

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW030
DA Number	983/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PROPOSED RESIDENTIAL FLAT BUILDING
Street Address	LOT 3 DP 280009, NO. 2 BELLCAST ROAD, ROUSE HILL
Applicant/Owner	LEND LEASE GPT (ROUSE HILL) 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	• Section 79C EP and A ACT • LEP 2012 • SEPP 32 - Urban Consolidation • SEPP 65 – Design Quality of Residential Apartment Development • Draft SEPP 65 - Design Quality of Residential Apartment Development • SREP 19 – Rouse Hill Development Area • SREP 20 – Hawkesbury/Nepean River • DCP Part D – Section 6 Rouse Hill Regional Centre
List all documents submitted with this report for the panel's consideration	NIL SUBMISSIONS
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	Principal Executive Planner Kristine McKenzie

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 47 units. The units are proposed within two buildings which are four storeys in height. The proposal is located on a site which is bound by Bellcast Road, Sanctuary Drive, Picket Place and the rail link (under construction).

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 2463m². This is a variation of 38.3%. 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 residential or commercial mixed use development. The site is in a central residential location suitable for higher density development.

The development also includes variations to LEP 2012 in regard to site area and the DCP Part D Section 6 – Rouse Hill Regional Centre in respect to density, site frontage, setbacks, separation, unit size and mix, parking, landscape area and private open space. In addition, variations are proposed to the Southern Residential Precinct Plan in regard to height, private open space, and bike parking and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to building depth, separation, unit depth, balcony areas and open space. Most of the variations arise from the constrained nature of the site with its shape, road frontages and relationship to the rail link.

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 is within close proximity 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 the Mungerie House Precinct area 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 requires concurrence from Sydney Trains under the provisions of Clause 86 of SEPP Infrastructure 2007. Sydney Trains have reviewed the proposal and have raised no objections subject to conditions of consent. The conditions include a 'Deferred Commencement Consent' condition which requires the property owner to enter into an agreement with Transport for NSW to address the potential impacts of the development on the rail link.

The proposal is recommended for approval subject to a Deferred Commencement condition which is required to be satisfied prior to issue of the operative/full consent.

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:	Minister Administering the EP and A Act	1.	<u>LEP 2012</u> – Satisfactory. Variation to lot size for residential flat buildings.
Zoning:	R4 High Density Residential	2.	<u>SEPP 65 – Design Quality of Residential Apartment Development</u> – Variation required, see report.
Area:	2463m 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:	11. This includes Blacktown City Council		
4. Submissions Received:	Nil.		

HISTORY

10/02/2015		Subject Development Application lodged.
12/02/2015	and	Emails sent to the applicant requesting a noise and vibration report and an accessibility report.
23/02/2015		
26/02/2015		Email received from the applicant stating that the noise and vibration requirements should be conditioned.
26/02/2015		Email sent to the applicant requesting a noise and vibration report and confirming the requirements of SEPP Infrastructure. Due to the applicant's request, a referral was sent to Sydney Trains.
26/03/2015		Letter received from Sydney Trains which stated that insufficient information had been submitted by the applicant, and requesting that the applicant consult directly with Transport for NSW before submitting revised or additional information to comprehensively address the interface between the NWRL and the proposed development.
02/04/2015		Letter sent to the applicant requesting additional information regarding DCP compliance, SEPP 65 compliance, Precinct Plan compliance, waste disposal, engineering and drainage matters, the submission of an acoustic report and addressing the matters raised by Sydney Trains.
29/04/2015		Additional information submitted by the applicant.
29/04/2015		Email sent to the applicant requesting a unit typology table.
26/06/2015		Amended plans and information submitted by the applicant. This information was referred to Sydney Trains.
13/08/2015		Sydney Trains concurrence provided. The conditions requested included the request for a Deferred Commencement condition requiring that the owner's enter into an Agreement with Transport for NSW regarding the construction of the development. These conditions were forwarded to the applicant for information.
26/08/2015		Meeting held with the applicant where the applicant requested that the application be held in abeyance to allow further

discussions to be undertaken with Sydney Trains.

- 14/09/2015** Email sent to the applicant regarding common open space and requesting an update on discussions with Sydney Trains.
- 19/10/2015** Additional information submitted by the applicant.
- 03/12/2015** Further request from the applicant that the application be held in abeyance to allow further discussions to be undertaken with Sydney Trains.
- 28/01/2015** Meeting held between the applicant and Sydney Trains.

PROPOSAL

The proposal is for two x four storey residential flat buildings containing 47 units comprising 12 x 1 bedroom units, 32 x 2 bedroom units and 3 x 3 bedroom units. The works also include the construction of two levels of basement carparking containing 70 carparking spaces, which comprise 60 resident spaces and 10 visitor spaces.

The site is at the corner of Bellcast Road, Sanctuary Drive and Picket Place. The site is currently used for temporary landscape planting. The site immediately adjoins the North West Rail Link along the western boundary. The rail link, in this location, is an elevated structure. The elevation plans depict the form of the rail link in relation to the proposed works.

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 \$26,514,648 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 2463m². This is a variation of 38.4%.

The applicant has requested a variation to the minimum lot size and has submitted the following as justification:

.....the site area of 2,463m² is less than the 4,000m² required by Clause 4.1A of The Hills LEP 2012.

The R4 High Residential Density zone under The Hills LEP 2012 applies only to this site in this part of the Southern Residential Precinct recognising the long term planning to build

higher density residential flat buildings in this location. There is no opportunity to consolidate with other land as all adjoining land is within a R3 Medium Density Residential zone.

Clause 4.1A(3) provides that Council can vary the 4,000m² minimum lot size for a residential flat building provided it is satisfied the following outcomes are achieved, which are commented on below:

- (a) the form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height,

The development is compatible with the height of the adjoining rail skyway, which has seen much of the land adjacent to the rail line zoned for higher density housing (such as in the Central Residential Precinct). The site has always been identified as a key site at the entry to the release area suitable for higher density development. The road layout has been planned to ensure the site is separated by roads from residential development opposite and the proposed development is well under the maximum height limit ensuring the buildings are not incompatible with the 2 storey residential forms opposite.

- (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

Both Bellcast Road and Picket Place separate the proposed buildings on the site from development opposite ensuring visual and acoustic privacy is not an issue.

The siting of the 2 residential flat buildings has also closely considered visual and acoustic buildings in both the separation and balcony and window placement. The siting of Building B immediately adjacent to the rail corridor will ensure acoustic privacy to the communal open space areas on site.

- (c) the dwellings are designed to minimise energy needs and utilise passive solar design principles,

The design provides for louvers to balcony areas and utilises the "up and over" dwelling design in Building B which increases cross ventilation and increases solar access to those units. The development has been assessed as BASIX compliant.

- (d) significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.

There is no significant vegetation on site and the landscaping proposals provide for new plantings within the deep soil zones in the setback area to Bellcast Road and adjacent to communal open space.

Finally, it is noted introduced planning controls to facilitate the specific development of this site for a residential flat building at a greater height understanding that the site is less than the 4,000m² in Clause 4.1A of the LEP.

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 2463m². This is a variation of 38.4%.

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/commercial mixed use development. The proposed residential flat buildings will provide a higher density form of living which is suitable for the location and which is consistent with the principles in the DCP.

The site is in a reasonable proximity to 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 Mungerie House precinct which provides passive and active recreation options for future residents.

The proposal is satisfactory in regard to the objectives of the R4 High Density Residential zone in that the proposal will provide for the housing needs for the community, provides a variety of housing types in the locality and is in a location which is close to public transport routes.

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 R4 High Density Residential 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 Southern Precinct, the density range is 30-60 dwellings/net hectare.	7.3 – 14.7 dwellings are required on the site, with 47 units proposed.	No – see comments below.
3.1.5 Site Frontage	20m	The site has a road frontage of approx. 51 to Picket Place, 70m to Bellcast Road and 11m to Sanctuary Drive.	No – see comments below.
3.1.6 Building Height	Building heights to be consistent with LEP 2012. The site has a	The proposed building has a maximum height of 16m.	Yes

	limit of 21m.		
	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 up to 5 storeys: 3 metres.	Picket Place – varies from 1-3.5m. Bellcast Road – varies 0.335m to 3m. Sanctuary Drive – 4.85m.	No – see comments below.
	Side setback: 1.5 metres.	The site has three road frontages and as such there is no side setback applicable.	No - see comments below.
	Rear setback: (No standard where no shared residential boundary).	The site adjoins the rail link.	Yes.
	The minimum separation between buildings is 12 metres.	6m between the buildings.	No – see comments below.
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 address both street frontages.	The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the building adequately addresses both street frontages.	Yes
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	One bed – basement cage of 6.25m ³ Two Bed – basement cage of 6.85m ³ and internal cupboard of 8.35m ³ Three Bed – basement cage of 6.85m ³ and internal cupboard of 10.45m ³	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	The proposal has a basement carpark with access off Picket Place.	Yes

	car park. Access to a public street should be in a forward direction.	Access to Picket Place from the carpark will be in a forward direction.	
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 12 x 1 bedroom, 32 x 2 bedroom and 3 x 3 bedroom units, 66 resident spaces are required. There are 60 resident spaces proposed which includes 18 stacked spaces.	No – see comments below
	Visitor parking: 2 spaces/5 dwellings for development with up to 60 units.	Based on 47 units, 19 visitor spaces are required. There are 10 visitor spaces proposed.	No – see comments below.
	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 47 units, 10 bicycle spaces are required. Twelve 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 design is integrated with the external façade. The garage entry is visible from Picket Place.	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 Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m ² (whichever is greater) ground level open space is to be provided on natural ground.	The site requires 739m ² of landscape works, with 659.4m ² provided. The site requires 152m ² of planting on natural ground level, with 287m ² provided.	No – see comments below.
3.1.17 Open Space (Private and Common)	Residential flat buildings: Private Open Space: Must be accessible from living areas. Ground level units to have a minimum width of 4m and minimum	All ground and upper level open space is accessible from living areas. Variations to units A01, A02, B01, B09, B29, B10 and B11 which do not meet the minimum	No – see comments below.

	depth of 3m. Above ground levels units to have a minimum area of 8m² and minimum depth of 3m. Solar access to be in accordance with SEPP 65.	dimensions. The solar access provided varies the requirements of SEPP 65. See comments in SEPP 65 assessment.	
	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.	A common open space area of 470m² is required. There is an area of common open space area provided with an area of 581.7m².	Yes
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 proposed fencing and courtyard walls are considered satisfactory and will not adversely impact on streetscape.	Yes
3.1.19 Designing for Privacy	Provision of at least one semi-private balcony. Minimise direct overlooking to internal living areas and private open space through design.	Given the location, the site is effectively separated from adjoining development. There is adequate privacy provisions made within the design.	Yes
	Acoustic privacy is to be protected to ensure that potential noise sources are appropriately addressed.	Conditions have been recommended to ensure that acoustic privacy is maintained.	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. Density

Under the DCP, the Southern Precinct requires a density range of 30-60 dwellings/net hectare. A minimum of 7.3 – 14.7 dwellings are required on the site, with 47 units proposed.

The applicant has addressed the variation as follows:

The Southern Precinct Plan notes on page 12 a maximum of 345 dwellings within the Precinct comprising of approximately:

- 160 lots of land for individual dwellings,
- 85 completed homes and,
- 100 apartments.

In comparison to the dwelling yields listed above, the table on the following page shows the existing yield based on all known and proposed development:

Development Type and Projected Yield	Actual Dwelling Yield
<i>Apartments (100 dwellings)</i>	<i>47 dwellings</i>
<i>Completed Homes (85 dwellings)</i>	<i>63 dwellings</i>
<i>Sanctuary Drive – Lot 211</i>	<i>10 dwellings</i>
<i>Sanctuary Drive – Lot 210</i>	<i>13 dwellings</i>
<i>Caddies Boulevard</i>	<i>10 dwellings</i>
<i>Caddies Boulevard</i>	<i>13 dwellings</i>
<i>Freshwater Road</i>	<i>8 dwellings</i>
<i>Picket Place</i>	<i>7 dwellings</i>
<i>Sales Office</i>	<i>2 dwellings</i>
<i>Land For Individual Dwellings (160 dwellings)</i>	<i>164 dwellings</i>
Total	274 dwellings

The main changes to the maximum projected yield in the Precinct Plan for apartments emanate from the reduction in the land area of the apartment site on the corner of Windsor Road and Sanctuary Drive and increases to apartment sizes required by Council resulting in the loss of 53 apartments.

The main changes to the maximum yield for the multi dwelling housing sites relate to the lost density from planning requirements including visitor parking provision on multi dwelling housing sites and more recently higher new minimum lot sizes resulting in the loss of 22 dwellings.

There have been 4 additional lots created for individual dwellings.

Overall, Council would be aware that the density controls have been extrapolated into a dwelling cap for the residential release in the Voluntary Planning Agreement, permitting up to a maximum of 1,800 dwellings. Lend Lease GPT (Rouse Hill) remain on track to meet this dwelling target.

Part B Section 5 – Residential Flat Buildings of the DCP is not relevant to the assessment of the application.

Comment:

There are no specific objectives or performance criteria within the DCP in regard to density. The broader principles of the DCP relate to the provision of efficient and liveable housing in distinct precincts, promote residential development which protects natural features, provide high quality high density housing close to the commercial core and maximise residential densities.

The Masterplan approval originally estimated 380 dwellings within the Southern Precinct with a density per net hectare of 30.6 persons. The subsequent Southern Precinct Plan reduced the number of dwellings to approximately 340, comprising 240 houses and 100 apartments. The subject site is the only site within the precinct nominated for apartment

development. As outlined in the table above, the number of dwellings within the precinct does not exceed the Precinct Plan requirements.

The proposed design and layout of the proposal will provide a reasonable outcome for residents. The proposal provides adequate landscape area and space between the existing and proposed building form to ensure that the streetscape outcome is satisfactory.

The proposed density is considered to be compatible with surrounding development. It is acknowledged that the site provides for an apartment development within an area that is characterised by single dwellings and integrated housing. However the site is discreet in that it is bounded by public roads on three sides and adjoins the rail link.

Accordingly the proposed density is considered satisfactory.

b. Site Frontage

The DCP requires a site frontage of minimum 20 metres for residential flat buildings. The site is a corner lot with frontage to three roads. The site has a road frontage of approx. 51 to Picket Place, 70m to Bellcast Road and 11m to Sanctuary Drive.

The applicant has addressed the variation as follows:

The buildings address the boundaries of the site which exceed 20m in accordance with Clause 3.1.5 of the DCP. The Sanctuary Drive frontage is only 11.109m. The setback of the building of 4.385m exceeds the minimum setback of 3m in this location. These matters are shown on the plans and the site description in the SEE. Council may be referring to Clause 3.1.8 of the DCP entitled Building Appearance, Articulation and Orientation. The building addressing Sanctuary Drive in this location narrows to its minimum width present a strong architectural element to Sanctuary Drive. The building is articulated as it addresses this frontage and also incorporates a curved balcony which addresses both Sanctuary Drive and Bellcast Road.

Comment:

The performance criteria of the DCP relate to different house types being suited to different lot widths. The subject site is constrained in that the lot has frontages to three streets and adjoins the rail link. As such the site is considered to be constrained.

The intent of the DCP requirements relates to ensuring that an appropriate site frontage is provided in relation to the form of development. The proposed design of the residential flat development is considered appropriate in regard to the streetscape and provides adequate area around the development for landscape works. As such the site frontage will not adversely impact on the character of the locality.

The proposal is considered satisfactory in regard to site frontage.

c. Setback and Separation

The DCP requires a 3 metre front setback, 1.5 metre side setback and a 4 metre rear setback to a shared boundary. In addition the minimum separation between buildings is required to be 12 metres.

The proposed setbacks are:

Picket Place – varies from 1 to 3.5m.

Bellcast Road – varies 0.335m to 3m.

Sanctuary Drive – 4.85m.

Rear setback to rail link – minimum 300mm.

There is a 6 metre separation between the buildings.

The RFDC also requires a minimum 12 metre separation.

The site has three road frontages and as such the setbacks have been considered on merit. The site also adjoins the rail link.

The applicant has addressed the variation as follows:

The front setback to Pickett Place for Building A above podium ranges from 1 m to 3.5m. Building B has a 11.925m to 1m. The setback of Building B to Sanctuary Drive is 4.85m. It is noted the approved Southern Residential Precinct Plan requires a nil setback to all streets. The only side boundary is to Bellcast Road ranging between 0.335 and 3m. As there is no shared lot boundary the proposal complies.

Clause 3.1.7 of the DCP sets a minimum separation between buildings of 12m.

The separation of buildings is addressed in Appendix G of the SEE against both the Residential Flat Design Code and Apartment Design Code Assessment.

The SEE notes that there is a separation distance of 6m between Building A and B for non-habitable rooms (and complies), 9m between a narrow vertical offset window and windows to bedrooms in Building A (which have moveable louvers to ensure privacy) and 9m between balconies with screening and to habitable rooms. There are minor variations but the outcome is considered acceptable given the use of privacy screens and the oblique presentation of the building interface.

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 RFDC seeks to ensure that appropriate spaces are provided between buildings to ensure that visual and acoustic privacy is maintained.

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

The front setback to the Windsor Road boundary is a minimum of 3 metres.
The front setback to the Sanctuary Drive boundary is a minimum of 3 metres.
The setback to the northern and eastern boundary is a minimum of 0m.

The proposal is consistent with the Design Guideline requirements.

The site is located on a corner and is a prominent and highly visual entry point to the Southern Precinct area and to the Regional Centre as a whole. The site is the last large development site within the Precinct.

In regard to the rear setback, the rail link in this area is an elevated structure. Sydney Trains have advised that the setback from the common boundary to the rail line is 24.6 metres (to the centre of the rail line structure). In this regard the rail line is separated from the subject site by a landscaped area. The preliminary corridor landscape plan indicates that tree and shrub planting will be undertaken within the 'buffer' area between the common boundary and the line. The buffer area is in excess of 15 metres in width. The buffer area will also result in a shared landscape outcome and will provide a reasonable landscape outcome for future residents, softening the interface between the development and the rail link.

The proposed setbacks are considered satisfactory given the location of the site. The site is constrained given that it bound by three street frontages and the rail link. The site is effectively separated from existing and future residential development which is located across Bellcast Road and Picket Place. The site is discrete in that it has three street frontages and the rail link at the rear. The variations are considered reasonable in that context.

The proposal is also considered to have adequate separation between the two buildings within the development. The proposal includes screens to maximise privacy and overlooking between units. In addition, as the development will be built in one stage, the relationship between the buildings is a known outcome.

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.

d. 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 12 x 1 bedroom units (25.5% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 3 x 3 bedroom units (6% of the total).

The proposed unit sizes are:

Unit Type	Size	No. of Units	Type
1 bedroom	61.1m ²	2	Type 1
	64.7m ²	1	Type 1
	68.5m ²	1	Type 2
	69.5m ²	5	Type 2
	79.4m ²	3	Type 3
2 bedroom	89.1m ²	4	Type 1
	92.9m ²	12	Type 2
	105.1m ²	5	Type 2
	105.2m ²	5	Type 2
	105.4m ²	2	Type 2
	113m ²	1	Type 3
	113.7m ²	2	Type 3
	115.1m ²	1	Type 3
3 bedroom	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 7 x Type 1 apartments (14.9% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments– there are 30 x Type 2 apartments (63.8% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes– there are 10 x Type 3 apartments (21.3% of the total).

The applicant has submitted the following as justification:

We have reviewed the previously proposed apartment sizes and clarified the inconsistencies with the size of disabled apartments. It is considered reasonable that Council appreciates that the design of this apartment building commenced well before its amendments to the DCP and that the site is smaller than the typical 4,000m² limiting the extent to which apartments sizes can be increased and still comply with other requirement controls.

Since our meeting, the Minister for Planning in a Press Release dated 15 May 2015 has provided further guidance the future controls in relation to minimum apartment sizes following the case of Botany Bay City Council v Botany Development Pty Ltd (No 2) [2015] NSWLEC 55. See Minister's Media Release.

Notwithstanding the above, we have been able to make some minor adjustments to bring the apartments sizes closer to Council's DCP table and compliant with the relevant apartment sizes under the existing SEPP No 65 and referenced Residential Flat Design Code (RFDC). Table 1 (overleaf) shows the revised apartment sizes as depicted in the amended plans against the RFDC minimum apartments sizes and then against the Council's DCP requirements.

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 to the balcony areas:

Proposed Development Unit Type	RFDC Apartment Type	RFDC Required Internal Area	Proposed Internal Area	RFDC Required External Area	Proposed External Area
1 bedroom	Two bedroom cross-over	90m ²	105.1-113m ² (units 2B-4 and 2B-4A)	16m ²	12.2m ² (A secondary small balcony provided which is not useable).
3 bedroom	Three bedroom	124m ²	135m ² (unit 3B-1a)	24m ²	20m ²

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.

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 for internal floor area. The variations to the RFDC in regard to balcony areas are minor and will not unreasonably impact on amenity.

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 proximity to the Mungerie House precinct with a high level of access to retail, commercial and leisure activities at the Town Centre.

The proposed units have been designed to have regard to the views across the Precinct 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 such that it has good access to the Caddies Creek area and local parks. In addition Council's Iron Bark Ridge Park is located to the east within a reasonable distance.

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

e. 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 = 66 spaces

Total visitor parking required = 18.8 spaces

Total spaces required = 84.8 spaces

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

Spaces provided: 52 parking spaces which are not stacked (comprising 42 resident spaces and 10 visitor spaces) and 18 stacked spaces.

It is also noted that the Precinct Plan requires 16 bicycle parking spaces are required, with 12 provided.

The applicant has provided the following as justification:

.....the proposed car parking accords with the Amendment to SEPP No 65 which references the new Apartment Design Guideline and hence is a consideration under Section 79C of the Environmental Planning and Assessment Act 1979. As a site within the Sydney Metropolitan Area and within 800m to the train station it means that parking is determined under the Amendment to SEPP No 65 as follows:

The relevant requirement set out in the RMS' Guide to Traffic Generating Development or the car parking requirement prescribed by the relevant council, whichever is less.

The Apartment Design Guideline notes that:

'the location, form and organisation of parking is usually a balance of development feasibility, site constraints, local context, apartment types and regulatory car parking requirements..' and that 'parking requirements should be determined in relation to the availability, frequency and convenience of public transport. Reduced requirements

promote a reduction in car dependency and encourage walking, cycling and use of public transport.'

At our meeting there was discussion as to whether the site was within the 800m outlined in the Apartment Design Guideline. In discussions with Sydney Trains, it was confirmed that the Rouse Hill Station entry will be immediately south of Main Street. The Station plans from the North West Rail website are at Attachment C. Sydney Trains also confirmed a combined pedestrian and cycle way will be constructed in the residue rail corridor linking the site and the station. This is also noted on the North West Rail web site with 'footpath upgrades along Tempus Street and Windsor Road.' Figure 1 below shows a distance from the entry to Picket Place of 582m. The site is less than 50m from this point at the end of Picket Place and hence is under 800m from the station entry.



It should also be remembered that in addition to its proximity to the train station, the site is also less than 50m from a bus stop on the T Way bus route which Sydney Trains has confirmed will remain after completion of the rail line.

In terms of development feasibility referred to in the extract from the Apartment Design Guideline above, it should be noted that the site is also irregular in shape and hence the parking layout is constrained.

Compliance with the car parking under the Amendments to SEPP No 65 is important as compliance with the Council standard would require further excavation immediately adjacent to the rail corridor for another 2 basement levels impacting on the feasibility of developing the site. The proposal is a good compromise as the basement contains 70 car parking spaces on only 2 levels. Whilst the RMS Guidelines require only 50 spaces an additional 20 spaces have been provided which, whilst 18 of these are in a stacked arrangement, increases the car parking allocated to individual apartments.

Comment:

The proposal requires the provision of 66 resident parking spaces and 18.8 visitor parking spaces, being a total of 84.8 spaces required. The proposal provides 70 parking spaces comprising 60 resident spaces and 10 visitor spaces. Some of the spaces are stacked spaces which are not included in the calculations as per the Parking DCP. On this basis 52 parking spaces which are not stacked and 18 stacked spaces are provided.

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

The principle of the DCP is:

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

The proposal has been considered having regard to the existing bus transit centre and the future rail line (under construction). Consideration has also been given to the proximity of the site to the Town Centre. Given the high level of accessibility to existing and future public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

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

On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off site.
--	--

Note: The Residential Flat Design Code did not contain parking rates.

The subject site is approximately 582m from the future rail station.

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:

12 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 7.2 spaces
32 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 28.8 spaces
3 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 4.2 spaces
Total of 41 (40.2) resident spaces required

1 space per 5 units (visitor parking) @ 47 units = 9.4
Total of 10 visitor spaces required.

The proposal provides 60 resident parking spaces and 10 visitor parking spaces. The proposal meets the minimum requirements of the RMS guidelines.

The proposal has been considered in the context of its location and the high level of access to the existing bus transitway and the future rail link, and 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.

f. Landscape Area

The DCP requires that residential flat buildings are provided with a minimum 30% of site being landscape area excluding buildings and driveways. The site requires that 739m² of landscape works be provided, with 659.4m² provided.

The applicant has provided the following as justification:

The proposal seeks variation to achieve a minimum 30% of site excluding buildings and driveways. The variation is only 80m² and the slightly higher cover is a function that the proposal does not build to the maximum height permissible, which together with the larger apartment sizes has produced larger building footprints. Having acknowledged this, it should be noted that the site is benefitted from the North West Rail Line easement which presents as an extension of the landscape setting for the building ensuring an appropriate context.

The residents of the building will not be compromised in terms of landscape areas for recreation, particularly given the proximity of the community and recreation facilities at nearby Mungerie House. The relatively minor variation is considered reasonable given the outcomes achieved for the development.

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 constrained nature of the site.

As outlined above, the proposal adjoins the rail link which is under construction. The rail line is separated from the subject site by a landscaped area. The preliminary corridor landscape plan indicates that tree and shrub planting will be undertaken within the 'buffer' area between the common boundary and the line. The buffer area is in excess of 15 metres in width. The buffer area will also result in a shared landscape outcome and will provide a reasonable landscape outcome for future residents, softening the interface between the development and the rail link.

The development is located beside the open space area within Mungerie House which contains both passive and active recreation uses. The site is also in reasonable proximity to the Caddies Creek open space area. As such there is adequate area available for open space activities. In addition, the proposal provides adequate common and private open

space for residents. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome.

The DCP also requires 152m² of planting on natural ground level, with 287m² provided.

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

g. Private Open Space

The DCP requires that ground level units are to have private open space with a minimum width of 4m and minimum depth of 3m. Above ground levels units are required to have a minimum area of 8m² and minimum depth of 3m. The proposal includes variations to units A01, A02, B01, B09, B29, B10 and B11 which do not meet the minimum dimensions.

In addition, the Design Guidelines require that a minimum of 20m² of private open space is required per dwelling unit and that each dwelling unit is to have at least one balcony or terrace directly accessible from the living areas of minimum 14m².

The applicant has addressed the variations as follows:

Unit A.01 (Type 1B-3) & Unit A.02 (Type 1B-4)

Due to the irregular shape of the site the provision of 3m balconies at ground floor compromises the set out of the floorplate above. The balcony is able to achieve 12m² in area however the dimensions are 2.8m x 4.3m as opposed to 3 x 4m as nominated in the DCP. Due to the elevated nature of the balcony area we do not consider a 1.8m high privacy screen to this area is appropriate for the streetscape as privacy is maintained by a standard 1m high balustrade.

Unit B.01 (Type 2B-2)

Due to the irregular shape of the site the provision of 3m balcony at ground floor compromises the set out of the floorplate above. The balcony is able to achieve in excess of 12m² in area however the dimensions are 2.8m x 4.3m as opposed to 3 x 4m as nominated in the DCP.

Unit B.09 & B.29 (Type 1B-2)

Due to the irregular and constricted shape of the site at the very southern end of the site, the balcony is able to achieve in excess of 12m² in area however geometry of the balcony is irregular as opposed to 3 x 4m as nominated in the DCP. The usability of the balcony is not considered to be compromised with ample width and depth to accommodate outdoor furniture.

Unit B.10 & B.11 (Type 2B-3)

The terrace provision is restricted to 2.5m in width to maximize deep soil landscaping on the Bellcast Road frontage. Although the terrace width is less than the DCP requirement of 3m the terrace is approximately 14m wide providing well in excess of 12m² requirement. The usability of the balcony is not considered to be compromised with ample width & depth to accommodate outdoor furniture.

Comment:

The principle of the DCP is:

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

The proposed units have been designed to have regard to the views towards the Town Centre and the Mungerie House area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces.

The private open space areas achieve the minimum areas specified by the DCP and are useable areas. They are also directly accessible from living areas and are functional in size.

As such the reduced sizes of the external areas can be accommodated by common open spaces provided within the open space in close proximity to the site. A usable common open space area is also provided for residents.

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

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. Southern Residential Precinct Plan

Development Consent 1362/2006/HB for the Southern Residential Precinct Plan was approved by Council on 25 July 2006. 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>5. Level 3 Development Applications for Construction Works</u> Separate Development Applications (known as Level 3 DAs) are to be submitted for any construction works within the Southern Residential Precinct and are to be generally in accordance with the approved Masterplan and Southern Residential Precinct Plan. All Level 3 Development Applications are to	The subject application is a level 3 Development Application.	Yes

be in accordance with the endorsed Design Guidelines.		
<u>7. 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>16. NSW Police Service Requirements</u> The following conditions are required by the NSW Police Service or as otherwise agreed by the NSW Police and Council in writing: (list of requirements).	The proposal has been referred to Castle Hill Police for review and comment.	Yes

ii. Compliance with Approved Plans

Condition 1 (as amended) states as follows:

1. Development In Accordance with 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.

DA01	Location Plan	Revision B 18/12/06
DA02	Land Use Plan	Revision B 18/12/06
DA03	Street Typologies	Revision B 18/12/06
DA04	Building Heights Plan	Revision B 18/12/06
DA05	Pedestrian and Cycle Networks	Revision B 18/12/06
DA06	Open Space Structure Plan	Revision B 18/12/06
DA07	Existing Trees to be Retained	Revision B 18/12/06
DA08	Delivery Strategy	Revision B 18/12/06
DA09	Street Sections – Caddies Boulevard and Sanctuary Drive	Revision B 18/12/06
DA10	Street Sections – Typical Residential Street Types 1 and 2	Revision A 20/12/05
DA11	Street Sections – Typical Residential Street Types 3 and 4	Revision A 20/12/05
DA12	Street Sections – Residential Street with Swale Median	Revision A 20/12/05
DA13	Street Sections – Caddies Creek Edge and Park Edge	Revision A 20/12/05
DA14	Street Sections – Lane and Paddock Crossing	Revision A 20/12/05

Comments regarding compliance with the plans are as follows:

- (i) DA01, Location Plan – the plan identifies the Southern Residential Precinct in context to the site.
- (ii) DA02, Land Use Plan – the plan identifies the site for an apartment development and as a 'key sites/corners'. The site is proposed to be for apartment development. The use is consistent.
- (iii) DA03, Street Typologies – the plan identifies street typologies within the precinct. There is no change to the identified street typologies.
- (iv) DA04, Building Heights Plan – the plan identifies a four storey maximum height adjacent to Sanctuary Drive and the rail link, and a three story maximum height fronting Bellcast Road and Picket Place – see comments below.

- (v) DA05, Pedestrian and Cycle Networks – the plan identifies a shared pedestrian and cycle route along Sanctuary Drive and Bellcast Road, and an on-road signposted cycle route on Picket Place. The proposal will not impact on the cycle or pedestrian routes.
- (vi) DA06, Open Space Structure Plan – the plan identifies open space within the Precinct. There is no impact on open space provision.
- (vii) DA07, Existing Trees to be Retained – the plan identifies existing trees to be retained within the Precinct. There are no trees identified on the subject site.
- (viii) DA08, Delivery Strategy – the site is identified as being 'Design Controlled by Lend Lease/GPT'. The subject application has been lodged by Lend Lease GPT.
- (ix) DA09 – DA14, Street Sections – the plan identifies street types and widths, and footpath and cycle way widths. There is no road construction or impact on footpaths with this application.

a. Height

The Precinct Plan identifies a four storey maximum height adjacent to Sanctuary Drive and the rail link, and a three storey maximum height fronting Bellcast Road and Picket Place. It is noted that the Design Guidelines state the height limit is four storey with a maximum height of 15 metres to top of wall or underside of eaves. The proposed apartments have a four storey height.

LEP 2012 limits the height to 21 metres. The proposal complies with the LEP height limit, with a proposed maximum height of 16 metres.

The applicant has submitted the following as justification:

Clause 4.20 of the Design Guidelines supporting the approved Precinct Plan set a maximum height limit of 4 storeys with a maximum height 15m to top of wall or underside of eaves. There are other references in the Design Guidelines to the building achieving 4 storeys to Sanctuary Drive and 3 storeys to adjoining streets where a nil setback applies. Given the building does not adopt the nil building line setback, the height is consistent with the built form generally expected further back from the streets.

Comment:

The proposed height is considered to be satisfactory in regard to streetscape and given the location of the site. The site is discrete in that it has three street frontages and also adjoins the rail link.

The proposed height is considered to be satisfactory in regard to its relationship to the existing built form. It is acknowledged that the proposed apartments will be higher than the adjoining single and two storey residential development, however the site has always been identified for a higher form of development since the approval of the Masterplan.

The proposed height is considered satisfactory.

iii. Compliance with Design Guidelines

Condition 5 of Development Consent 1362/2006/HB states as follows:

5. Level 3 Development Applications for Construction Works

Separate Development Applications (known as Level 3 DAs) are to be submitted for any construction works within the Southern Residential Precinct and are to be generally in

accordance with the approved Masterplan and Southern Residential Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.

The following comments relate to either residential flat building development or the subject site:

Section	Required	Provided	Complies
3.6: Massing and Height Limits	For apartments, a minimum ceiling height of 2.7m for ground floor/living spaces and 2.55m for upper levels/bedrooms.	The proposal provides floor to ceiling heights are 2.7m.	Yes
3.7 and 4.19: Key Sites	The site is identified as a key site.	The proposal provides appropriate design features for a key site.	Yes
4.20: Apartment Sites	All multi-unit and apartment developments should be designed with consideration to SEPP 65 Residential Flat Design Code.	The proposal has had consideration to SEPP 65 – see comments in Section 5 below.	Yes
	Height limit 4 storey - maximum height 15m to top of wall or underside of eaves.	The proposed height is satisfactory – see comments above in Section 4.	Yes
	The form of the building should address the street alignment of Sanctuary Drive and the Transitway corridor.	The proposal has regard to all adjoining streets and the bus Transitway.	Yes
	The apartment site building/s are to respond to the importance of the Windsor Road frontage and the Transitway station.	The proposal adequately responds to its location adjacent to Windsor Road and the Transitway.	Yes
	The building form should be responsive to noise and solar orientation particularly with regard to the southern and western facades.	The proposal has been supported by an acoustic report which is satisfactory subject to the imposition of conditions. The proposed units receive adequate solar access.	Yes
	Perimeter walls are to be articulated with balconies as punctuations within the perimeter wall.	The proposed design provides reasonable articulation.	Yes
	The base of building is to be expressed and relate to the transitway and retail and/or commercial uses where they are provided.	The proposed design provides reasonable articulation and expression. There are no retail or commercial components proposed.	Yes
	Where there are retail or commercial uses, provide continuous protection in the form of an awning or colonnade for pedestrians at base level. In these	There are no retail or commercial component proposed.	Yes

	locations, the building may be built on the boundary to frame the street edge and provide activation along the streetscape.		
	Lighting under awnings and within colonnades is required.	There are no retail or commercial component proposed.	Yes
	The intersection of the major roads should be expressed architecturally.	The proposed design provides reasonable articulation.	Yes
	Ground floor apartment types to have address and direct entry points from street level whilst maintaining privacy to private open spaces.	All units are raised off natural ground level with no direct access to the street.	Yes
Building Length	Apartment buildings should not exceed 50m in Building Length to ensure that streets are walkable and are not dominated by long lengths of buildings overshadowing footpaths.	The buildings do not exceed 50m in length.	Yes
	For buildings more than 40m in length, the facade must be articulated through the use of projections and insets such as balconies.	Building A is 40.69m and Building B is 48.6m in length. Adequate articulation is provided in the design to ensure that the design will not adversely impact on streetscape.	Yes
Building Setback	The front setback to the Windsor Rd boundary is a minimum of 3m.	The site no longer adjoins Windsor Road due to the location of the existing bus T-Way and future rail link	NA
	The front setback to the Sanctuary Dr boundary is a minimum of 3m.	The setback to the Sanctuary Drive frontage exceeds 3m.	Yes
	The setback to the northern and eastern boundary is a minimum of 0m.	The setback to Picket Place varies from 1-3.5m and Bellcast Road varies from 0.335m to 3m.	Yes
Private Open Space	A minimum of 20m ² of private open space is required per dwelling unit.	Some unit types have private open spaces which are less than 20m ² .	No – see comments in Section 3 above.
	Each dwelling unit is to have at least one balcony or terrace directly accessible from the living areas of minimum 14m ² .	Some unit types have private open spaces which are less than 14m ² .	No – see comments in Section 3 above.
	A portion of a balcony or terrace contributing to the private open space requirements is to be 2.5m.	All units have a portion of the balcony which exceeds 2.5m in width.	Yes
	Remaining private open space requirements may be part of the overall	All units provide an adequate private open space area for private use.	Yes

	communal open space attached to the apartment complex.		
	Courtyards and other communal open spaces are to be pleasant outdoor living spaces well considered with regard to sunlight, winds, height to depth ratio, landscaping and deep planting areas.	The courtyards and common areas are appropriately located and will provide a reasonable level of amenity.	Yes
Articulation	Mechanical exhaust/plant located on roof tops should be integrated within the building fabric or concealed behind a parapet or other screening(where required).	Parapets are proposed on the roof which will provide a screen to the plant and mechanical equipment.	Yes
Fencing	Fencing to the Windsor Rd alignment is to be consistent with the character of the apartment building and be considered with respect to its visual impact from the road and the Transit stop. The fencing is to be commensurate with the importance of the Windsor Rd frontage.	The site no longer adjoins Windsor Road due to the location of the existing bus T-Way and future rail link	NA
Size of Apartments	All units within residential developments should comply with the following minimum unit sizes: 1 bed apartments - 75m ² 2 bed apartments - 110m ² 3 +bed - 135m ²	The sizes required are in accordance with the RFDC. See comments above in Section 3.	See comments above in Section 3.
Bicycle Parking	Bicycle facilities should be provided at the rate of: 1 space per 3 apartments. 1 space per 500m ² gross floor area commercial. Bicycle parking needs to be a combination of long term secure parking and short term parking for visitors.	Based on 47 units, 16 bicycle parking spaces are required, with 12 provided.	No – see comments in Section 3 above.

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

The subject application was lodged on 10 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 applicable to the site under LEP 2012. The height limit is 21m under the LEP, with a maximum height of 16m proposed. 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.	Building A has a depth of 16.48-23m and Building B has a depth of 17.475m. See comments below.
Building Separation	Design and test building separation controls in plan and section. Up to four storeys/12m: 12 metres between habitable rooms/balconies 9 metres between habitable/balconies and non-habitable rooms 6 metres between non-habitable rooms 5 to 8 storeys/up to 25m: 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms.	The proposal is for two buildings with a separation of 6m. See comments above.
Street Setbacks	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Test street setbacks with building envelopes and street sections. Test controls for their impact on the scale, proportion and shape of building facades.	See compliance table in Section 3. Buildings are well articulated and in proportion with respect to the locality of the development.

Side and rear setbacks	Relate side setbacks to existing streetscape patterns.	See compliance table in Section 3. Perimeter landscaping is of a high quality. The scale and proportion of the development is satisfactory.
Floor Space ratio	Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.	There is no FSR applicable to the site under LEP 2012. The proposal is considered satisfactory.
Part 2 – Site Design		
Site Configuration		
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	38.8% deep soil zone is provided. The development has adequate stormwater detention to cater for run-off.
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%.	An area of 581.7m ² of common open space is provided which is 23% of the site. See comments below.
Planting on structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.	Adequate site landscaping is provided on the site.
Site Amenity		
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	The proposal adequately addresses safety. The Police have assessed the proposal and made recommendations. See Section 6.

Visual privacy	Refer to building separation minimum standard.	Adequate separation between buildings has been provided to ensure visual privacy.
Site Access		
Pedestrian access	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20% of dwellings in the development.	Ground level entrances provided and lift access to each floor is available from the basement levels. Accessibility report not submitted however a condition has been recommended. All units are accessible by lift.
Vehicle access	Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	A vehicle entry point has been provided on the secondary frontage (off Picket Place) which is in accordance with Australian Standards which will not conflict with pedestrian access.
Part 3 – Building Design		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8m from a window. The back of a kitchen should be no more than 8m from a window.	There are a number of units which have a depth of 9.7m. See comments below.
Apartment size and mix	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment size is only one factor influencing affordability) • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m²	See comments in Section 3 above.

Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Provided.
Ceiling Heights	Finished floor level (FFL) to finished ceiling level (FCL) of 2.7m for living areas and 2.4m to non-habitable areas. These are minimums only and do not preclude higher ceilings, if desired.	Provided.
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Satisfactory ground floor layouts provided with direct access to private open space and the street.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement 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	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: studio apartments 6m³; one-bedroom apartments 6m³;	One bed – basement cage of 6.25m³ Two Bed – basement cage of 6.85m³ and internal cupboard of 8.35m³ Three Bed – basement cage of 6.85m³ and internal cupboard of 10.45m³

	two-bedroom apartments 8m ³ ; three plus bedroom apartments 10m ³	
Building Amenity		
Daylight Access	Living rooms and private open space for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable. Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	71% of units receive 3 hours sunlight between 9am and 3pm. Northern orientation has been maximised. 9% of units are south-east facing. This is considered satisfactory given the constrained nature of the site.
Natural Ventilation	Building depths, which support natural ventilation typically range from 10m to 18m. 60% of residential units should be naturally cross-ventilated.	Building A has a depth of 16.48-21.815m and Building B has a depth of 17.475m. 70% of units are cross ventilated.
Building Performance		
Waste Management	Supply waste management plan as part of the development application submission as per the NSW Waste Board.	Satisfactory waste management details provided.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Satisfactory.

a. Building Depth

The RFDC states that 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. Building A has a depth of 16.48-23m and Building B has a depth of 17.475m.

The applicant has submitted the following as justification:

The building depth of Building A measures approx. 23m at the widest point of the floor plate however it should be noted that the floor plate is configured as a double loaded central corridor which adds approximately 2.5m of extra width to the floor plate for circulation.

In respect to bulk & scale, the width of the building is mitigated by way of heavy articulation on the ends of the building. Units are also designed to grant ample access to light and air by way of the unit layout and/or orientation. (Refer to notes below on depth of apartments). Only 1 dwelling on each floorplate has a south-only aspect. All others are either dual aspect with cross ventilation across corners or face north.

The width of Building B measures approximately 20m in total however the building measures 17.3m glassline to glassline on crossover apartments. It should also be noted that single aspect dwellings measure only 7.2m.

The deepest habitable floorspace from a glassline is the rear wall of the cross-over apartment kitchens measuring 9.1m. However the rear wall is used for the cooktop, pantry & refrigerator and the most used elements, being preparation benchtop and sink, is set at 7.3m from the glassline. Cross-over apartments are also oriented to the northeast thereby permitting good quality deep-plan penetration of daylight.

The ends of Building B are again heavily articulated with balconies and stepped building form.

It is evident that the proposal meets with the intent of the RFDC objectives with the building mass heavily articulated mitigating mass, dwelling designs that allow ample access to light & air and cross-over apartments accommodated in Building B.

Comment:

The proposed design of the buildings is considered satisfactory. The proposed buildings will provide an appropriate streetscape outcome reflecting the modern development style within the area. The design will provide an appropriate level of internal amenity for future residents with access to light and solar access. The design is considered satisfactory in respect to SEPP 65 and the Residential Flat Design Code.

As such the proposed building depths are considered satisfactory and can be supported.

b. Apartment Layout

The RFDC states that single -aspect apartments should be limited in depth to 8m from a window and that the back of a kitchen should be no more than 8m from a window. There are a number of units which have a depth of 9.7m.

The applicant has submitted the following as justification:

Some single aspect units measure 9.7m in depth however it should be noted apartment design has been cognizant of solar access and amenity. Deep plan areas are used for amenities (WC's, bathrooms, laundries & the like). No living spaces are further than 7.6m

from the glass line with the exception of study areas. Some kitchens are positioned to the side of the dining space and within 5m of the glass line.

Comment:

The objectives of the RFDC relate to ensuring that apartments are functional, provide high levels of residential amenity, maximize environmental performance and accommodate the needs of occupants.

A variety of layouts are provided for residents which will provide a satisfactory level of amenity. The units are provided with an adequate level of light and ventilation. The proposed layouts are considered reasonable.

As such the proposed apartment layouts are considered satisfactory and can be supported.

c. Open Space

The RFDC requires that an 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%. An area of 581.7m² of common open space is provided which is 23% of the site.

The applicant has submitted the following as justification:

As Council is aware, the original Lavender Field site earmarked for development in the Master Plan has been significantly reduced in size and its original regular shape converted to a triangular shape due to the easement now required for the elevated North West Rail line. It is not a large site nor would it be considered a brown field site.

Whilst the overhead rail easement has reduced the site area, it does in itself provide visual and recreational amenity for residents immediately adjacent to the site. The land under the elevated rail line will serve an additional open space function including cycleway and pedestrian path leading past the Mungerie House Precinct to the shops. This immediate amenity is supplemented by the community and recreation facilities provided less than 100m from the site around Mungerie House, including swimming pool, tennis court, gymnasium, basketball court, community meeting room and children's playground.

The Residential Flat Design Code notes in the section dealing with 'Better Design Practice', the importance of providing 'communal open space which is appropriate and relevant to the context and the building's setting' including recognizing that:

- the requirement for communal open space may decrease proportionately as FSR increases in high density areas*
- where communal open space is difficult to accommodate on site, councils may need to consider the adequacy of public open space provision in the locality.*

The proposed development has a floor space ratio of nearly 2.2:1 and has been earmarked for higher density development in both the Master Plan and Council's planning controls. Moreover, the communal open space within the development is 581.7m² as shown in the attached plan. The communal open space comprises a variety of spaces, with stairs and planter boxes for informal seating and backdrops of planting to define spaces and increase the amenity of these areas. This results in over 23% communal open space.

The communal open space provided for the proposed development is supplemented by the visual and recreational amenity of the open space under the rail easement and the substantial community and recreation facilities provided around Mungerie House only 100m from the site.

The facilities in the Mungerie House Precinct have been specifically provided by Lend Lease GPT (Rouse Hill) Pty Ltd under a community title framework in expectation of meeting the needs of the future Rouse Hill community, including the residents from the development of this site. On this basis, the residents of the development will have sufficient communal spaces within, adjacent and near to the site for the full range of activities and uses anticipated by the provision of these areas.

Comment:

As outlined above, the proposal adjoins the rail link which is under construction. The rail line is separated from the subject site by a landscaped area. The preliminary corridor landscape plan indicates that tree and shrub planting will be undertaken within the 'buffer' area between the common boundary and the line. The buffer area is in excess of 15 metres in width. The buffer area will also result in a shared landscape outcome and will provide a reasonable landscape outcome for future residents, softening the interface between the development and the rail link.

In addition, the development is within close proximity to the Mungerie House open space area and other pocket parks within the Precinct. Further, the Caddies Creek Precinct is also within a reasonable proximity. As such there is adequate area for open space activities.

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 three roads and is close to public transport. The site is part of the envisaged Masterplan for development of the Rouse Hill Regional Centre. The Southern Residential Precinct is currently characterised by predominantly single dwellings and integrated development.

(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 Sydney Trains, Roads and Maritime Services (RMS), Police and Blacktown City Council and the following comments were received:

a. Sydney Trains

The application was referred to Sydney Trains as the subject site directly adjoins the North West Rail Corridor alignment. The proposal also requires concurrence under Clause 86 of SEPP Infrastructure 2007.

Sydney Trains advised as follows:

I refer to Council's letter of 3 March 2015 received by Sydney Trains on 10 March 2015 referring the above development application (Proposed Development) for concurrence for the development pursuant to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) due to the proximity of the Proposed Development to the Sydney Metro Northwest (SMNW, previously known as the North West Rail Link) corridor. I also refer to the Sydney Trains "stop the clock" letter of 26 March 2015.

The Proposed Development involves a redevelopment of a site bounded by Sanctuary Drive, Bellcast Road, Picket Place and the SMNW corridor at Rouse Hill. The Proposed Development is a multi-level residential building including lower level underground parking which is within the SMNW corridor protection zone covered by the provisions of the ISEPP. Clause 86 of ISEPP requires the consideration of the likely effect of the Proposed Development on:

- a. the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - i. the safety or structural integrity of existing or proposed rail infrastructure facilities;*
 - ii. the safe and effective operation of existing or proposed rail infrastructure facilities;*
- b. the measures that are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

The development application has been referred to the Metro Product & Integration Branch,

SMNW Project Delivery Office of Transport for NSW (TfNSW) which has now received sufficient information from the applicant to assess the application and has taken the above matters into consideration.

There are concerns about the potential impacts of the proposed development on the structural integrity and the safe, effective operation and maintenance of the SMNW as the Proposed Development directly adjoins the protection zone of the SMNW corridor. Excavation adjoining the rail corridor and the modification of existing drainage from the rail corridor through the site of the Proposed Development would affect the structural integrity of the SMNW and the capacity to design it to effectively meet railway operational needs.

Notwithstanding the above, Sydney Trains has been advised by TfNSW that it can grant concurrence to the proposed development subject to the attached conditions (Attachment A) being included in any such development consent. (Note: Attachment A referred to by Sydney Trains contains the conditions of consent which have been included in the recommended conditions of consent – see Deferred Commencement Consent condition and Condition 20).

Note that the conditions provide for a deferred commencement pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979. The consent, if given, would not operate until the applicant satisfies Council's Chief Executive Officer that the owners of the site of the proposed development have entered into an Agreement with Transport for NSW. This Agreement would address the potential impacts of the proposed development on the SMNW and would provide for:

- a) the design, construction and maintenance of the development to satisfy the requirements of the relevant consent conditions;*
- b) allowances for the construction of a railway viaduct and other rail infrastructure facilities in the vicinity of the approved development;*
- c) allowances for drainage from the railway corridor through the approved development;*
- d) allowances in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and drainage;*
- e) consultation with Transport for NSW;*
- f) access by representatives of Transport for NSW to the site of the approved development and all structures on that site;*
- g) provision to Transport for NSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;*
- h) creation of an easement (to be registered on all titles relevant to the Proposed Development) for the provision and maintenance of adequate drainage from the SMNW corridor through the development site;*
- i) such other matters which Transport for NSW considers are appropriate to give effect to (a) to (h) above; and*
- j) such other matters as the owners and Transport for NSW may agree.*

In addition to giving effect to the consent conditions, the Agreement would incorporate specific design criteria for the Proposed Development prepared by Transport for NSW. These criteria would include:

- a) drawings showing the location of the SMNW alignment relative to the approved development;*
- b) requirements for non-interference by the approved development with the capacity to design, construct, maintain and operate the SMNW;*
- c) design, construction and maintenance requirements for structures associated with the approved development [(including ground anchors)] so as not to interfere with the capacity to design, construct, maintain and operate the SMNW;*

- d) *requirements for structures adjoining the exclusion zones to allow for future demolition of the approved development (or any part of it) without damaging or otherwise interfering with the SMNW railway infrastructure and rail operations; and*
- e) *requirements to implement measures in the approved development to avoid unreasonable interference from the SMNW with respect to noise, vibration, stray currents and electromagnetic fields.*

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 97A of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirement should such an event occur.

On the basis of the above comments, a Deferred Commencement consent condition has been recommended. In addition, the remainder of the Sydney Trains requirements have been included (See Deferred Commencement Condition and Condition 21).

b. RMS Comments

The proposal was referred to RMS given previous interest in development of the Rouse Hill Regional Centre. RMS advised that they raise no objection to the application.

c. Police

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. It is recommended that garage entry and exit be controlled through use of a fob, remote or code access.
- viii. Signage is to be erected to ensure that people are aware they are entering private property. The signage should also include details of what security treatment has been implemented.
- ix. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- x. Lighting is to be utilised within the site in accordance with Australian Standards.

- xi. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- xii. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

Condition recommended – see Condition 19.

d. Blacktown City Council

The proposal was referred to Blacktown City Council given the location of the site which is on the border between the Local Government areas. Blacktown City Council advised that they raise no in principle objection to the proposal except for the shortage of open space.

Comment: The proposed variation to open space under the RFDC has been assessed and is considered satisfactory.

SUBDIVISION ENGINEERING COMMENTS

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

TRAFFIC MANAGEMENT COMMENTS

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

TREE MANAGEMENT COMMENTS

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

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The proposed development is adjacent to a rail corridor and has the potential to be adversely affected by rail noise and/or vibration. Clause 87 of the State Environmental Planning Policy (Infrastructure) 2007 addresses the requirements for development that is adjacent to a rail corridor, setting a noise criteria of 35 dB(A) in bedrooms between 10pm and 7am and 40dB(A) elsewhere in the building.

An acoustic report was submitted by the applicant which modelled and assessed the impacts of vibration and acoustic impacts on the development. Vibration impacts were found to be negligible due to the construction techniques in use on the railway. To address acoustic impacts, the report has provided specific sound reduction index requirements for external walls and glazing. Conditions have been provided to require these matters be addressed at Construction Certificate stage and that an acoustic consultant verify that the requirements have been satisfied prior to the final occupation certificate.

No objection raised to the proposal. Relevant conditions are included in the recommendation (See Conditions 22 and 59).

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 density, site frontage, setbacks, separation, unit size and mix, parking, landscape area and private open space. In addition, variations are proposed to the Southern Residential Precinct Plan in regard to height, private open space, and bike parking and also to SEPP 65 – Design of Residential Flat Buildings and the Residential Flat Design Code in relation to building depth, separation, unit depth and 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 unit layouts and sizes in an appropriate location.

RECOMMENDATION

The Development Application be approved subject to a Deferred Commencement consent and the following conditions.

DEFERRED COMMENCEMENT

Deferred Commencement – Agreement with Transport for NSW

- A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:
1. The owners of the site of the approved development must enter into an Agreement with Transport for NSW to address the potential impacts of the approved development on the Sydney Metro Northwest identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in Condition 20 (i-viii) below;
 - (ii) allowances for the construction, operation and maintenance of railway infrastructure in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) provisions managing the approval of the design for the approved development under which Transport for NSW must be provided with detailed design documentation for the development to enable it to review and approve the same;
 - (v) provisions dealing with the methodology for the execution of construction works, which must be subject to Transport for NSW's review and approval;
 - (vi) consultation with Transport for NSW;
 - (vii) access by representatives of Transport for NSW to the site of the approved development and all structures on that site;
 - (viii) provision to Transport for NSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (ix) obligations in relation to the maintenance of the approved development, including obligations dealing with the ongoing maintenance of the approved development and its interface with the Sydney Metro Northwest rail corridor;
 - (x) such other matters which Transport for NSW considers are appropriate to give

- effect to (i) to (ix) above; and
- (xi) such other matters as the owners and Transport for NSW may agree.
- A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

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
DA001	Locality and Site Plan	6/7/15 Rev. D
DA002	Site Analysis	8/1/15 Rev. C
DA100	General Arrangement – B1 & B2	7/5/15 Rev. D
DA101	General Arrangement – Gnd & 1 st	4/6/15 Rev. D
DA102	General Arrangement – 2 nd & 3 rd	4/6/15 Rev. D
DA103	General Arrangement – Roof	8/1/15 Rev. D
DA200C	Site Elevations (Coloured)	7/1/15 Rev. D
DA200	Site Elevations	8/1/15 Rev. C
DA201	Sections	8/1/15 Rev. C
DA202	Building B – Elevations	18/12/14 Rev. B
DA203	Building B – Exterior Materials and Finishes	7/1/15 Rev. C
DA205	Building A – Materials and Finishes	11/12/14 Rev. B
DA400	Unit Plans – Sheet 1	7/5/15 Rev. D
DA401	Unit Plans – Sheet 2	7/5/15 Rev. D
DA410	Compliance Assessment Diagrams	8/1/15 Rev. D
DA420	Shadow Diagrams – Sheet 1	18/12/14 Rev. C
DA421	Shadow Diagrams – Sheet 2	18/12/14 Rev. C
DA440	South Eastern Perspective View	8/12/14 Rev. A
DA 441	North Eastern Perspective View	8/12/14 Rev. A
DA442	Western Perspective View	8/12/14 Rev. A
DA_SRP_100	Landscape Plan	06/12/14 Rev. A
DA_SRP_101	Landscape Details	17.12.14 Rev. A
DA_SRP_102	Landscape Details	17.12.14 Rev. A
DA_SRP_103	Planting and Materials Palette	17.12.14 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 47 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:

60 resident spaces;

10 visitor spaces;

A bike rack accommodating a minimum 12 bicycles.

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

4. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 200 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.

5. Separate Application for Strata Subdivision

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

6. 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.

7. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- v. All accessible car parking spaces are to be adjacent to a shared zone as per AS/ NZS 2890.6.

- vi. Where car parking aisles do not continue or intersect with other aisle, a 1.0m aisle extension is required as per AS/ NZS2890.1.
- vii. Visitor car parking spaces are to be grouped together.

8. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

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 medium duty standard.

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

ii. 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 low point of the site currently is adjacent to the proposed structure. A series of pits are to be located at this low point to avoid stormwater collecting against the structure.

A grated drain is to be provided at the low end of the entrance ramp into the basement, and this drain is to discharge under gravity to the street stormwater infrastructure.

The existing 375 diameter pipe in the verge fronting the site is to be replaced with a 450 diameter RCP pipe as per the hydraulic drawings provided by Hyder Consulting.

iii. 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.

iv. Service Conduits

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

10. 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.

11. 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.

12. 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.

13. Adherence to Waste Management Plan

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

14. 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

15. 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.

16. Commencement of Domestic Waste Service

The building owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. 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.

17. Waste Management Design Requirements

The following works are required:

i. Construction of Garbage Room

All work involving construction of the garbage room must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. The room must be mechanically ventilated. Storage facility must be provided for a minimum of 5 x 1100L bulk garbage bins and 4 x 660L bulk recycling bins. The measurements of the abovementioned bins are provided below:

660L: 850mm (d) 1370mm (w) 1250mm (h)

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

ii. Provision of Waste Servicing Path

Provide a waste servicing path from the garbage room leading to the street, including kerb crossing. The path must allow the most direct access to the bins by waste collection contractors. The path must be a minimum width of 1.5m, not exceed a grade of 1:20 (5%) and must be constructed of concrete with a smooth non-slip finish.

iii. Provision of No Parking Signs

Provide 12 metres of No Parking 6:00am to 12:00pm Thursday at the garbage room. A sign indicating 'Garbage Collection Day' must also be fixed on the poles.

18. Property Numbering

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with the application does not comply with Council Guidelines, LPI NSW Addressing Policy – multi-level Sub-Address Allocation – AS/NZS4819.

The property address for this development is:- 2 Bellcast Road

Approved unit numbering is:

	BUILDING A	BUILDING B
Grd	G01-G07	G08-G18
1st	101-106	---
2nd	201-206	207-217
3rd	301-306	---

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

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby 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, in the event of an emergency.

19. 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. It is recommended that garage entry and exit be controlled through use of a fob, remote or code access.
- viii. Signage is to be erected to ensure that people are aware they are entering private property. The signage should also include details of what security treatment has been implemented.
- ix. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- x. Lighting is to be utilised within the site in accordance with Australian Standards.
- xi. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- xii. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

20. Sydney Trains/Transport for NSW Requirements

- i. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Sydney Metro Northwest must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW.
- ii. The design and construction of the basement levels, foundations, drainage and ground anchors for the approved development are to be subject to the review and approval of and completed to the satisfaction of Transport for NSW.
- iii. No modifications may be made to that approved design without the consent of Transport for NSW.
- iv. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- v. A detailed regime is to be prepared for consultation with, and approval by, Transport for NSW for the excavation of the site, the construction of the building foundations [(including ground anchors)], and the provision of temporary and permanent drainage for the approved development, which may include geotechnical, hydrological and structural certification in the form required by Transport for NSW.
- vi. All requirements contained in the Agreement between Transport for NSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- vii. Prior to the issue of an occupation certificate, the applicant is to receive written confirmation from Transport for NSW that all requirements in the Agreement related to construction have satisfied Transport for NSW's requirements.
- viii. Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to Council for its records.
- ix. Prior to the application for any construction certificate, an easement benefitting Transport for NSW must be created upon each of the titles which comprise the approved development in relation to the provision and maintenance of drainage (including all costs associated with the provision and maintenance of such drainage) from the Sydney Metro Northwest corridor through the development site.

- x. Prior to the application for any construction certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the Sydney Metro Northwest without the prior written consent of Transport for NSW .

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

21. 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 SEPP 65.

22. Construction requirements - acoustics

Plans and specifications for the construction certificate shall demonstrate that:

- External walls have a minimum R_w of 45 dB;
- Roof/ceilings have a minimum R_w of 43 dB;
- Rooms identified in the table below as requiring laminated glazing are required to be mechanically ventilated;
- Glazing thickness to achieve the following:

Unit	Window Reference	Recommended Glazing Minimum Thickness	Required Minimum R_w or STC (dB)
Ground Floor			
A.01	L3, B4, W3	4 mm Float	22
		4 mm Float	24
A.02	L3, B1	4 mm Float	22
	B3	4 mm Float	24
A.03	L1	4 mm Float	22
	W1, W2	4 mm Float	24
A.04	L1	4 mm Float	22
	W2, W2	4 mm Float	24
A.05	L1	6.38 mm Laminated	25
	W2, W2	6.38 mm Laminated	29
A.06	L1	10.38 mm Laminated	33
	W2, W2	6.38 mm Laminated	29
A.07	L1	6.38 mm Laminated	26
	W1, W2	6.38 mm Laminated	28
First Floor			
A.11	L1, , K4, K4, K4, B4	4 mm Float	22
	W1, W3, D1	4 mm Float	24
A.12	L1	4 mm Float	22
	W1, W2	4 mm Float	24
A.13	L1	4 mm Float	22
	W2, W2	4 mm Float	24
A.14	L1	6.38 mm Laminated	25

	W2, W2	6.38 mm Laminated	29
A.15	L1	10.38 mm Laminated	33
	W2, W2	6.38 mm Laminated	29
A.16	L1, K1, k2	6.38 mm Laminated	26
	W1, W2	6.38 mm Laminated	28
Second Floor			
A.21	L1, , K4, K4, K4, B4	4 mm Float	24
	W1, W3, D1	6.38 mm Laminated	26
A.22	L1	4 mm Float	24
	W1, W2	6.38 mm Laminated	26
A.23	L1	4 mm Float	24
	W2, W2	6.38 mm Laminated	26
A.24	L1	6.38 mm Laminated	27
	W2, W2	8.38 mm Laminated	31
A.25	L1	6.38 mm Laminated	26
	W2, W2	8.38 mm Laminated	31
A.26	L1	8.38 mm Laminated	28
	W1, W2	10.38 mm Laminated	30
Third Floor			
A.31	L1, , K4, K4, K4, B4	6.38 mm Laminated	26
	W1, W3, D1	8.38 mm Laminated	28
A.32	L1	6.38 mm Laminated	26
	W1, W2	8.38 mm Laminated	28
A.33	L1	6.38 mm Laminated	26
	W2, W2	8.38 mm Laminated	28
A.34	L1	8.38 mm Laminated	29
	W2, W2	10.38 mm Laminated	33
A.35	L1	6.38 mm Laminated	28
	W2, W2	10.38 mm Laminated	33
A.36	L1, K1, k2	8.38 mm Laminated	30
	W1, W2	10.38 mm Laminated	32
Ground Floor Lower Level - First Floor Upper Level			
B.01 Lower Level	K3, K4, L4, D2	6.38 mm Laminated	28
B.01 Upper Level	W1, W1	6.38 mm Laminated	29
B.02 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.02 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4, D1	4 mm Float	24
B.03 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.03 Upper Level	W4	6.38 mm Laminated	29

	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.04 Lower Level	W4	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.04 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.05 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.05 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.06 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.06 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.07 Lower Level	W4	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.07 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.08 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.08 Upper Level	W4, W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L2, L5, K4, D1	4 mm Float	24
B.09 Ground Floor	W1	6.38 mm Laminated	25
	B1, B2, D1	4 mm Float	24
B.10 Ground Floor	W1, W1, L1. K4	4 mm Float	22
B.11 Ground Floor	W1, W1, L1. K4	4 mm Float	22
Second Floor Lower Level - Third Floor Upper Level			
B.21 Lower Level	K3, K4, L4, D2	10.38 mm Laminated	30
B.21 Upper Level	W1, W1	10.38 mm Laminated	33

B.22 Lower Level	W5	10.38 mm Laminated	31
	B5	8.38 mm Laminated	27
B.22 Upper Level	W4	10.38 mm Laminated	33
	B4	6.38 mm Laminated	29
	L4, D1	8.38 mm Laminated	28
B.23 Lower Level	W5	10.38 mm Laminated	31
	B5	8.38 mm Laminated	27
B.23 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
B.24 Lower Level	W4	10.38 mm Laminated	31
	B5	8.38 mm Laminated	27
B.24 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
B.25 Lower Level	W5	10.38 mm Laminated	31
	B4	8.38 mm Laminated	27
B.25 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
B.26 Lower Level	W5	10.38 mm Laminated	31
	B4	8.38 mm Laminated	27
B.26 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
B.27 Lower Level	W4	10.38 mm Laminated	31
	B4	8.38 mm Laminated	27
B.27 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
B.28 Lower Level	W5	10.38 mm Laminated	31
	B4	8.38 mm Laminated	27
B.28 Upper Level	W4, W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L2, L5, K4, D1	6.38 mm Laminated	28
B.29 Second Floor	W1	8.38 mm Laminated	27
	B1, B2, D1	6.38 mm Laminated	26

B.30 Second Floor	W1, W1, L1. K4	6.38 mm Laminated	26
B.31 Second Floor	W1, W1, L1. K4	6.38 mm Laminated	26

23. Mechanical ventilation – acoustic requirements

Internal noise levels from mechanical ventilation or air-conditioning shall not exceed 35 dB(A) for bedroom areas and 40 dB(A) for all other habitable areas.

External noise levels from mechanical ventilation or air-conditioning shall not exceed 5 dB over the lowest existing background noise level (L_{AF90}) when in day time use and when measured at the neighbouring boundary.

24. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

25. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$120,000 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 road frontage of the subject site plus an additional 50m on either side (142m total) multiplied by the width of the road (10m).

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

26. Security Bond Requirements

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

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

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

27. Sediment and Erosion Control Plan

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

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;

- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

PRIOR TO WORK COMMENCING ON THE SITE

28. Principal Certifying Authority

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

29. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

30. 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.

31. 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.

32. 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.

33. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

34. 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.

35. 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.

36. 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.

37. 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.

38. Sediment and Erosion Control

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

39. 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).

40. Waste Management Details Required

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

DURING CONSTRUCTION

41. 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.

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. Critical Stage Inspections – Engineering Works

The engineering works within the verge 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.

44. 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. 600818M 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.

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. Roof Water Drainage

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

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. 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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

49. Compliance with Requirements of Development Consent

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

50. Landscaping Prior to Issue of Occupation Certificate

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

51. 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.

52. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

53. Creation of Restrictions / Positive Covenants

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

i. Restriction – Bedroom Numbers

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.

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. 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.

56. 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.

57. 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.

58. Final Inspection of Garbage Room

Prior to an Occupation Certificate being issued, a final inspection of the garbage room and associated areas 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.

59. Acoustic construction compliance

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant shall provide written verification that the requirements of the acoustic report (Rail Traffic Noise Assessment – Lavender Field Apartments – Bellcast Road and Picket Place, Rouse Hill, NSW 2142 (June 2015) (Report No. nss22224 – Final – Rev A) by Noise and Sound Services) and the acoustic conditions contained within this consent, have been satisfied.

THE USE OF THE SITE

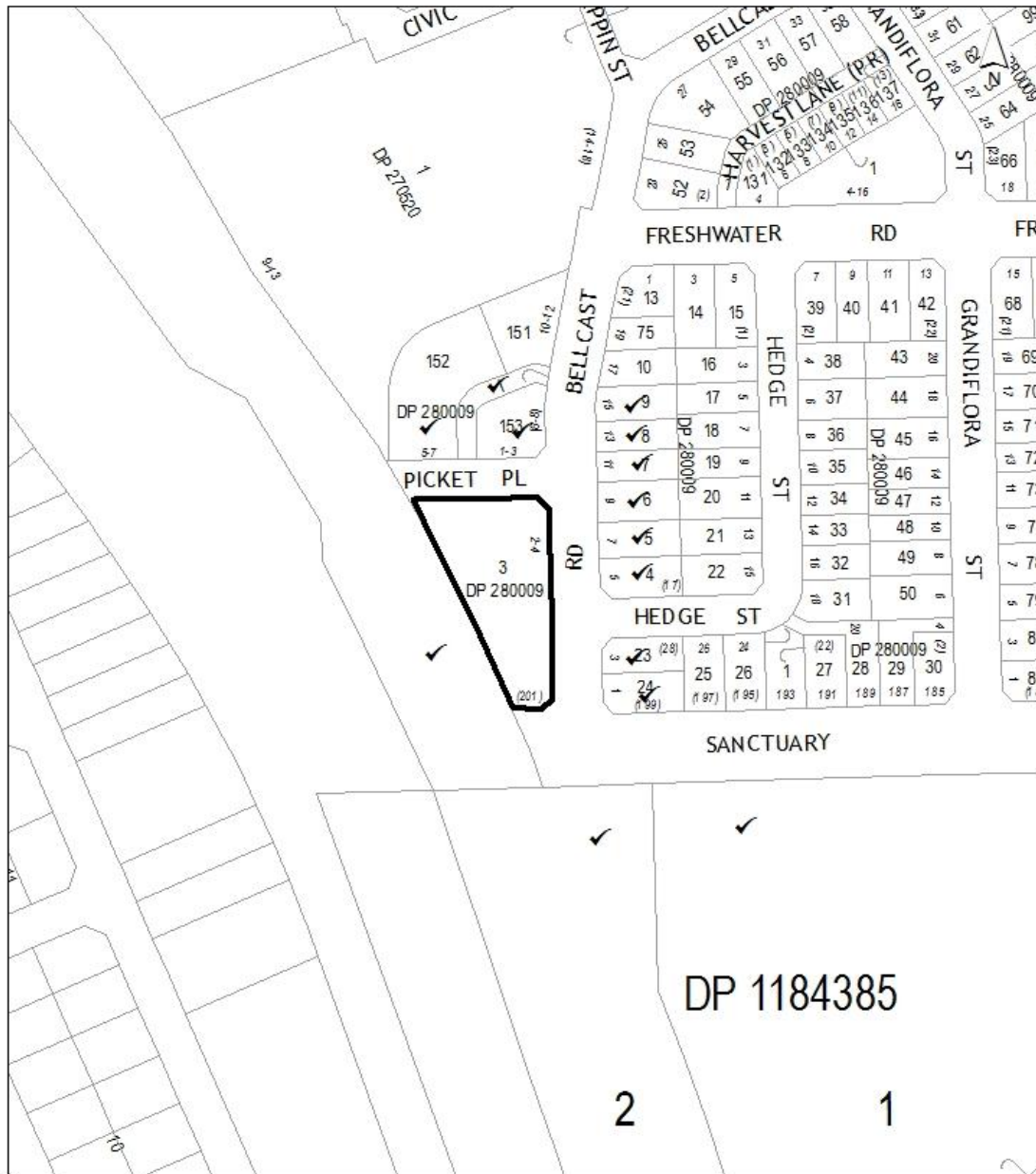
60. Waste and Recycling Management

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. A caretaker is required to be engaged to manage waste operations at the development (i.e. keeping waste storage areas clean and free of dumped rubbish, ensuring new residents are aware of the waste management arrangements and liaising with Council/ the collection contractor).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site and Landscape Plan
4. Elevations
5. Perspective from Bellcast Road

ATTACHMENT 1 – LOCALITY PLAN



☐ SUBJECT SITE

✓ PROPERTIES NOTIFIED

NOTE: BLACKTOWN CITY COUNCIL ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 4 – ELEVATIONS



ATTACHMENT 5 – PERSPECTIVE FROM BELLCAST ROAD

