

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW027
DA Number	965/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PROPOSED RESIDENTIAL FLAT BUILDING
Street Address	PART LOT 13 DP 280013 CORNER OF CADDIES BOULEVARD AND MAIN STREET, ROUSE HILL TOWN CENTRE
Applicant/Owner	GPT FUNDS MANAGEMENT 2 PTY LTD
Number of Submissions	NIL
Regional Development Criteria (Schedule 4A of the Act)	DEVELOPMENT EXCEEDING \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Section 79C EP and A ACT • LEP 2012 • SEPP 32 - Urban Consolidation • 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	NIL SUBMISSIONS
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 94 units. The units are proposed within a part four, part six and part seven storey building at the corner of Caddies Boulevard and Main Street 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 2478m². This is a variation of 38.05%. The site is considered to have an adequate area for an apartment development with an appropriate landscape area and 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, side and rear setbacks, unit size and mix, parking, landscape area 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, building

length, balcony area and open space and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to deep soil zone and common open space. 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 narrow depth of approximately 13-15 metres. The site is adjacent to the Rouse Hill Town Centre and 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 no submissions were 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:	Six		
4. Submissions Received:	Nil		

HISTORY

04/02/2015	Subject Development Application lodged.
26/03/2015	Letter sent to the applicant requesting additional information regarding owner's consent, DCP compliance, Design Guideline compliance, SEPP 65 and the RFDC, waste management, engineering and drainage matters.
26/06/2015	Additional information submitted by the applicant.
17/09/2015	Email sent to the applicant requesting further information regarding DCP compliance, SEPP 65 and the RFDC, waste management and engineering matters.
28/09/2015	Additional information submitted by the applicant.
15/10/2015 and 21/10/2015	Additional information submitted by the applicant.

PROPOSAL

The proposal is for a part 4 storey, part 6 storey and part 7 storey residential flat building containing 94 units. Specifically the works include:

- Site preparation works including site excavation and removal of trees and landscaping.
- Construction of a one level basement carpark and the utilisation of part of the existing 'Target Brown Carpark' spaces with 101 parking spaces, which comprises 94 spaces resident spaces and 7 visitor spaces.
- Construction of a residential flat building containing 94 units comprising:

32 x 1 bedroom units;
53 x 2 bedroom units; and
9 x 3 bedroom units.
- The entry to the basement car park will be from the existing entry to the Target car park. A new entry to the Target car park will be provided to/from Caddies Boulevard approximately 25m to the north.
- Associated landscaping and infrastructure works.

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

The proposal relies upon 54 parking spaces which are currently part of the 'Brown' carpark within the Town Centre ie: retail parking. These spaces will be consolidated with the new parking provided for the subject development. The subject Development Application was accompanied by a Section 96(1A) modification to the Town Centre development which modified parking for the Town Centre to provide 54 additional parking spaces within the

Town Centre to off-set the use of spaces for the residential apartments. The parking spaces for the apartments will be separated from the Town Centre parking and will have a separate vehicle access point.

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 \$32,109,000 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 2478m² (ground level). This is a variation of 38.05%.

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 2,478m² (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 2478m². This is a variation of 38.05%.

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 (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.1.2 Density Per Hectare	In the Town Centre Core, a minimum of 40 dwellings/net hectare. There is no maximum density.	A minimum of 9.9 dwellings are required on the site, with 94 units proposed.	Yes
3.1.5 Site Frontage	20m	The site has a road frontage of approx. 120m to Caddies Boulevard and approx. 76m to Main Street.	Yes
3.1.6 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
3.1.7 Setbacks	Front setback for building height 5 storeys or above: 5 metres.	The setback varies between nil – 1.6m to the carpark and 900mm – 4.8m to the upper level.	No - see comments below.
	Side setback: 1.5 metres.	Nil setback proposed to both side boundaries on most levels, and stepping in on the upper levels.	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.	There is a 26m wide road separation to the approved apartment building across Main Street and 20m to the approved apartment building across Caddies Boulevard.	Yes
3.1.8 Building Appearance, Articulation, orientation and Design	Buildings are required to address the street, entries points are to be clearly articulated, corner buildings to	The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation	Yes

	address both street frontages.	has been provided, and the building adequately addresses both street frontages.	
3.1.9 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.
3.1.10 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 are provided with satisfactory storage areas.	Yes
3.1.11 Roof Design	Use of a variety of roof forms which are in character with modern design principles.	The proposed roof design is satisfactory.	Yes
3.1.12 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
3.1.13 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 33 x 1 bedroom, 53 x 2 bedroom and 9 x 3 bedroom units, 129.5 resident spaces are required. There are 94 resident spaces proposed.	No – see comments below
	Visitor parking: 1 space/5 dwellings for development with 60 or more units.	Based on 94 units, 18.8 visitor spaces are required. There are 7 visitor spaces proposed.	No – see comments below.
	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 94 units, 19 bicycle spaces are required. Nineteen bicycle spaces are provided.	Yes
3.1.14 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
3.1.15 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
3.1.16	Residential flat	The landscape areas	No – see

Landscaping	<p>buildings: 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.</p>	provided represents 11% of landscape area at natural ground level (273m ²) and 12.6% total (313m ²) landscape area.	comments below.
3.1.17 Open Space (Private and Common)	<p>Residential flat buildings: Private Open Space:</p> <p>Must be accessible from living areas. Ground level units to have a minimum width of 4m and minimum depth of 3m.</p> <p>Above ground levels units to have a minimum area of 8m² and minimum depth of 3m.</p> <p>Solar access to be in accordance with SEPP 65.</p>	<p>All ground and upper level open space is accessible from living areas and complies with the required dimensions.</p> <p>The solar access provided varies the requirements of SEPP 65. See comments in SEPP 65 assessment.</p>	Yes
	<p>Common Open Space: 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.</p>	A common open space area of 940m ² is required. There is an area of common open space area provided as a rooftop terrace with an area 105m ² .	No – see comments below.
3.1.18 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
3.1.19 Designing	Provision of at least	Given the location, the	Yes

for Privacy	one semi-private balcony. Minimise direct overlooking to internal living areas and private open space through design.	site is effectively separated from adjoining development. There is adequate privacy provisions made within the design.	
	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
3.1.20 Waste Management	The submission of a waste management plan for construction and on-going.	The proposed waste management arrangements are satisfactory.	Yes

a. Setbacks

The DCP requires the following setbacks:

Front setback for building height 5 storeys or above: 5 metres – the proposed setback varies between nil – 1.6m to the carpark and 900mm – 4.8m to the upper level.

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.

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:

- This sleeve site is not of sufficient width to provide a 5.0m setback.
- The design guidelines require a lesser setback.
- There is limited utility in a “nonbuilt” area, as required by the setback control, in a town centre setting where development can extend to the street frontage.
- The ground level open space along Caddies Boulevard will still obtain solar access.
- No adverse impacts arise on adjacent parcels.
- Building bulk to the streetscape need not be alleviated by a 5.0m setback because of the town centre location where buildings extending to, or close to the street frontage are part of the town centre character.
- There are no garages along the street front which need to be visually alleviated by a 5.0m setback.
- There is no necessity to seek to achieve setback or landscaped area uniformity across a number of individual allotments (as in a suburban setting) as the sleeve sites comprise individual linear lots on which buildings can extend close to, or to, the property boundary.
- The building is amply articulated and will result in a high quality presentation to the street.

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. There is a variation to the setback to Main Street. It is noted that courtyard areas and raised balconies are located within the setback to Caddies Boulevard and Main Street. 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. Upon completion of adjoining development, the site will be within a residential hub at the perimeter of the Town Centre.

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 Main Street. 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 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 32 x 1 bedroom units (34% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 9 x 3 bedroom units (9.6% of the total).

Proposed Unit Sizes are:

Unit Type	Size	No. of Units	Type
1 bedroom	54m ²	7	Type 1
	55m ²	5	Type 1
	65m ²	8	Type 2
	67m ²	2	Type 2
	75m ²	5	Type 3
	79m ²	5	Type 3
2 bedroom	75m ²	7	Type 1
	85m ²	7	Type 1
	90m ²	17	Type 2
	110m ²	22	Type 3
3 bedroom	103m ²	1	Type 1
	122m ²	5	Type 2
	135m ²	3	Type 3

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 27 x Type 1 apartments (29% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 32 x Type 2 apartments (34% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there are 35 x Type 3 apartments (37% 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 32 x 1-bedroom units, which is 34% 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 94 units which are proposed, 9 have 3 bedrooms (i.e. 9.6%). 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 (28.7% of total), but does not comply with the Type 2 requirements (34% in total).

There are 32 Type 2 units in the proposal (10 x 1-bedroom, 17 x 2-bedroom and 5 x 3-bedroom) which amount to 34% of the total number of units (i.e. 94), 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. 27 + 32 = 59) amount to 62.7%, only 2.7% 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 54m²; the minimum size of the 2 bedroom apartments is 75m²; and the minimum size of the 3 bedroom apartments is 103m².

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	54-55m ² (units 2.02, 2.15, 3.02, 3.15, 3.16, 4.02, 4.15, 4.16, 5.02, 5.15, 5.16 and 6.02)	10m ²	8-9m ² (units 2.02, 2.13, 3.02, 3.13, 4.02, 4.13, 5.02, 5.13, 6.02 and 6.13)
3 bedroom	Three bedroom	124m ²	108-122m ² (units 2.01,	24m ²	12-22m ² (units 1.07,

			2.16, 3.01, 4.01, 5.01, 6.01)		2.11, 2.16, 3.11,)
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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 across 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 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 = 129.5 spaces

Total visitor parking required = 18.8 spaces

Total spaces required = 148.5 spaces

Spaces provided: 101 parking spaces (comprising 94 resident spaces and 7 visitor 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 15 limit the amount of parking that can be provided on the site. It is not possible to accommodate 148.5 spaces on this site, and in the circumstances of the case a lesser number of spaces is considered both reasonable and appropriate, notwithstanding noncompliance 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 102 spaces, at least 1 space is provided for each unit and 1 visitor space is provided for each 12 units (i.e. there will be 8 visitor spaces).

The parking report submitted with the DA states as follows: -

"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 99 car parking spaces whilst Council's DCP requires some 149 parking spaces. It is proposed to provide 102 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 for visitor parking is equivalent to a rate of one space per 12 dwellings which aligns closely to the Ryde DCP requirement for visitor parking of one space per 10 dwellings. The difference between these two rates is one space which is considered not to have any material impact.

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: -

"(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 15 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 129.5 resident parking spaces and 18.8 visitor parking spaces, being a total of 149 spaces required. The proposal provides 101 parking spaces comprising 94 resident spaces and 7 visitor spaces.

The applicant has advised that all units will be provided with a minimum of one parking space. 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.	<p>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.</p> <p>The car parking needs for a development must be provided off site.</p>
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Note: The Residential Flat Design Code did not contain parking rates.

The subject site is approximately 402m from the future rail station (measured to the corner of Caddies Boulevard and Main Street).

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:

32 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 19.2 spaces
53 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 47.7 spaces
9 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 12.6
Total of 80 (79.5) resident spaces required

1 space per 5 units (visitor parking) @ 94 units = 18.8
Total of 19 visitor spaces required.

The proposal does not meet the required visitor parking requirements.

The proposal meets the overall parking rate required by the RMS guidelines in that 99 spaces in total are required by the guidelines, with 101 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 11% of landscape area at natural ground level (273m²) and 12.6% total (313m²) landscape area.

The applicant has submitted the following as justification:

- Narrow sleeve sites do not readily lend themselves to 30% landscaping.
- Nevertheless, the landscaping which is proposed will add to the street presentation of the site and new building.
- Residential flat buildings on town centre sleeve sites do not need to be screened.
- 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.

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 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 and provide screen planting. 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 tensile wire screens along the Caddies Boulevard street frontage which will be planted with Star Jasmine. This will provide a screen to the at-grade carparking area when viewed from external to the site and will in part provide a replacement for the existing temporary landscape planting and bund which currently exists.

Further, a roof terrace is provided which includes a barbeque area and seating. This area is covered by a pergola structure with climbing plants, and includes planters with a variety of grasses, shrubs and ground covers.

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

e. 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 an area of common open space area provided in the form of a roof top terrace which has an area of 105m².

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 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 along Main Street (resi and/or retail and/or commercial) and part of the Caddies Boulevard frontage, and the remainder of Caddies Boulevard frontage is commercial. The proposal does not include a commercial land use – see comments below.
- (ii) DA-001B, Linkages Concept Plan – the plan identifies a pedestrian footpath along both Caddies Boulevard and Main Street. The proposal is consistent.
- (iii) DA-002, Land Use – Ground Floor – the plans shows the site as commercial and mixed use (commercial and/or residential and/or retail). The commercial component is not provided - see comments below.
- (iv) DA-003, Land Use – Level 1 - the plan identifies the site as being for commercial and residential use, with retail parking behind. The proposal is for a residential

development and seeks to utilise the retail parking as residential parking. The proposal does not include a retail land use – see comments below.

- (v) DA-004, Land Use – Level 2 and Above - the plan identifies the site as being for commercial and residential use. The proposal does not provide a commercial land use – see comments below.
- (vi) DA-005A, Land Use Plan – Basement 1 – the plan identifies the site as being for commercial and residential carparking. The proposal seeks to use retail parking as residential parking. The proposal is not consistent – see comments below.
- (vii) DA-006A, Land Use Plan – Basement 2/3 - the plan identifies the site as being for retail carparking. The proposal is not consistent – see comments below.
- (viii) DA-007, Land Use – Ground Floor - Stage 1 – the plan identifies the site as being for interim landscaping. The proposal is consistent.
- (ix) DA-008, Land Use – Level 1 - Stage 1 – there are no works identified on the site.
- (x) DA-009, Land Use – Level 2 and Above - Stage 1 – there are no works identified on the site.
- (xi) DA-010A, Land Use Plan – Grade/Basement – Stage 1 - the site is partly identified for commercial parking associated with the Town Centre. The proposal is not consistent – see comments below.
- (xii) DA-11A, Land Use Plan – Basement 2 – Stage 1 - the site is partly identified for commercial parking associated with the Town Centre. The proposal is not consistent – see comments below.
- (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 Main Street. The proposal is consistent.
- (xv) DA-014, Road Hierarchy, Loading and Car Park Access Plan – the plan identifies a residential parking entry point entering the site from internal to the Town Centre parking via the Town Centre parking entry. The proposal seeks to utilise the existing Town Centre carpark entry and to relocate the Town Centre carpark entry. The proposal is consistent.
- (xvi) DA-015A, Maximum Building Height Plan – the site is identified as part 3 storey, part 4 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 – see comments below on height.
- (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– not relevant – sections through alternate part of site.
- (xxiv) DA-022, Section 07– see comments below on height.

a. Non-Provision of Commercial and Mixed Use Component

In the approved Precinct Plan and Design Guidelines the site is identified as having a mixed use component fronting part of Caddies Boulevard and Main Street on the ground floor and a commercial component along part of the Caddies Boulevard frontage on all levels. A mixed use or commercial component has not been provided.

The applicant has submitted the following as justification:

Along Caddies Boulevard Drawing DA002 shows the site, other than at the corner with Main Street, as "commercial". Drawings DA003 "Level 1" and DA004 "Level 2 and above" also show this part of the site as "commercial". Drawing DA005A "Land use plan – Basement 1" shows this part of the site as "commercial car park", reflecting the identified "commercial" use on the above levels. No environmental consequences flow from the proposed use of this part of the site as residential instead of commercial. Residential apartments are an entirely appropriate building typology for 'sleeve sites' around the Town Centre.

It is appropriate that this site be used for residential purposes. Neither shop-top housing nor commercial required on this site. Residential is one of the nominated mix of uses for the site or the mixed use part.

Comment:

Whilst the development does not provide a mixed use or commercial 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 or commercial 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 Precinct Plan building height plan and various sections indicate that the height across the site varies from RL 57.5 (15m), RL 60.5 (13m) to RL 66.75 (22.75m). The approved building height plan proposes the higher built form at the corner portion of the site at the intersection of Caddies Boulevard and Main Street, with the lower built form adjacent to Caddies Boulevard and Main Street. The height is also shown in storeys with 3, 4 and 6 storey components.

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

The proposed maximum height is RL 68 to the top of the parapet. As outlined by the applicant, the Design Guidelines describe height as being the RL at the underside of the ceiling of the uppermost floor. This would reduce the height by approximately 1.3 metres to RL 66.7. 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 as having a maximum height limit of RL 66.75m (22.75m). The northern part of the site is shown as having a maximum height limit of RL 57.5m (15.0m). The western 'leg' of the site along Main Street is shown as having a maximum height of RL 60.5m (13.0m). The proposed maximum building height is RL 65.00m along most of the Caddies Boulevard frontage, stepping up to RL 68.00m at the corner with Main Street and

then dropping to RL 62.0m along Main Street (All of the above heights are to the top of the front parapet).

Height, as defined in the Design Guidelines is, however, measured to the RL at the underside of the ceiling of the uppermost level, which is around 1.3m below the top of the parapet.

The northern part of the proposed building is thus 6.2m (i.e. 7.5m – 1.3m) higher than is shown on the approved precinct plan when measured to the top of the parapet. This is not of any consequence. 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). At the corner, the proposal's height is commensurate with the approved Precinct Plan. Along Main Street the proposal's height is only 0.2m higher than is shown on the Precinct Plan. Again, nothing arises from this minor variation.

Comment:

The building height exceeds the approved Precinct Plan by a maximum of 6.2 metres. The area of the exceedance is along the Caddies Boulevard frontage. The proposed height is RL 68 to the top of the parapet. As outlined by the applicant, the Design Guidelines describe height as being the RL at the underside of the ceiling of the uppermost floor. This would reduce the height by approximately 1.3 metres to RL 66.7. The maximum height of the building is approximately 22 metres.

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

The proposed buildings vary in height from the proposed height plan contained with the Precinct but are considered to be satisfactory in terms of streetscape and relationship to the Town Centre. The development will provide an effective screen around the existing buildings.

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 2m setback to Main Street to the main wall.	The setback to Caddies Boulevard complies. The setback to Main Street varies from between 1.7m – 4.8m to the wall.	No, see comments above in relation to DCP compliance.

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 has a frontage of approx. 120m to Caddies Boulevard and approx. 76m to Main Street.	No, see comments below.
B01: Built Form: Building Uses	The site is identified for commercial and mixed use.	Commercial and mixed use components are 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 building incorporates appropriate articulation. There are 11 balconies which have an area of less than 10m ² (being either 8-9m ²).	No, see comments below.
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
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	A variation is proposed to some balcony areas. A roof terrace is provided which provides a smaller area of common open space.	No, see comments above in DCP compliance and comments

	provided with a minimum of 20m ² of open space/unit (includes common open space and setback areas).		below on balcony areas.
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

a. Building Length

The Design Guidelines limit building length to 80m maximum. For buildings more than 40m in length, the façade must be articulated. The building has a frontage of approximately 120m to Caddies Boulevard and approximately 76m to Main Street.

The applicant has submitted the following as justification:

Part A.03 of the Design Guidelines sets a maximum building length of 80m. The proposed building length is around 196m, but to two street frontages, one of 120m (Caddies Boulevard), the other of 76m (Main Street). Also, the building is adequately articulated. The building length is the product of the configuration and shape of this sleeve site. It would be inappropriate and unreasonable to limit the building length to less than the site's length.

Comment:

The intent of the Design Guidelines is to ensure that an appropriate streetscape and built form outcome is achieved within the Town Centre. The proposed built form includes appropriate articulation and interest within the external design in respect to the use of materials and design features.

The proposed external appearance of the building is in keeping with the modern character of the Town Centre.

The proposed building length is considered satisfactory.

b. Balcony Areas

The Design Guidelines require that all balconies are to have an area of 10m² and be functional. There are 11 balconies which have an area of less than 10m² (being either 8-9m²).

The applicant has submitted the following as justification:

All but 11 of the 94 units have balconies of 10m² or greater. The balconies of less than 10m² are 8m² or 9m²..... which at 8m² or 9m² are adequate in any event).

Comment:

The Design Guidelines require a balcony area of 10m². It may be noted that the DCP requires an area of 8m². All of the balconies comply with the DCP requirements.

The proposed balcony sizes are considered adequate to allow passive recreation. The balconies are accessible from living areas and are functional.

The proposed balcony areas are considered satisfactory.

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

The subject application was lodged on 4 February 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 10 matters for consideration under SEPP 65. The relevant rules of thumb of the Residential Flat Design Code are addressed below:

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 a 26m wide road separation to the approved apartment building across Main Street and 20m to the approved apartment building across Caddies Boulevard.
Street Setbacks	Identify the desired streetscape character, the common setback of	See compliance table in Section 3 above.

	<p>buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p> <p>Test street setbacks with building envelopes and street sections.</p> <p>Test controls for their impact on the scale, proportion and shape of building facades.</p>	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.	<p>See compliance table in Section 3.</p> <p>Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.</p>
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	<p>A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable.</p> <p>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.</p>	10% 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 at ground level. A roof top terrace of 105m ² is provided. See comments below.
Planting on	In terms of soil provision	Adequate site landscaping

structures	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.	is provided given the Town Centre location.
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	<p>Identify the access requirements from the street or car parking area to the apartment entrance.</p> <p>Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p>	<p>Ground level entrances provided and lift access to each floor is available from the basement levels.</p> <p>Accessibility report submitted and satisfactory.</p> <p>All units are accessible by lift.</p>
Vehicle access	<p>Generally limit the width of driveways to a maximum of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p>	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	<p>Single-aspect apartments should be limited in depth to 8m from a window.</p> <p>The back of a kitchen should be no more than 8m from a window.</p>	There are a number of units which exceed 8m however these units have been provided with an air shaft to provide ventilation to the units.
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	See comments in Section 3 above.

	<p>contribute to housing affordability; (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Provided.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Provided.
Ground Floor Apartments	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	Satisfactory ground floor layouts provided with direct access to private open space and the street for the units fronting Main 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 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).	Proposal designed to maximise residential amenity.

Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>studio apartments 6m³;</p> <p>one-bedroom apartments 6m³;</p> <p>two-bedroom apartments 8m³;</p> <p>three plus bedroom apartments 10m³</p>	Provided as required in relevant units.
Building Amenity		
Daylight Access	<p>Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>70% of units receive 3 hours sunlight between 9am and 3pm.</p> <p>Northern orientation has been maximised.</p> <p>29.7% of units are south-east facing. This is considered satisfactory given the constrained nature of the site.</p>
Natural Ventilation	<p>Building depths, which support natural ventilation typically range from 10m to 18m.</p> <p>60% of residential units should be naturally cross-ventilated.</p>	<p>The building depth varies from 9-15m.</p> <p>All of the units have adequate ventilation.</p>
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW	Satisfactory waste management details provided.

	Waste Board.	
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.

a. 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 10% 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 10%. 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 which 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 10% is provided. This is in part due to the location of the site's 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.

b. 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 at ground level however a roof top terrace of 105m² is 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 provides a communal open space on the roof above Caddies Boulevard. It has an area of around 100m² which is well below 25% of the site area. However, 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.

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 Flat 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 Main Street, and given previous interest in development of the Rouse Hill Regional Centre. RMS advised as follows:

- i. 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.
- ii. All vehicles should enter and leave the site in a forward direction.
- iii. All vehicles should be wholly contained on site before being required to stop.

In regard to the above 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. Paint the basement white to reflect light.
- vi. 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.
- 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.
- xii. 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.

They also state that:

As part of the proposed development a section of the current retail carpark beneath Target is to be acquired and converted to residential parking - some 70 spaces. The report states that "There is a concurrent Section 96 application to amend the Town Centre approval (DA 1824/2006/HB) to reduce the number of retail car parking spaces". Police do not support the reduction of retail spaces. Additionally the development only provides 8 visitor spaces citing the reason as being "it is noted that the proposed development site is located within a major shopping centre with ample public car parking spaces". Not only are they reducing the number of retail parking spaces available they are also allowing visitors of residents to utilise the parking which should be left available for retail customers. As the parking is timed with attached fees, it is unlikely that visitors will have time to combine their visiting trip with a shopping trip as suggested.

In addition to this, Police are aware the Northern Precinct residential development also had reduced parking provision. It should be noted that Rouse Hill is an area which requires adequate parking to be provided within the centre as the Hills is an area which exhibits high vehicular ownership due to the large number of rural areas in close proximity with limited public transport available. Given the small amount of untimed on-street parking available within Rouse Hill Town Centre, there is the potential for these residents along with their visitors, to park in surrounding residential areas as they are unable to garage their vehicles within the residential area. Insufficient parking may lead to congested and unsafe parking in the streets surrounding the location.

Condition recommended – see Condition 20.

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, side and rear setbacks, unit size and mix, parking, landscape area 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, 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 deep soil zone and common open space.

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	Ground Floor	14.01.2016 Issue D
DA-06	Level 1	17.12.2014
DA-07	Level 2	17.12.2014
DA-08	Level 3	17.12.2014
DA-09	Level 4	17.12.2014
DA-10	Level 5	17.12.2014
DA-11	Level 6	17.12.2014
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	Finishes	17.12.2014
DA-20	Cadd Images	17.12.2014
DA-100A	Vertical Ventilation Shafts	13.10.2015 Issue A
1167	Survey Plan	13/11/2014
LDA-000	Landscape Cover Sheet	16.12.2014 Rev. A
LDA-001	Landscape Masterplan & Sheet Layout	16.12.2014 Rev. A
LDA-002	Landscape Plan – Ground Floor, Caddies Boulevard	16.12.2014 Rev. A
LDA-003	Landscape Plan – Ground Floor, Caddies Boulevard & Main Street	16.12.2014 Rev. A
LDA-004	Landscape Plan – Lot 37 Ground Floor, Main Street	
LDA-005	Landscape Elevations	16.12.2014 Rev. A
LDA-006	Landscape Plan – Level 7 Roof Terrace	16.12.2014 Rev. A
LDA-007	Indicative Planting Palette	16.12.2104 Rev. A
LDA-008	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. Rouse Hill Regional Centre Planning Agreement

Contributions for the 94 dwellings created are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29/12/2006.

3. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

94 resident spaces;

7 visitor spaces;

2 motorcycle spaces;

A bike rack accommodating a minimum 19 bicycles.

All residential units are to be allocated a minimum of one parking space.

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

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. The construction certificate drawings are to show that all proposed pipes provide the minimum 1% fall as per Council Specifications and Guidelines.

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. As the existing fire control room is to be relocated, the new control room is to be provided to service the existing and proposed buildings appropriate to EP1.6 of the BCA.
- ii. As the existing ground floor carpark is to be separated into retail and residential parking areas, a review of arrangements for egress is to be undertaken in the existing carpark appropriate to DP4 & EP2.2 of the BCA.
- iii. As the existing fire isolated stairway serving the Target retail and carpark areas is to be retained and will require occupants to discharge from the stairway through another allotment, a review of arrangements for egress is to be undertaken appropriate to DP4 & EP2.2 of the BCA.
- iv. A review of sprinkler, hydrant and hose reel coverage is to be undertaken to ensure that fire fighting equipment covers the existing and proposed building appropriate to EP1.1, EP1.3 and EP1.4 of the BCA.
- v. 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 either natural or mechanical ventilation appropriate to FP4.3, FP4.4 & FP4.5 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 Areas

All work involving construction of the waste storage areas 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 47 x 240l garbage bins and 47 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 addresses for this development are allocated by Foyer entry:

Foyer 1 **Units are to be addressed to 106 Caddies Boulevard**
Units 101-102; 201-205; 301-305; 401-405; 501-505; 601-605

Foyer 2 **Units are to be addressed to 104 Caddies Boulevard**
Units 103-109; 206-213; 306-313; 406-413; 506-513; 606-613; 701-705

Foyer 3 **Units are to be addressed to 80 Main Street**
Units 214-216; 314-317; 414-417; 514-517

As the Primary Address and on site Mailing Address must be the same, a separate bank of mailboxes is required near the lobby of each Foyer, including Main Street.

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

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

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. Paint the basement white to reflect light.
- vi. 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.
- 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. Town Centre Car Park Extension

The car park extension works approved under Modification Application 1824/2006/HB/C (which approved 54 additional car spaces) are required to be completed to the satisfaction of Council before the first Construction Certificate in relation to DA 965/2015/JP can be issued.

22. 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 37) Rouse Hill Town Centre – Acoustic Services – Preliminary Assessment of Noise Issues' (Project No: 14464, Dated 17 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.

23. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

24. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) 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.

25. 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.

26. 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 \$153,000 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 Caddies Blvd road frontage of the subject site (120m) 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.

27. 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.

28. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads

- c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

PRIOR TO WORK COMMENCING ON THE SITE

29. Principal Certifying Authority

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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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).

35. 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).

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and/or demolition phases 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

42. 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.

43. 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. 596594M 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.

44. Roof Water Drainage

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

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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 CERTIFICATE

51. Compliance with Requirements of Development Consent

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

52. Landscaping Prior to Issue of Occupation Certificate

The 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 D Section 3 – Landscaping and the approved landscape plans.

53. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. Final Inspection of Waste Storage Areas

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

63. 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

64. 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 22 have been met.

65. 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.

66. Caretaker to Move 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. Typical Landscape Plan
6. Perspective
7. Roof Terrace

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



The site plan illustrates the Town Centre Parking area, which is bounded by Caddies Boulevard to the west and Main Street to the north. The parking lot is divided into several sections, including a 'RESIDENTIAL CARPARK' and a 'TARGET CARPARK B2'. A red arrow points to a specific area within the parking lot, labeled 'Town Centre Parking to be used for Residential Parking'. The plan also shows various buildings, including a 'LEISURE SQUARE' building to the west, and a 'TARGET CARPARK ENTRY' and 'TARGET CARPARK DOCK' area. The plan includes detailed information about parking spaces, including car and truck spaces, and a scale bar indicating 1:1000.

REV C 24.09.2015 WASTE COLLECTION AMENDED

ATTACHMENT 4 – ELEVATIONS



MAIN STREET



CADDIES BOULEVARD

ATTACHMENT 5 –TYPICAL LANDSCAPE PLAN



ATTACHMENT 6 –PERSPECTIVE



ATTACHMENT 7 – ROOF TERRACE

