the aims of any environmental planning instrument that applies to the development,
(b) facilitating development that is permissible under any such instrument,
(c) achieving the objectives of land zones under any such instrument.
The provisions of a development control plan made for that purpose are not statutory requirements.
(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 74C(1)(b)-(e)."

In this regard, it is particularly relevant to note that the objectives of the B4 zone in which Lot 14 is located are as follows:-

- *"To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*
- *To provide for high density housing that is integrated with civic spaces."*

Council's relatively high DCP parking rates can justifiably be reduced for a residential flat building (forming part of a master planned community) on a site which is in an integrated Town Centre containing a mix of uses which is well-served by public transport, including a new railway station within easy walking distance. The mix of uses in the Town Centre provides for multi-purpose visits. In particular, visitors to residents in the new residential flat building are likely to also use the shops, community facilities, cafes, restaurants and businesses in the Town Centre.

Overall, the proposed parking provision is considered to be reasonable and appropriate in the circumstances of the case.

Comment:

The proposal requires the provision of 81 resident parking spaces and 24 visitor parking spaces, being a total of 105 spaces required. The proposal provides 74 parking spaces comprising 68 resident spaces and 6 visitor spaces.

Some of the spaces are stacked spaces which are not included in the calculations as per the Parking DCP. On this basis 54 parking spaces which are not stacked and 20 stacked spaces are provided.

The applicant has advised that all units will be provided with a minimum of one parking space, and stacked spaces will be allocated to the same unit. A condition of consent has been recommended to this effect (See Condition 3).

The principle of the DCP is:

Provide carparking for multi dwelling housing and residential flat buildings at rates which recognise the close proximity of public transport, shops and other facilities and that the rear loading will facilitate greater on street parking for visitors.

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the future rail

line (under construction). Given the high level of accessibility to existing and future public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

In addition, it is noted that the new SEPP 65 and accompanying Apartment Design Code was a draft Environmental Planning Instrument at the time that the application was lodged. The savings provisions within the SEPP state that the SEPP must be considered as a draft document. The new Apartment Design Code provides specific parking requirements and states as follows:

On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off site.
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Note: The Residential Flat Design Code did not contain parking rates.

The subject site is approximately 497m from the future rail station (measured to the corner of Caddies Boulevard and White Hart Drive).

The RMS Guide to Traffic Generating Development contains the following rate for parking:

Metropolitan Sub-Regional Centres:

0.6 spaces per 1 bedroom unit.
0.9 spaces per 2 bedroom unit.
1.40 spaces per 3 bedroom unit.
1 space per 5 units (visitor parking).

Based on:

18 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 10.8 spaces
35 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 31.5 spaces
5 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 7
Total of 50 (49.3) resident spaces required

1 space per 5 units (visitor parking) @ 58 units = 11.6
Total of 12 visitor spaces required.

The proposal provides 68 resident parking spaces and 6 visitor parking spaces. The proposal does not meet the required visitor parking requirements as 11.6 visitor spaces are required.

The proposal meets the overall parking rate required by the RMS guidelines in that 61 spaces in total are required by the guidelines, with 74 spaces provided overall. However the split between the resident and visitor spaces is inconsistent with the guidelines. In this regard the RMS guidelines require less than one space for a one or two bedroom unit. On this basis it is considered preferable to ensure that all units are provided with the minimum of one resident space.

The proposal has been considered in the context of Town Centre location and the high level of access to a variety of entertainment, retail and business uses. The Town Centre

provides a reasonable mix of goods and services for future residents which may assist in limiting reliance of vehicles.

The high level of accessibility to existing and future public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and future rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

On the basis of the location in proximity to the Town Centre and existing and future public transport, the reduced parking rate is considered satisfactory and is supported.

d. Landscaping

The DCP requires that residential flat buildings be provided with a minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m² (whichever is greater) ground level open space is to be provided on natural ground.

The landscape areas provided represents 9.6% of landscape area at natural ground level (183m²) and 13.6% total (257m²) landscape area.

The applicant has submitted the following as justification:

- *Narrow sleeve sites do not readily lend themselves to 30% landscaping.*
- *Notwithstanding that less than 30% of the site is landscaped, all landscaping which is proposed is nevertheless reasonable.*
- *Within and around the town centre are landscaped areas which add to the visual appeal and biodiversity of the locality.*
- *Residential flat buildings on town centre sleeve sites do not need to be screened.*
- *The reduced (or zero) setbacks required by the Design Guidelines indicate that extensive landscaping is neither expected nor required on this site.*
- *A comprehensive WSUD scheme is in place in and around the town centre: landscaping on this particular site is not required to provide infiltration or ground water recharge.*
- *Residents in town centre locations choose to live there because, primarily, of the high accessibility to facilities and services and the amenity that delivers: they do not rely on on-site landscaping for their amenity in the same way as suburban residents.*
- *Excellent liveability will be provided for the residents of this building, notwithstanding the absence of 30% landscaping or 25% of the landscaped area at ground level.*

Comment:

The principles of the DCP are:

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

The proposal provides basement carparking with residential units above. Due to the extent of the basement carpark a reduced area for landscape works on natural ground level is available. The proposal is considered satisfactory given the Town Centre location.

The development is located in close proximity to the open space area along Caddies Creek, Tributary 3 and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome. In this regard the courtyards adjacent to the street frontage sit above the street level. Planter areas are provided adjacent to front fencing to provide a landscape screen. As shown in Attachment 6, the combination of fencing and screen planting within the courtyard and on the street frontage will provide a reasonable level of privacy. The screen planting includes a variety of tree, shrub, groundcover and climbing plants.

In addition, the proposal includes a steel pergola over part of the carpark ramp to provide a soft landscape screen. The pergola will be planted with Star Jasmine. Tree and shrub planting is also proposed in the common area adjacent to the rear of the units facing towards White Hart Drive and over the bin store area.

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

e. Private Open Space

The DCP requires that private open space for ground level units have a minimum width of 4m and minimum depth of 3m. Above ground levels units are required to have a minimum area of 8m² and minimum depth of 3m. A variation is proposed to the depth for ground level units which generally have a depth of 2 metres. In addition, Unit G07 is located on the ground floor and has a private open space area of 10m².

In addition, the Design Guidelines require that all balconies are to have an area of 10m² and be functional. There are two balconies which have an area of either 8m² or 9m².

The applicant has submitted the following as justification:

Non-compliance with depth requirement is largely due to narrow site and required setback.

Comment:

The principle of the DCP is:

Ensure that all dwellings have access to private, comfortable and useable open spaces. Private spaces that directly adjoin the public domain are to contribute positively to the quality of the public domain. Useable external private open space must be related to the needs of individual residents for leisure, recreation, outdoor entertaining and service/storage functions. Courtyards, terraces, balconies and the like can contribute to the character of streetscapes, buildings and the amenity of residents.

The proposed units have been designed to have regard to the views out from the Town Centre and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location and some units will have views across the Caddies Creek area.

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

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

f. Common Open Space

The DCP requires that a minimum 10m² of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces. A common open space area of 580m² is required. There is no common open space area provided.

The applicant submitted the following as justification:

Small, narrow site in town centre. Quality open space provided opposite in Caddies Creek precinct.

Comment:

The site is narrow and provides a minimal width for the provision of development. The proposal includes landscape planting on the site which includes trees, shrubs, native grasses and ground covers. This will ensure that the site is appropriately landscaped for an urban environment.

The site is also located in close proximity to the to the open space area along Caddies Creek, Tributary 3 and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities.

The proposed non-provision of a common space area is satisfactory.

4. Compliance with the Masterplan and Precinct Plan

a. Compliance with the Masterplan

Development Application 1604/2004/HB for the Masterplan for the Rouse Hill regional Centre was approved by Council at its Ordinary Meeting on 26 March 2004. The Masterplan set the broad parameters for development of the site including documents and technical reports and six plans detailing land use, open space, road hierarchy, water, residential density and maximum building height. A Masterplan condition requires that a Precinct Plan be prepared for the various precinct areas including detailed urban design guidelines.

The proposal is consistent with the Masterplan.

b. Town Centre Precinct Plan

Development Application 1581/2005/HB for the Town Centre Precinct Plan was approved by Council at its Ordinary Meeting on 26 July 2005. The Precinct plan approval included conditions of consent, approved plans and Design Guidelines. The following addresses the proposal's compliance with these provisions.

i. Compliance with Conditions of Consent

The following conditions of consent are relevant to the current proposal.

Condition	Comment	Satisfactory
<u>1. Development In Accordance with Plans</u> The development being carried out in accordance with the approved plans and details, stamped and returned with this consent, being: (list of plans)	The proposal is generally consistent with the approved plans.	Yes
<u>2. Level 3 Development Applications for Construction Works</u> Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.	The subject application is a level 3 Development Application.	Yes
<u>3. Design Guidelines</u> The draft design guidelines are to be finalised prior to the submission of the first Level 3 Development Application for works within the Town Centre Core Precinct. The guidelines are to be updated to reflect the conditions of consent and Design Review Panel comments. The guidelines relating to shade structures must indicate that the structures must not enclose the Town Centre Core Precinct.	The Design Guidelines have been finalised and are in force.	Yes
<u>9. Cycleways & Pedestrian Links</u> The proposed cycleway and pedestrian links are to connect into the proposed network within the adjoining precincts.	The propose works will not conflict with the existing established cycleway and pedestrian links.	Yes
<u>12. Safer by Design</u> All Level 3 Development Applications within the Town Centre Core Precinct are to be designed in accordance with the comments contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the "Safer By Design" Guidelines.	The proposal has been referred to Castle Hill Police for review and comment.	Yes

ii. Compliance with Approved Plans

Condition 1 states as follows:

1. Development In Accordance with Plans

The development being carried out in accordance with the approved plans and details, stamped and returned with this consent, being:

- Statement of Environmental Effects, prepared by BBC Consulting Planners, dated 21 December 2004 and associated reports.
- DA-001A, Town Centre Context Plan.

- DA-001B, Town Centre Linkage and Concept Plan.
- DA-002, Land Use – Ground Floor.
- DA-003, Land Use – Level 1.
- DA-004, Land Use – Level 2 and Above.
- DA-005A, Land Use Plan – Basement 1.
- DA-006A, Land Use Plan – Basement 2/3.
- DA-007, Land Use – Ground Floor - Stage 1.
- DA-008, Land Use – Level 1 - Stage 1.
- DA-009, Land Use – Level 2 and Above - Stage 1.
- DA-010A, Land Use Plan – Grade/Basement – Stage 1.
- DA-11A, Land Use plan – Basement 2 – Stage 1.
- DA-12, Public Realm Plan.
- DA-013, Pedestrian and Cyclist Circulation Plan.
- DA-014, Road Hierarchy, Loading and Car Park Access Plan.
- DA-015A, Maximum Building Height Plan.
- DA-015B, Contour Plan.
- DA-016, Section AA.
- DA-017, Section CC.
- DA-018, Section 01.
- DA-019, Section 03.
- DA-020, Section 05.
- DA-021, Section 06.
- DA-022, Section 07.

No works (including excavation) shall be undertaken prior to the release of the construction certificate.

Comments regarding compliance with the plans are as follows:

- (i) DA-001A, Town Centre Context Plan – the plan identifies the site as being for mixed use (residential and/or retail and/or commercial). The proposal is consistent.
- (ii) DA-001B, Linkages Concept Plan – the plan identifies a pedestrian footpath along both Caddies Boulevard and White Hart Drive. The proposal is consistent.
- (iii) DA-002, Land Use – Ground Floor – the plans shows the site as mixed use (commercial and/or residential and/or retail). The mixed use component is not provided - see comments below.
- (iv) DA-003, Land Use – Level 1 - the plan identifies the site as being for residential use. The proposal is consistent.

- (v) DA-004, Land Use – Level 2 and Above - the plan identifies the site as being for residential use. The proposal is consistent.
- (vi) DA-005A, Land Use Plan – Basement 1 – the plan identifies the site as being for residential carparking. The proposal is consistent.
- (vii) DA-006A, Land Use Plan – Basement 2/3 - the plan identifies the site as being for residential carparking. The proposal is consistent.
- (viii) DA-007, Land Use – Ground Floor - Stage 1 – the plan identifies the site as being for mixed use. The works were not constructed in Stage 1. No objection is raised to the timing of works.
- (ix) DA-008, Land Use – Level 1 - Stage 1 – the works were not constructed in Stage 1.
- (x) DA-009, Land Use – Level 2 and Above - Stage 1 - the works were not constructed in Stage 1.
- (xi) DA-010A, Land Use Plan – Grade/Basement – Stage 1 - the site is identified for residential parking. The proposal is consistent.
- (xii) DA-11A, Land Use Plan – Basement 2 – Stage 1 - the site is not identified in this plan.
- (xiii) DA-12, Public Realm Plan – the plan does not identify any works on the site.
- (xiv) DA-013, Pedestrian and Cyclist Circulation Plan – the plan identifies a pedestrian footpath along both Caddies Boulevard and White Hart Drive. The proposal is consistent.
- (xv) DA-014, Road Hierarchy, Loading and Car Park Access Plan – the plan identifies a residential parking entry point off Caddies Boulevard. A residential parking entry point is provided off Caddies Boulevard which is consistent.
- (xvi) DA-015A, Maximum Building Height Plan – the site is identified as part 3 storey and part 6 storey - see comments below on height.
- (xvii) DA-015B, Contour Plan – the plan identifies final levels at public places. There are no set final levels for the subject site.
- (xviii) DA-016, Section AA – not relevant – sections through alternate part of site.
- (xix) DA-017, Section CC– see comments below on height.
- (xx) DA-018, Section 01 – not relevant – sections through alternate part of site.
- (xxi) DA-019, Section 03– not relevant – sections through alternate part of site.
- (xxii) DA-020, Section 05– not relevant – sections through alternate part of site.
- (xxiii) DA-021, Section 06– see comments below on height.
- (xxiv) DA-022, Section 07– see comments below on height.

a. Non-Provision of Mixed Use Component

In the approved Precinct Plan and Design Guidelines the site is identified as mixed use component for the full extent of the ground floor. A mixed use component has not been provided.

The applicant has submitted the following as justification:

"DA-002 Land Use – Ground Floor", shows the site as being "Mixed Use – Comm and/or Resi and/or Retail" on the ground floor. "Resi" can therefore occupy the ground floor. The absence of a mixed use component on the site is of no environmental consequence given the location of the site on the edge of the Town Centre. The proposal is solely for residential units, including on the ground floor (similar to other approved residential flat buildings in the Town Centre).

Comment:

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

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

b. Height

The approved building height plan and various sections under the Precinct Plan indicate that the height across the site varies from RL 55 (13m) to RL 62.75 (22.75m). The building height plan proposes the higher built form at the corner portion of the site at the intersection of Caddies Boulevard and White Hart Drive, with the lower built form adjacent to Caddies Boulevard. The height is also shown in storeys with the height at 6 storey and 3 storey. The sections reflect the overall height plans and demonstrate the height reduction across the site. The height plans and sections show the full area of the site for development.

There is no LEP 2012 height limit applicable to the site.

The proposed maximum height is RL 66 to the top of the parapet. The maximum height of the building is 22 metres and is predominantly 6 storey with a smaller 7 storey component.

The applicant has submitted the following as justification:

In relation to building height, Drawing "DA-015A Maximum Building Heights Plan" shows the corner part of the site, including all of the White Hart Drive part, as having a maximum height limit of RL 62.75m (22.75m). The northern part of the site is shown as having a maximum height limit of RL 55.0m (13.0m). The proposed predominant maximum building height is around RL 62.00m, whilst on the northern part of the site, the maximum height is RL 66.0m (RL 66.00m to the parapet).

The northern part of the proposed building which is most proximate to the access ramp to the Woolworths loading dock, is thus 11.0m higher than is shown on the approved precinct plan. This is not of any consequence, particularly as the approved building to the north, on Lot 12, has a height of RL 67.0m. The purpose of the sleeve sites is not only to accommodate buildings which screen the big retail boxes behind them, (the proposal achieves this) but also to allow for the creation of coherent, integrated, building forms which are compatible with other nearby buildings (the proposal also achieves this).

Comment:

The building height exceeds the approved Precinct Plan by a maximum of 11 metres.

There is no LEP 2012 height limit applicable to the site.

The proposed height is RL 66 to the top of the parapet. The maximum height of the building is approximately 22 metres.

The proposed building varies in height from the proposed height plan contained with the Precinct Plan with development focussed on the Caddies Boulevard frontage.

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

The proposed height is satisfactory and can be supported.

iii. Compliance with Design Guidelines

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

2. Level 3 Development Applications for Construction Works

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

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

Section	Required	Provided	Complies
A02: Siting and Massing: Setbacks	0m setback to Caddies Boulevard and a 2m setback to White Hart Drive.	The proposal has a setback of 3.9m to Caddies Boulevard, 2.1m to the corner, and 4.5m to White Hart Drive.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Heights - See comments above	See comments above	No, see comments above.
A03: Siting and Massing: Building Heights and Dimensions	Floor Heights: 2.7m	The floor to ceiling heights are 2.7m.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Depth: 8-18m deep	Building depth varies from 9-15m.	Yes
A03: Siting and Massing: Building Heights and Dimensions	Building Length: 80m maximum. For buildings more than 40m in length, the façade must be articulated.	The building does not present a continuous façade due to its corner location. Adequate articulation is provided.	Yes

B01: Built Form: Building Uses	The site is identified for mixed use on the ground floor.	Mixed use component not provided.	No – see comments above.
B01: Built Form: Sleeve Buildings	Sleeve buildings are used to wrap around large format uses and service areas to mitigate the visual presence of these uses.	The proposed building wraps around the Woolworths building and provides an appropriate streetscape outcome.	Yes
B02: Built Form: Facades	Appropriate articulation is to be used to reinforce a modern residential design. Balconies for the apartments are to add to the design of the buildings. All balconies are to have an area of 10m ² and be functional.	The buildings incorporate appropriate articulation. There are two balconies which have an area of either 8m ² or 9m ² .	No, see comments above in relation to DCP compliance.
B04: Built Form: Building Entries	Building entries to units are to be defined and identifiable.	The building entry provided is central, appropriate and easily identified.	Yes
B05: Built Form: Grade Changes	Staircase and/or ramp to be provided for pedestrian access from Caddies Boulevard to the pond.	No pedestrian access proposed.	
B09: Sun and Shadowing and Energy Use: Built Form	Apartments are to comply with SEPP 65 and have appropriate BASIX outcomes.	The proposal is satisfactory in regard to SEPP 65 and BASIX.	Yes
B11: Built Form: Materials and Colour	Use of a palette appropriate to a contemporary urban character.	The proposed materials and colours are appropriate to a modern character.	Yes
B12: Built Form: Residential Open Space	Each dwelling is to be provided with an appropriate amount of private open space in the form of balconies or at-ground. Each dwelling shall be provided with a minimum of 20m ² of open space/unit (includes common open space and setback areas).	Each dwelling is provided with private open space – see comments above. There is no common open space area provided.	No, see comments above.
B13: Built Form: Use Interfaces	The apartments adjoin a loading dock/service area and 'back of retail' area. Visual and acoustic screening is required to these interfaces.	The design generally proposes lobby corridor areas adjoining the interface areas.	Yes
C01: Character: Vision	Plans indicate the site has a 'residential edge' character along White Hart Drive which is required to provide a sense of activity and human presence.	The building design responds to the character of the site.	Yes

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

The subject application was lodged on 16 January 2015. At that time, the Draft SEPP 65 and the associated Apartment Design Guide had been placed on exhibition but had not come into force. The new SEPP has now come into force however it contains a 'savings provision' which states that for applications lodged prior to the new SEPP, the previous SEPP continues to apply.

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

a. Residential Flat Design Code (RFDC) Requirements

Primary Controls Part 1 – Local Context	Guideline	Compliance
Building Height	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.	There is no FSR or height limits applicable to the site under LEP 2012. The proposed height is considered satisfactory. See comments above regarding height.
Building Depth	In general, an apartment building depth of 10-18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day light and natural ventilation are to be achieved.	The proposed apartment depth varies from 9-15m. The proposal has been designed with sufficient articulation on all building facades. The proposal allows for sufficient day light and solar access. Natural ventilation will occur throughout the site and accordingly satisfy the aim of the building depth control.
Building Separation	Design and test building separation controls in plan and section. 5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms	The proposal is for a single building. There is an approved apartment building on Lot 12 (located across the loading dock access at the corner of Main Street and Caddies Boulevard) which has a nil setback to the side boundary. There is a separation of approx. 8.5 metres. Effectively the approved and proposed buildings are separated by the loading dock access. There are no windows

		provided along the northern elevation of the proposed building, or along the closest portion of the southern elevation of the approved adjacent building.
Street Setbacks	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. Test street setbacks with building envelopes and street sections. Test controls for their impact on the scale, proportion and shape of building facades.	See compliance table in Section 3 above. Buildings are well articulated and in proportion with respect to the locality of the development.
Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	See compliance table in Section 3. Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.
Floor Space ratio	Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.	There is no FSR applicable to the site under LEP 2012. The proposal is considered satisfactory.
Part 2 – Site Design		
Site Configuration		
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	8% deep soil zone is provided. The development has adequate stormwater detention to cater for run-off. See comments below.

Open Space	The area of communal open space required should generally be at least between 25% and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.	No common open space is provided. See comments below.
Planting on structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.	Adequate site landscaping is provided.
Site Amenity		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	The proposal adequately addresses safety. The Police have assessed the proposal and made recommendations. See Section 6.
Visual privacy	Refer to building separation minimum standard.	Adequate separation between buildings has been provided to ensure visual privacy.
Site Access		
Pedestrian access	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20% of dwellings in the development.	Ground level entrances provided and lift access to each floor is available from the basement levels. Accessibility report submitted and satisfactory. All units are accessible by lift.
Vehicle access	Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Adequate vehicle entry points are provided which are in accordance with Australian Standards which will not conflict with pedestrian access.
Part 3 – Building Design		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8m from a window. The back of a kitchen should be no more than 8m from a window.	There are a number of units which exceed 8m in depth however these units have been provided with operable windows above the entry to provide light and ventilation.

Apartment size and mix	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability) • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m²	See comments in Section 3 above.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Provided.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Provided.
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Satisfactory ground floor layouts provided with direct access to private open space and the street.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement	Proposal designed to maximise residential amenity.

	of the desired streetscape character and entry response; where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).	
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: studio apartments 6m³; one-bedroom apartments 6m³; two-bedroom apartments 8m³; three plus bedroom apartments 10m³	Adequate storage area is provided.
Building Amenity		
Daylight Access	Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable. Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	69% of units receive 3 hours sunlight between 9am and 3pm. The site is not considered to be a dense urban area. See comments below. Northern orientation has been maximised. 24% (14 units) of single aspect units are south facing. This is considered satisfactory given the constrained nature of the site.
Natural Ventilation	Building depths, which support natural ventilation typically range from 10m to 18m.	The building depth varies from 9-15m. All of the units are cross

	60% of residential units should be naturally cross-ventilated.	ventilated.
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW Waste Board.	Satisfactory waste management details provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Satisfactory.

i. Deep Soil Zones

The RFDC requires that a minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building. A deep soil zone of 8% is provided.

The applicant has addressed the variation and stated:

The RFDC identifies 25% of a site as the minimum deep soil area. The proposal provides 8%. Importantly, the RFDC recognises that exceptions may be made in urban areas where sites are 'built out' and there is no capacity for water infiltration. In the case of the subject site, it forms part of a Town Centre, the approved Masterplan and relevant Precinct Plan identify narrow sleeve sites around the Town Centre periphery with little or no landscaping either in front setbacks or elsewhere. This is therefore a case where the 25% deep soil requirement (i.e. 'rule of thumb') in the RFDC can justifiably be varied, particularly as part of the intent of the 25% deep soil requirement is for stormwater infiltration which is dealt with in the Town Centre on a Masterplan and Precinct Plan basis.

Comment:

A deep soil zone of 8% is provided. This is in part due to the location of the site, its constrained nature and the need to provide basement carparking under the units. The objectives of the RFDC relate to assisting with management of the water table and water quality and to improve the amenity of development through the retention or planting of medium or large trees.

The site is narrow and provides a minimal width for the provision of development. The site will drain to a lawful point of discharge on Caddies Boulevard and ultimately discharge to Caddies Creek. This will allow adequate water quality and quantity to be discharged to the creek system.

The proposal includes landscape planting on the site which includes native and exotic trees, shrubs, grasses and ground covers. This will ensure that the site is appropriately landscaped for an urban environment. In addition, it is noted that the existing established street tree planting along both street frontage is proposed to be retained.

ii. Common Open Space

The RFDC requires that the area of communal open space required should generally be at least between 25% and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%. There is no common open space area provided.

The applicant has addressed the variation and stated:

The RFDC requires, as a rule-of-thumb, an area of communal open space at least equal to 25 to 30% of the site area. The proposal does not provide any communal open space. The RFDC anticipates such circumstances and acknowledges that the requirement for communal open space 'may decrease proportionally as FSR increases in high density areas' and that 'where communal open space is difficult to accommodate on site, Council's may need to consider the adequacy of public open space provision in the locality'. In this regard, the site is very close by to substantial areas of publicly accessible open space. The proximity of the site to the comprehensive facilities in the Town Centre and to public open space nearby offsets the need for communal open space to be provided on this sleeve site.

Comment:

The development is opposite the open space area along Caddies Creek and in close proximity to Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents in either the form of balconies and courtyards. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome.

iii. Daylight Access

The RFDC requires that living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable. Within the proposal, 69% of units receive 3 hours sunlight between 9am and 3pm. The site is not considered to be a dense urban area.

The applicant has addressed the variation and stated as follows:

The SEPP 65 Compliance Table at Appendix 6C of the SEE, on page 10, identifies that 69% of all apartments receive in excess of 3 hours of direct sunlight between 9.00am and 12.30pm. It then states:-

"As the site is deemed to be in a dense urban area, compliance is achieved."

For dense urban areas, the requirement is for a minimum of 2 hours. Of the 58 apartments, 40 are north-east facing, with 18 south-east facing. There are no apartments with solely a southerly outlook. The orientation of the units, on sleeve sites such as this, are governed by the site's configuration. In this context, the solar access of apartments is as good as reasonably can be. With 69% of apartments obtaining 3 hours of solar access this requires no rectification, amendment or alteration of what is proposed.

Comment:

The proposed access to daylight for 69% of units is considered satisfactory. The variation is minor, and given the constrained nature of the site in terms of its depth and orientation, the design outcome is considered appropriate for the site and can be supported.

b. Design Quality Principles

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

i. Context

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

ii. Scale

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

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

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

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

iii. Built Form

The design of the building elements are of a contemporary style with a number of elements being used to provide strong architectural character. The use of features provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation. The ultimate form of development is achieved in the articulation of the elevations. The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades. The building will also provide an effective screen to the adjoining 'back of house' areas.

iv. Density

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and

landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the Town Centre area.

v. Resources, Energy and Water Efficiency

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

vi. Landscape

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

vii. Amenity

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

viii. Safety and Security

The development has been designed with safety and security concerns in mind. The common areas are able to be viewed to allow passive surveillance. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations - see Section 6.

ix. Social Dimensions

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

x. Aesthetics

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

c. New Apartment Design Guide

An assessment was also undertaken against the provisions of the newly introduced SEPP 65 – Design Quality of Residential Buildings amendment together with the new Apartment Design Guide which replaced the Residential Flat Design Code. The new SEPP and associated guidelines are not applicable as the Development Application was lodged prior to its adoption. 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 amendment and Apartment Design Guide.

6. Public Authority Comments

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

a. RMS Comments

The proposal was referred to RMS given the proximity of the proposed access driveway to the existing traffic signals at the corner of Caddies Boulevard and White Hart Drive, and given previous interest in development of the Rouse Hill Regional Centre. RMS advised as follows:

- i. Due to the close proximity of the proposed driveway to the traffic signals, Council could consider restricting vehicle ingress and egress to the site to left turn movements, subject to Council's satisfaction.
- ii. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan should be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- iii. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS/NZS 2890.6:2009, and AS 2890.2 - 2002.
- iv. All vehicles should enter and leave the site in a forward direction.
- v. All vehicles should be wholly contained on site before being required to stop.

In regard to item (i) above, the proposed driveway location is considered satisfactory and will not unreasonably impact on the traffic signals. As such, restriction of the driveway egress is not required. In regard to the remaining items, the proposed carparking access, layout and design has been reviewed and is considered satisfactory. On this basis there is no requirement for the imposition of a condition.

b. Police Comments

The proposal was referred to the Police in accordance with the requirements of "Safer by Design Guidelines" and the Protocol between The Hills Shire Council and Castle Hill Police.

The Police have raised no objection to the proposal and made the following comments:

- i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- ii. Police recommend that ground floor units have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.

- iii. Materials chosen should have regard to the potential for graffiti.
- iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.
- v. The placement of corridors and lifts at the rear of the site reduces natural surveillance.
- vi. Paint the basement white to reflect light.
- vii. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.
- viii. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit access into the adjacent loading dock and retail shopping centre car park. The signage should also include details of what security treatment has been implemented.
- ix. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- x. Lighting is to be utilised within the site in accordance with Australian Standards.
- xi. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- xii. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.
- xiii. Police note that the proposal does not comply with Council's DCP parking rates but does comply with RMS guidelines. Police agree that the site will be well serviced by public transport in the future, however the presumption that residents and visitors will utilise the public transport modes available cannot be relied upon as many suburbs within the Hills area do not have direct access to public transport and it is predominantly an area of high vehicle ownership and vehicular use. Also, individuals attending shopping centres and visiting residents are unlikely to utilise public transport.

Rouse Hill Town Centre should not have to accommodate these excess vehicles as suggested. Rouse Hill Town Centre car parks are timed and already operating at capacity in peak periods and as such are incapable of doing so. Furthermore, most shopping centre car parks can only be utilised in business hours thus are not available for use to visitors of the development outside this period and there is very little on street parking in the immediate vicinity.

Condition recommended – see Condition 20.

7. Submission

The proposal was exhibited and notified to adjoining property owners. One submission was received to the proposal. The concern raised relates to the vehicle access point and the potential for conflict between the vehicle access to the approved development at the corner of Main Street and Caddies Boulevard (approved under DA 384/2014/HB), the loading dock access and the proposed vehicle access. The submission also notes that

there is an alternate location for vehicle access on White Hart Drive which should be considered.

Comment:

The driveway access approved under DA 384/2014/HB is approximately 13.2m from the southern boundary and the adjacent loading dock access. The proposed driveway to the subject site is approximately 1.6 metres from the common boundary (adjoining a waste pick up area). The approved Precinct Plan 1585/2005/HB includes a carpark access plan which shows vehicle access points. The proposed vehicle access point is located closer to the loading dock access than shown on the Precinct Plan. The applicant was requested to address this matter and has commented as follows:

The proposed vehicle access point is sensibly placed at the furthest extent possible from the junction of Caddies Boulevard and White Hart Drive. There will be a clear separation between the carpark entry and the Woolworths loading dock, due to the built form of the waste pick-up holding area and the apartments over. The loading dock is open to the sky and is clearly not a residential entry point. Signage and identification will be located on the pier to avoid confusion.

The proposed vehicle access point is considered to be satisfactory and provides adequate separation between the two driveways. It is also noted that vehicles entering the two driveways (delivery vehicles into the loading dock and residents of the approved and proposed apartments) will be familiar with the access point and as such are unlikely to enter the incorrect driveway. It is noted that the driveway is not in a centralised position shown in the Precinct Plan, however the position is considered satisfactory.

SUBDIVISION ENGINEERING COMMENTS

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

TRAFFIC MANAGEMENT COMMENTS

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

TREE MANAGEMENT COMMENTS

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

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

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

WASTE MANAGEMENT COMMENTS

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

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to LEP 2012 in regard to site area and the DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front and rear setbacks, separation, unit size and mix, parking, landscape area, private open space, and common open space. In

addition, variations are proposed to the Town Centre Precinct Plan in regard to non-provision of a mixed use component, height, balcony area, and open space and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to separation, deep soil zone, common open space and daylight access.

The proposal is satisfactory and is recommended for approval.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of units layouts and sizes in a Town Centre location.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA-01	Location Plan	17.12.2014
DA-03	Perspective	17.12.2014
DA-04	Site Analysis Plan	17.12.2014
DA-05	Basement	17.12.2014
DA-06	Ground Floor	24.09.2015 Rev A
DA-07	Level 1	24.09.2015 Rev A
DA-08	Level 2	24.09.2015 Rev A
DA-09	Level 3	24.09.2015 Rev A
DA-10	Level 4	24.09.2015 Rev A
DA-11	Level 5	24.09.2015 Rev A
DA-12	Level 6	24.09.2015 Rev A
DA-13	Roof	17.12.2014
DA-14	Street Elevations	17.12.2014
DA-15	Rear Elevations	17.12.2014
DA-16	Sections	17.12.2014
DA-17	Sections	17.12.2014
DA-18	Shadow Diagrams	17.12.2014

DA-19	Schedule of Finishes	17.12.2014
DA-20	Cadd Images	17.12.2014
DA-100	Highlight Window - Detail	14.10.2015 Issue A
DA-15-01	Rear Elevations – Highlight Windows	Submitted 14/10/15
1167	Survey Plan	13/11/2014
LDA-000	Landscape Cover Sheet	16.12.2014 Rev. A
LDA-001	Landscape Plan – Ground Floor	09.12.2014 Draft
LDA-002	Landscape Elevations	16.12.2014 Rev. A
LDA-003	Section Elevations – Typical Courtyard, Caddies Boulevard	16.12.2014 Rev. A
LDA-004	Eye Level View – Typical Courtyard, Caddies Boulevard	16.12.2014 Rev. A
LDA-005	Indicative Planting Palette	16.12.2014 Rev. A
LDA-006	Typical Details & Specification Notes	16.12.2014 Rev. A

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. Planning Agreement

Contributions for the fifty-eight (58) units are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29 December 2006.

3. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

68 resident spaces;

6 visitor spaces;

2 motorcycle spaces;

A bike rack accommodating a minimum 5 bicycles.

All residential units are to be allocated a minimum of one parking space. The stacked spaces are to be allocated to one unit.

4. Tree Removal

Approval is granted for the removal of trees located within proposed building footprint.

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

5. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

6. Separate Application for Strata Subdivision

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

7. 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.

8. 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. An appropriate turning bay is to be provided for visitors who need to exit the site after not gaining access to the car park.
- ii. 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.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. 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.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

9. 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 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. 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.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. The connection of the proposed stormwater pipes into the public stormwater system is to be certified and inspected by Council's Construction Engineer via an engineering construction certificate process.

iv. Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

v. Service Conduits

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

10. Excavation/ Anchoring Near Boundaries

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

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

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

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. 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.

13. Clause 94 Considerations

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. The existing ventilation openings in the existing external wall of the carpark on the Northern side are to be protected to avoid the spread of fire to the adjoining allotment, appropriate to CP2 of the BCA.
- ii. Existing service penetrations in the existing external wall of the carpark on the Northern side are to be protected, appropriate to CP8 of the BCA. Further, existing penetrations through the existing slab servicing the Woolworths loading dock are to be protected.
- iii. As the existing external openings in the carpark are being modified, a review of ventilation is to be undertaken to ensure the existing carpark is provided with sufficient natural or mechanical ventilation appropriate to FP4.3, FP4.4 & FP4.5 of the BCA.
- iv. A review of existing openings in the external wall of the existing loading dock is to be undertaken to ensure the building has the necessary elements to avoid the spread of fire to the adjoining lot, appropriate to CP2 of the BCA.

14. 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.

15. Management of Construction 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

16. 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.

17. 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.

18. Construction of Waste Storage Area

All work involving construction of the waste storage area is required to comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. Storage facility must be provided for a minimum number of 29 x 240l garbage bins and 29 x 240l recycling bins. A copy of the specifications is available at **www.thehills.nsw.gov.au**

19. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is: - 98 Caddies Boulevard Rouse Hill

Approved Unit numbering is as follows:-

Ground Floor	Units G01-G08
First Floor	Units 101-110
Second Floor	Units 201-210
Third Floor	Units 301-310
Fourth Floor	Units 401-410
Fifth Floor	Units 501-510

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

Clear and accurate external directional signage is to be erected on site at driveway entry point 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.

20. Police Requirements

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

- i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- ii. Police recommend that ground floor units have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- iii. Materials chosen should have regard to the potential for graffiti.
- iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.
- v. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.
- vi. Paint the basement white to reflect light.
- vii. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit access into the adjacent loading dock and retail shopping centre car park. The signage should also include details of what security treatment has been implemented.

- viii. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- ix. Lighting is to be utilised within the site in accordance with Australian Standards.
- x. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- xi. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

21. Acoustic requirements

- a) The apartments shall be designed and constructed to achieve an internal noise level of 35 dB(A) in any bedroom between 10:00pm and 7:00am and 40 dB(A) anywhere else in the building (other than the kitchen, bathroom or hallway) at any time.

The Floth report 'Residential Apartments (Lot 36) Rouse Hill Town Centre – Acoustic Services – Preliminary Assessment of Noise Issues' (Project No: 14463, Dated 19 December 2014) provides details of attenuation required.

- b) Mechanical plant, such as air conditioning, shall be selected and designed to ensure that it is not audible within a room of another residential premises/apartment before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday, or before 7:00am or after 10:00pm on any other day.

22. 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.

23. Works in Existing Easement

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

24. 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.

25. 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 \$127,500 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 (100m) multiplied by the width of the road (15m average).

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.

26. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) Be in favour of The Hills Shire Council;
- b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

27. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;
- b) 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; and
- j) A maintenance program for the erosion and sediment controls.

PRIOR TO WORK COMMENCING ON THE SITE

28. Principal Certifying Authority

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

29. 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.

30. 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.

31. 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.

32. 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.

33. 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. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

34. 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).

35. 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.

36. 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.

37. 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.

38. 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.

39. Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining land within the likely zone of influence from any excavation, dewatering or construction induced vibration.

40. Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction phase of the development must be submitted to and approved by Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and/ or demolition phases of the development. The plan must address the following, but not limited to:

- a. The type and estimated quantity of waste material to be removed from the site;
- b. The location of waste disposal and recycling;
- c. The company name of the skip bin hire company or transport contractor(s); and
- d. The proposed reuse or recycling methods for waste remaining onsite.

DURING CONSTRUCTION

41. 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.

42. 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. 596196M 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.

43. Roof Water Drainage

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

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

Section 109E(3)(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.

45. 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 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

46. 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.

47. 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.

48. 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.

49. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

50. Compliance with Requirements of Development Consent

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

51. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with DCP Part C, Section 3 – Landscaping and the approved landscape plan.

52. 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.

53. 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.

54. 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. 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.

ii. Restriction – Bedroom Numbers

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

55. Confirmation of Pipe Locations

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

56. 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.

57. 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.

58. Adjoining Property Dilapidation Report Post Construction

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

59. 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.

60. Final Inspection of Waste Storage Area(s)

Prior to an Occupation Certificate being issued, a final inspection of the waste storage area(s) 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.

61. Waste Tractor and Trailer

Prior to the issue of an Occupation Certificate, a ride on tractor and trailer attachment must be purchased at the cost of the developer and provided at the site. The tractor and trolley must be handed over into the ownership of the Owners Corporation. The trailer must be sized to hold at least 8 x 240l bins. The ride on tractor must be capable of towing the trailer and full bins over all ramps and slopes between the waste storage areas and the designated collection point. Contact the Resource Recovery Department at Council should further clarification be needed.

THE USE OF THE SITE

62. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person to verify that the acoustic requirements specified in Condition 21 have been met.

63. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals and not less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles are to be arranged to collect waste from the neighbouring loading dock as per the arrangements for similar developments in the vicinity.

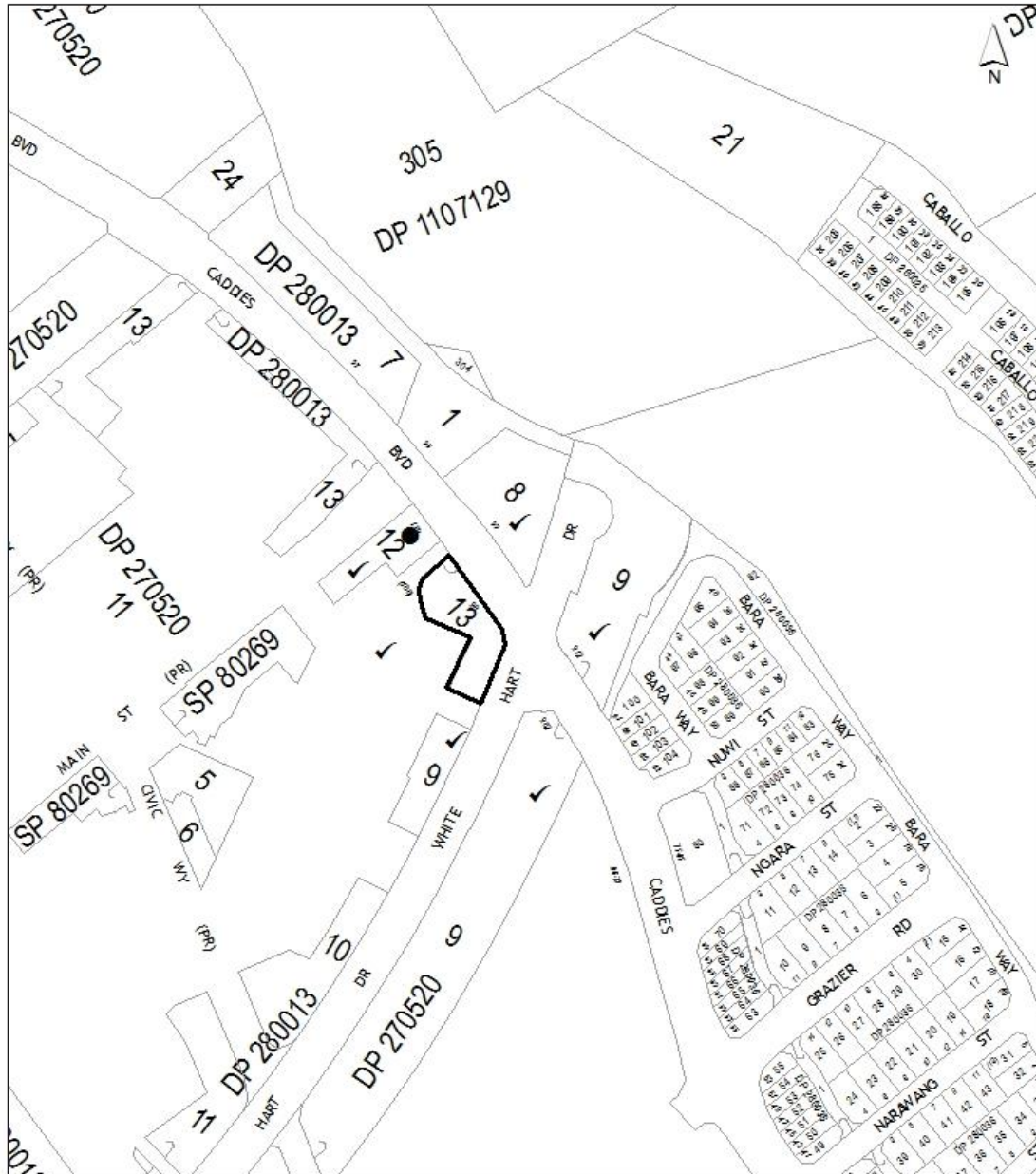
64. Movement of Waste

A caretaker must be engaged by the Owners Corporation to move all bins to and from the waste storage areas and the collection point on the allocated days of collection as determined by Council. All waste servicing instructions from Council must be complied with at all times. Caretakers should also be responsible for washing bins and the waste storage areas and arranging for the prompt removal of dumped rubbish. Appropriate signage is available upon request.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Landscape Plan
6. Perspective

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

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
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ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SITE PLAN



REV A 24/09/2015 WASTE COLLECTION AMENDED
LOT 4 in DP 280013 – BASEMENT 1 AND BELOW

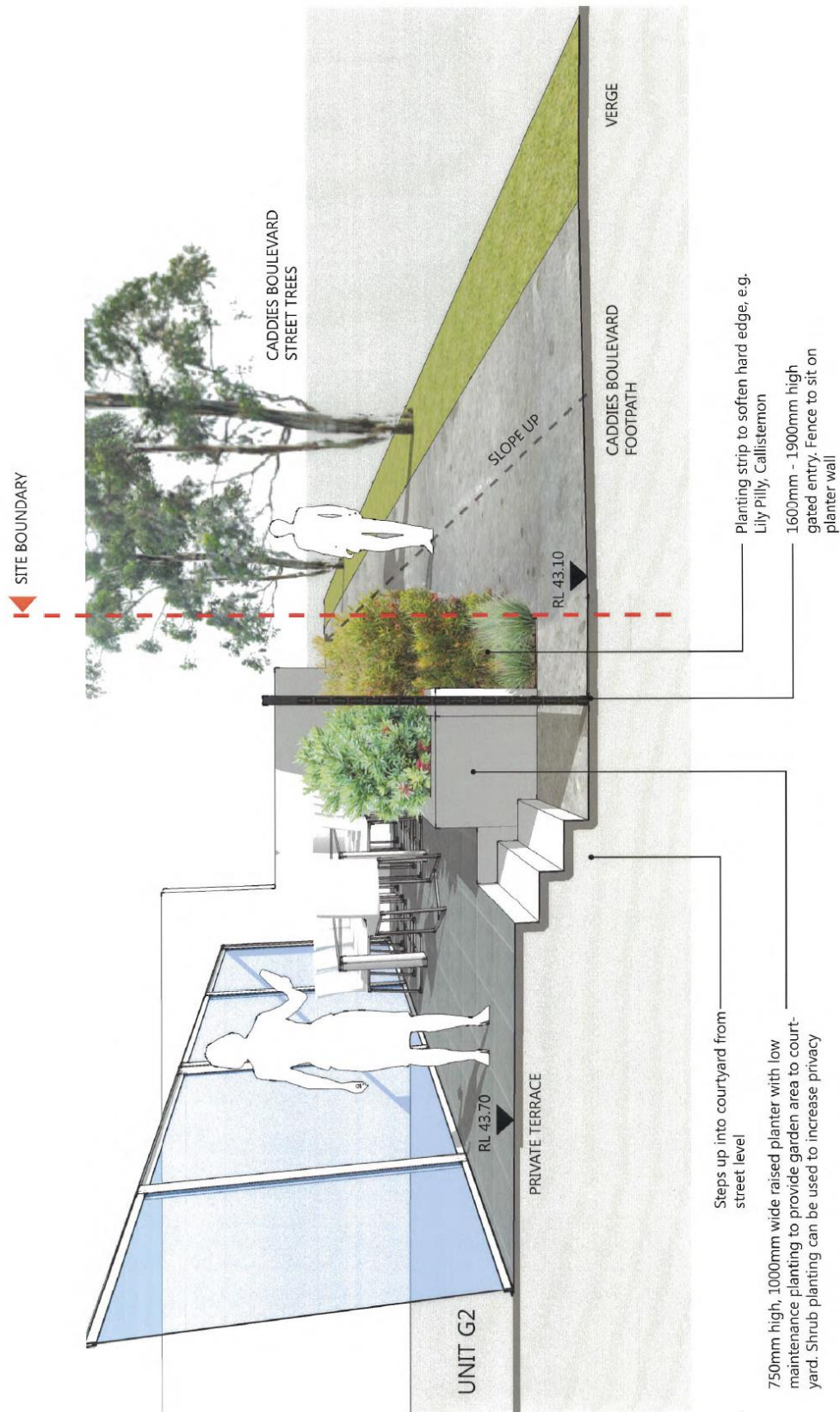
ATTACHMENT 4 – ELEVATION PLANS



ATTACHMENT 5 – LANDSCAPE PLAN



ATTACHMENT 6 – LANDSCAPE SECTION OF TYPICAL COURTYARD



ATTACHMENT 7 – PERSPECTIVE

