

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW079
DA Number	1371/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	FOUR X FIVE STOREY RESIDENTIAL FLAT BUILDINGS CONTAINING 181 UNITS AND TWO LEVELS OF BASEMENT PARKING ON PROPOSED LOT 3 IN PLAN OF SUBDIVISION OF LOT 2 DP 1180345
Street Address	PROPOSED LOT 3 IN A RESUBDIVISION OF LOT 2 DP 1180345 – NO. 68 HEZLETT ROAD, KELLYVILLE
Applicant/Owner	KANEBRIDGE CONSTRUCTIONS NSW PTY LTD
Number of Submissions	ONE
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP SYDNEY REGION GROWTH CENTRES 2006 • NORTH KELLYVILLE PRECINCT DCP • SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT • SEPP 55 – REMEDIATION OF LAND • RESIDENTIAL FLAT DESIGN CODE
List all documents submitted with this report for the panel's consideration	NIL
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	SENIOR TOWN PLANNER GREG SAMARDZIC

EXECUTIVE SUMMARY

The Development Application is for construction of four x five storey residential flat buildings containing 181 units and two levels of basement parking with 233 car parking spaces on proposed Lot 3 in plan of subdivision of Lot 2 DP 1180345. The proposal provides for 7 x 1 bedroom units, 154 x 2 bedroom units and 20 x 3 bedroom units.

The development is proposed on the portion of the site zoned R3 Medium Density Residential. Under the provisions of the Sydney Region Growth Centres SEPP 2006, residential flat buildings are permissible in the zone. The DCP sets out a minimum density of 20 dwellings per hectare and no FSR control is applicable to the site.

The subject site has a height limit of 16m and the proposal exceeds the height limit by a maximum of 500mm or 3.1%. The variation to the height is minor which is attributed to changes in site levels and to the provision of lift overruns. The increased height will have no impact upon the solar access on surrounding lots or the amenity of the area.

The proposed development includes minor encroachments to the 6m building setback development standard of the North Kellyville DCP. The design generally complies with recommended building setbacks with the exception of balconies on levels 3 and 4 having a minimum setback of 4.5m fronting Barry Road. In conjunction with the landscaping, a reasonable streetscape is provided and impacts of the built form are minimised. There will be no unreasonable loss of privacy or amenity as a result of the variation. The setback variations to the upper storeys are minor and generally only relate to balcony balustrades. The variations are reasonable and provide articulation within the building facade and can be supported on that basis.

In the absence of the JRPP process the matter would be determined under Delegated Authority. The application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mr G Galdes and Mrs C Galdes	1.	<u>Section 79C (EP&A Act) - Satisfactory</u>
Zoning:	R3 Medium Density	2.	<u>SEPP Sydney Region Growth Centres 2006 - Variation, see report</u>
Area:	SP2 Local Road Widening 9,020m ²		
Existing Development:	Single storey dwelling, garage and sheds		
		3.	<u>SEPP 65 - Design Quality of Residential Flat Development - Satisfactory</u>
		4.	<u>SEPP Building Sustainability Index BASIX 2004 - Satisfactory</u>
		5.	<u>State Environmental Planning Policy No 55—Remediation of Land - Satisfactory</u>
		6.	<u>North Kellyville DCP - Variation, see report</u>
		7.	<u>Section 94 Contribution - \$4,062,714.68</u>
		8.	<u>Capital Investment Value: \$38,635,419.00</u>

SUBMISSIONS

REASON FOR REFERRAL TO JRPP

1. Exhibition:	30 days	1.	Capital Investment Value in Excess of \$20 million to SEPP (Major Development) 2005
2. Notice Adj Owners:	30 days		
3. Number Advised:	12		
4. Submissions Received:	One from The Hills District Historical Society		

HISTORY

03/10/2014 Pre-lodgement meeting held.

13/02/2015 Second pre-lodgement meeting held.

06/05/2015	Subject Development Application lodged.
27/05/2015	Letter sent to the applicant requesting additional information in relation to engineering and resource recovery matters.
01/06/2015	Additional information submitted.
02/06/2015	Amended plans submitted.
25/06/2015	Briefing to JRPP members.
01/07/2015	Letters sent to the applicant stating that there are concerns with the subject application in relation to unit floor areas, the common open space areas, solar access, building and ceiling heights.
03/07/2015	Additional solar access information lodged.
13/07/2015	Additional information lodged to provide a justification to the proposed unit areas, further embellishment to common open space areas and a reduction in building height.
27/07/2015	Letter sent to the applicant requesting additional information in relation to unit floor areas.
28/07/2015	Development Consent No. 980/2015/ZA granted for subdivision of Lot 2 DP 1180345 creating six residential lots, two residue lots and one road widening lot including new road and demolition.
12/08/2015	Meeting held with the applicant and applicant's consultants to discuss concerns with the unit floor areas proposed.
18/08/2015	Amended concept plans submitted increasing the size of units to comply with page 69 of the Residential Flat Design Code.
09/09/2015	Letter sent to the applicant requesting submission of amended plans which increase the size of units.
24/09/2015	Amended plans submitted.

PROPOSAL

The Development Application is for construction of four x five storey residential flat buildings containing 181 units and two levels of basement parking with 233 car parking spaces on proposed Lot 3 in plan of subdivision of Lot 2 DP 1180345. The development is proposed on the portion of the site zoned R3 Medium Density Residential.

The proposal is arranged as four distinct buildings as Block A, Block B, Block C and Block D. Blocks A & D are located on a north to south axis and Blocks B & C are on an east to west axis. Block A is located at the western end of the development site and Block D is at the eastern end.

The proposal provides for:

- 7 x 1 bedroom units (internal floor areas: 64-75m²).
- 154 x 2 bedroom units (internal floor areas: 75-118m²).
- 20 x 3 bedroom units (internal floor areas: 124-135m²).

Vehicle access is along the southern boundary of the site on Armbruster Avenue which is a new road to be constructed. Full road width construction for Armbruster Avenue, Thorogood Boulevard and Oxlade Street will need to occur under Subdivision Consent No. 980/2015/ZA. The consent also requires partial road construction for Norval Street. All roads are required to be completed and dedicated prior to the issue of the subdivision certificate and a condition of consent is recommended for the subject application that no occupation certificate be issued until the subdivision is registered. There will be two driveways to provide access to the basement level car park. There are no proposed changes to the Indicative Layout Plan within the DCP under this proposal.

A landscape plan has been prepared and provides for a variety of species, ground covers, fencing and common open space embellishment such as a playground area.

THE SUBJECT SITE AND SURROUNDS

The subject site is known as No. 68 Hezlett Road, Kellyville being Lot 2 DP 1180345 and has an area of 2.462 hectares. The site is located on the western side of Hezlett Road. The site has several structures including a single storey dwelling, garage and sheds. A dam is located to the south west and the northern portion of the site had been used for crop farming.

The site is located within the North Kellyville Precinct of the Sydney Region North West Growth Centre where extensive residential redevelopment is currently being undertaken. There will be supporting infrastructure to include open space areas, conservation areas, town centre land, schools, new roads and the upgrade of existing roads. Currently, the locality is characterised by rural residential properties accommodating single dwellings and market garden style activities along with ancillary sheds, dams and greenhouses.

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 \$38,635,419.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with Requirements of SEPP (Sydney Region Growth Centres) 2006

(i) Permissibility and Zone Objectives

The proposal is defined as a residential flat building:

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

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

(ii) Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1B Residential density.	Minimum 20 dwg/ha.	138 dwg/ha.	Yes .
4.3 Height of buildings.	16m.	Components of Blocks B & D exceed 16m by 500mm.	No – see comments below.
4.6 Exceptions to development standards.	Exceptions will be considered subject to appropriate assessment.	Variations proposed to height are addressed below.	Yes.

a. Variation to Height

Clause 4.6 Exceptions to Development Standards states as follows:

- (1) *The objectives of this clause are:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

- (6) *Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if:*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow consent to be granted for development that would contravene any of the following:*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,*
 - (c) *clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.*

SEPP Sydney Region Growth Centres 2006 limits the height of the development to 16m. Components of Blocks B & D exceed 16m by 500mm.

The applicant has reviewed this matter and has concluded that:

The only exceptions to the height limit are to allow for lift overruns and roof architectural features. The increased height will have no impact upon the solar access or neighbouring lots or the amenity of the area. Reliance is made on Clause 4.6 which permits exceptions to development standards. The height variation is a minor encroachment to the control which does not allow for an additional storey to be achieved and is a result of topography of the site. The built form has been sited and designed to minimise the height variation to only a small portion of two buildings and will not contribute to any visual disruption to the desired streetscape of the locality once fully developed. Only lift overruns and roof features extend beyond the 16m height limit imposed.

The proposed variation to the maximum height would have no greater impact than a fully compliant development as it will be indiscernible from a fully compliant proposal and will not result in any exacerbation of amenity issues arising from overshadowing, privacy or acoustic impacts.

The height objectives of the SEPP are:

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

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

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

The development has been designed to cater for the topography of the site. The non-compliance in height relates to lift overruns and roof features which are proposed to be located at Blocks B & D (see Attachment 9). The non-compliance does not result in any adverse amenity impacts and does not result in a detrimental impact on the streetscape.

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

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

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

The required Design Verification Statement was prepared by Andre Mulder of Zhinar Architects, who is a registered architect.

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

(i) Context

Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The development responds and reflects the context into which it is placed. The site is located in the North Kellyville Release Area and the development conforms to the future desired character of the area. The site is separated by existing and future roads on all sides. Across these roads there are adjoining sites that are zoned R1 General Residential and R2 Low Density Residential to the south. The site adjoins land zoned B2 Local Centre to the north and R2 Low Density Residential to the west. There is a recent approval for a new Woolworth's supermarket at the B2 site. The area is being converted from a rural area into a new urban release area. This context is likely to evolve over time as adjoining sites are to be developed within these new zonings.

(ii) Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

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 in particular as it is not inconsistent with other recent approved developments in the precinct.

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 proposed development addresses matters such as privacy and open space matters.

(iii) Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

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

(iv) Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 20 dwg/ha for the site.

(v) Resources, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The design achieves good natural ventilation and the addition of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs. A BASIX certificate has been lodged. The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

(vi) Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

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

(vii) Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

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/circulation, apartment layouts, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened. The basement car parks have been appropriately designed and appropriate conditions of consent can be imposed to further assist in the promotion of safety and security.

(ix) Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should 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.

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. Council on 9 September 2014 adopted The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings which introduced new development standards in relation to unit floor areas and mix. These controls aim to provide for an appropriate provision of unit types and sizes in the Shire. Compliance with the above standards is discussed later in this report and it is considered that the applicant has adequately addressed this issue.

(x) Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

An appropriate composition of building elements, material textures and colours has been used.

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

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	No FSR control however the proposal complies with the density controls that apply to the site.	Yes.
	Test heights against the proposed number of storeys and the minimum ceiling heights for the desired building use.	Tested and reasonable – minor variations to 16m height limit.	Yes –. breaches to the 16m height development standard and a written justification using Cl. 4.6 of LEP 2012 to this standard has been submitted (appropriate building transition has

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	achieved (see Daylight Access, Visual Privacy and Acoustic Privacy).		
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The proposal provides for a minimum 6m building façade setback to all roads and 4.5m balconies to Barry Road.	The development is located in a new release area. The street setback is considered acceptable.
Side and rear setback	Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	As the development is surrounded by public roads there is no designated side setbacks, nevertheless, setbacks are either provided by generous landscaped setback areas or access driveways.	Yes.
Floor Space Ratio	Test the desired built form outcome against proposed floor space ratio to ensure consistency with: <ul style="list-style-type: none"> - Building height. - Building footprint. - The three dimensional building envelope. - Open space requirements. 	N/A, no FSR control applies to the site however the proposal technically meets the minimum density controls that apply to the site.	Yes.
Part 2: Site Design			
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The majority of open space is provided around the buildings. Deep soil zones equate to 32.1%.	Yes.
Open Space	The area of communal open space required should generally be at least 25-30% of the site area.	The development provides for a communal open space area of 15.6% of the site.	No – meets the minimum DCP requirement of 15% and the common open space areas are contiguous ensuring they are useable.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m ² .	Each unit at ground level is provided with a private open space area of at least 15.2m ² .	No- meets the minimum DCP requirement of 10m ² .
Pedestrian Access	Identify the access requirement from the street or car parking area to the apartment entrance. Provide barrier free access to at least 20% of dwellings in the development.	Pedestrian access is provided from the street or car parking area to the apartment entrance. Entrance and access to the basement parking is achieved via the internal stairs and elevators.	Yes.
Vehicular Access	Generally limit the width of driveways to a maximum of 6m.	The maximum width of the driveway is 6.1m assessed to be satisfactory by engineering.	Yes.
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Vehicular access is suitably separated from the pedestrian access.	Yes.
Part 3: Building Design			
Apartment Layout	Single aspect apartments should be limited to 8m from a window.	Single aspect units exceed 8m.	Yes - appropriate solar access and cross ventilation are provided to all units.
Apartment size	Minimum apartments sizes: 1 bedroom – 50m ² . 2 bedroom – 70m ² . 3 bedroom – 95m ² . Typology Table (page 69).	All units comply with the minimum apartment size requirements, having a minimum of: 1 bedroom – 64m ² . 2 bedroom – 75m ² . 3 bedroom – 124m ² .	Yes- all units comply with page 69 requirements where a direct typology comparison can be made.
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	The proposal provides for 7 x 1 bedroom units, 154 x 2 bedroom units and 20 x 3 bedroom units.	Yes.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All balconies provide useable areas with a minimum depth of 2m.	Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	Minimum 2.7m.	Yes.
Ground floor apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. Provide ground floor apartments with access to private open space (i.e. terrace, garden).	Appropriately designed ground floor apartments.	Yes.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	There are a maximum of six units per floor.	Yes.
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - Studio – 6m ³ . - 1 bed – 6m ³ . - 2 bed – 8m ³ . - 3 bed+ - 10m ³ .	Separate storage areas in the basement car park.	Yes.
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.	70.7% of the units receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.	Yes.
Natural Ventilation	60% of residential units should achieve natural cross flow ventilation.	60.7% of units achieve cross flow ventilation.	Yes.
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	A satisfactory waste management plan was submitted with the application.	Yes.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	The development will collect rainwater and stormwater and will be stored for re-use on the site.	Yes.

An assessment was also undertaken against the provisions of the newly introduced SEPP 65 – Design Quality of Residential Buildings amendment together with the new

Apartment Design Guide which replaced the Residential Flat Design Code. The new SEPP and associated guidelines are not applicable as the Development Application was lodged prior to its adoption. The changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design. The proposal is considered satisfactory with respect to compliance with the amendment and Apartment Design Guide.

4. Compliance with the North Kellyville Development Control Plan

The proposal has been assessed against the provisions of The North Kellyville Development Control Plan and the following addresses the relevant development controls of the DCP:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED	COMPLIANCE
Section 3.6 – Table 8 Minimum Lot Size by Density Bands.	R3 Medium Density Residential (20 dwg/ha) - 2,000m ² .	9,123m ² .	Yes.
Section 4.3.4 – Table 19 Minimum Frontage.	30m.	124.9m to Barry Road.	Yes.
Minimum Adaptable Dwellings.	10%.	10.4%.	Yes.
Minimum Site Coverage.	50%.	43.3%.	Yes.
Minimum Communal Open Space.	15%.	15.6%.	Yes.
Minimum Private Open Space.	10m ² .	Minimum 10.8m ² .	Yes.
Minimum Front Setbacks.	Front setback – 6m balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length.	Balconies on Levels 3 and 4 for Blocks B & D have a minimum setback of 4.5m to Barry Road.	No, minor encroachments, refer below.
Minimum Corner Lots Secondary Street Setback	6m.	Point encroachment at the north east corner for Block D.	No, minor encroachments, refer below.
DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED	COMPLIANCE
Minimum Habitable Room Separation.	12m.	12m.	Yes.
Minimum Car Parking	1 space per dwelling plus 0.5	233 spaces provided	Yes

	spaces per 3 or more bedroom dwelling 7 x 1 bedroom units, 154 x 2 bedroom units & 20 x 3 bedroom units. Required: 191 spaces Visitor – 1 per 5 units Required: 37 spaces Total required: 228 spaces		
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a) Setbacks

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

The development includes balcony encroachments of up to 1.5m into the front setback area to Barry Road for the upper level storeys of Block B and there are minor balcony encroachments into the secondary setback area at the north east corner of Block D as illustrated in Attachment 11.

The objectives of this section of the DCP are:

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

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

Building façade setbacks of 6m are provided to all street setbacks with some minor exceptions. The proposal is one of the first of its types in the release area but has made a positive contribution to the desired streetscape which allows for street tree plantings and achieves daylight access controls. The proposal provides for adequate articulation along each façade while respecting the setback controls. The setbacks complement the proposed open space, deep soil requirements and separation provisions.

The proposed variations are minor and do not result in any impacts on adjoining properties. The variations add to the articulation of the building façade and can be supported. The setbacks have been designed to ensure there is an appropriate landscape setting for the development and the setbacks of the proposed development as a whole are considered appropriate. The encroachments are supportable. There will be no adverse visual impact. Landscaping with deep soil plantings can be provided around the perimeter of the development.

b) Vision and Character

The DCP objectives of the North Kellyville Precinct are:

- a. To accommodate the future population, in a manner which responds to environmental constraints.*
- b. To create strong social, pedestrian, transit, cycleway and vehicular links with surrounding areas.*
- c. To protect and enhance existing natural features and resources.*
- d. To create opportunities for the development of a variety of housing types and densities.*
- e. To encourage higher densities along public transport nodes and areas of high amenity.*
- f. To promote economically viable development.*
- g. To create a layout plan that will assist an equitable and manageable development process.*
- h. To provide three centres as focal points for walkable neighbourhoods.*

No changes to the Indicative Layout Plan are proposed under this development and the development of this site will not impede on the orderly development of land or on surrounding sites. The proposed development is located within the southern division of Smalls Creek and the Smalls Creek character area is to be an area of residential development consisting of higher densities in the area south of Withers Road.

Part 2.4.1 – Residential Density objectives are:

- a. To ensure minimum density targets are delivered.*
- b. To provide guidance to applicant's on the appropriate mix of housing types and appropriate locations for certain housing types.*
- c. To establish the desired character of the residential areas.*
- d. To promote housing diversity and affordability.*

Whilst the Smalls Creek character statement does not specifically envisage residential flat buildings, this form of development is permissible. There is appropriate justification for higher densities on the subject development site as it adjoins the North Kellyville Centre to the north. Approval of the proposal will not result in an incompatible form of development with the immediate locality in particular when compared to recent development consents granted for properties at Nos. 2-4 Barry Road and Nos. 16-18 Withers Road.

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

Under the provisions of Clause 1.3 of the North Kellyville Development Control Plan, The Hills Development Control Plan 2012 Part B Section 5 Residential Flat Buildings does not apply to the subject site. Nevertheless the proposal has been reviewed against Section 3.11 Unit Layout and Design as follows:

Unit Mix

The development complies with the control which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments and no less than 10% of the units comprise 3 or more bedrooms. The proposal provides for 7 x 1 bedroom units (3.84%), 154 x 2 bedroom units (85.05%) and 20 x 3 bedroom units (11.05%).

Unit Size (Typology)

Of the 181 proposed units, 121 units (67%) fall under 'Type 1', 53 units (29%) fall under 'Type 2' and 7 units (4%) fall under 'Type 3' apartment sizes. The development does not conform to the unit size typology in the DCP.

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

Although the development does not meet the requirements of the DCP, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes where applicable. Clause 30A of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 (the table on page 69) of the Residential Flat Design Code.

The table below details the unit size of each unit, their DCP typology and compliance with page 69 of the Residential Flat Design Code as follows:

Unit No.	No. of Beds	Size (m ²)	DCP Typology
A001	2	118.5	3
A002	2	95.1	2
A003	1	64.4	1
A004	2	91.1	2
A005	2	91.2	2
A006	1	64.4	1
A007	3	124	2
A008	2	90.5	2
B001	1	64.2	1
B002	2	80.5	1
B003	2	80	1
B004	2	75	1
B005	2	75	1
B006	2	89.1	1
B007	1	64.2	1
B008	2	80.5	1
B009	2	80	1
B010	2	75	1
B011	2	75	1
B012	2	89.1	1
C001	1	61.4	1
C002	2	84.4	1
C003	2	75	1

C004	2	75	1
C005	2	89.1	1
C006	1	61.4	1
C007	2	84.4	1
C008	2	75	1
C009	2	75	1
C010	2	89.1	1
D001	2	80	1
D002	1	75.5	3
D003	2	78.3	1
D004	2	90.8	2
D005	2	90.7	2
D006	2	76.9	1
D007	2	96.9	2
D008	2	90.5	2
A101	2	118.5	3
A102	2	95.1	2
A103	2	78.3	1
A104	2	90.7	2
A105	2	90.7	2
A106	2	77.4	1
A107	3	124	2
A108	2	90.5	2
B101	2	80	1
B102	2	80.5	1
B103	2	80	1
B104	2	75	1
B105	2	75	1
B106	2	89.1	1
B107	2	80	1
B108	2	80.5	1
B109	2	80	1
B110	2	75	1
B111	2	75	1
B112	2	89.1	1
C101	2	80	1
C102	2	80.4	1
C103	2	80	1
C104	2	75	1
C105	2	75	1
C106	2	89.1	1
C107	2	80	1
C108	2	80.4	1
C109	2	80	1
C110	2	75	1
C111	2	75	1
C112	2	89.1	1
D101	2	80	1
D102	2	102.6	2
D103	2	76.9	1
D104	2	90.8	2
D105	2	90.7	2
D106	2	76.9	1
D107	3	124.1	2

D108	2	90.5	2
A201	2	118.5	3
A202	2	95.1	2
A203	2	78.3	1
A204	2	90.7	2
A205	2	90.7	2
A206	2	77.4	1
A207	3	124	2
A208	2	90.5	2
B201	2	80	1
B202	2	80.5	1
B203	2	80	1
B204	2	75	1
B205	2	75	1
B206	2	89.1	1
B207	2	80	1
B208	2	80.5	1
B209	2	80	1
B210	2	75	1
B211	2	75	1
B212	2	89.1	1
C201	2	80	1
C202	2	80.4	1
C203	2	80	1
C204	2	75	1
C205	2	75	1
C206	2	89.1	1
C207	2	80	1
C208	2	80.4	1
C209	2	80	1
C210	2	75	1
C211	2	75	1
C212	2	89.1	1
D201	2	80	1
D202	2	102.6	2
D203	2	76.9	1
D204	2	90.8	2
D205	2	90.7	2
D206	2	76.9	1
D207	3	124.1	2
D208	2	90.5	2
A301	2	118.5	3
A302	2	95.1	2
A303	2	78.3	1
A304	2	90.7	2
A305	2	90.7	2
A306	2	77.4	1
A307	3	124	2
A308	2	90.5	2
B301	2	80	1
B302	2	80.5	1
B303	2	80	1
B304	2	75	1
B305	2	75	1
B306	2	89.1	1

B307	2	80	1
B308	2	80.5	1
B309	2	80	1
B310	2	75	1
B311	2	75	1
B312	2	89.1	1
C301	2	80	1
C302	2	80.4	1
C303	2	80	1
C304	2	75	1
C305	2	75	1
C306	2	89.1	1
C307	2	80	1
C308	2	80.4	1
C309	2	80	1
C310	2	75	1
C311	2	75	1
C312	2	89.1	1
D301	2	80	1
D302	2	102.6	2
D303	2	76.9	1
D304	2	90.8	2
D305	2	90.7	2
D306	2	76.9	1
D307	3	124.1	2
D308	2	90.5	2
A401	3	124.2	2
A402	2	75.6	1
A403	2	91	2
A404	2	90.9	2
A405	2	75.6	1
A406	3	124	2
B401	3	124.4	2
B402	2	79.3	1
B403	3	124	2
B404	3	124.1	2
B405	2	79.3	1
B406	3	124	2
C401	3	124.1	2
C402	2	79.3	1
C403	3	124	2
C404	3	124.1	2
C405	2	79.3	1
C406	3	124	2
D401	3	135.2	3
D402	3	135.4	3
D403	2	90.6	2
D404	2	75.9	1
D405	3	124	2

All units exceed the SEPP rule-of-thumb minimum standards and also achieve compliance with the unit size standards set out in the table on page 69 where applicable. All units have efficient layouts. All single aspect units are wide and achieve good amenity. The proposal provides for a mix and range of apartment sizes with satisfactory depths that will assist in meeting the needs of future residents.

Amendment No. 2 of SEPP 65, introduced Clause 30A, which under subclause (1) states that a consent authority must not refuse consent to a development application for a residential flat development, on the basis of ceiling heights and apartment area, as long as the ceiling heights and apartment area meet the minimums stipulated in Part 3 of the RFDC.

The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. Subclause (2) states nothing in this clause permits the granting of consent to a Development Application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of the Policy.

The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

6. Issues Raised in Submission

The application was placed on public notification for a period of 30 days. A submission from The Hills District Historical Society was received indicating they had no concerns due to the separation between the development and the heritage item 'Yalta' at No. 259 Hezlett Road.

ROADS & TRAFFIC AUTHORITY COMMENTS

The application was referred to Roads & Traffic Maritime Services in accordance with Schedule 3 of SEPP Infrastructure 2007. No objection was raised to the proposed development.

NSW POLICE

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected. These have been incorporated, where appropriate, into a recommended condition of consent.

SUBDIVISION ENGINEERING COMMENTS

No objections are raised to the proposal and relevant conditions of consent are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the North Kellyville Development Control Plan and is considered satisfactory.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA01	Site Analysis	D	10/09/15
DA02	Site Plan	D	10/09/15
DA03	Basement 2 Floor Plan	D	10/09/15
DA04	Basement 1 Floor Plan	D	10/09/15
DA05	Plan – Ground Floor	D	10/09/15
DA06	Plan – Typical Level 1-3	D	10/09/15
DA07	Plan - Level 4	D	10/09/15
DA08	Roof Plan	D	10/09/15

DA09	Elevations 1	D	10/09/15
DA10	Elevations 2	D	10/09/15
DA11	Elevations 3	D	10/09/15
DA12	Elevations 4	D	10/09/15
DA13	Sections	D	10/09/15
DA17	Material Schedule 1	D	10/09/15
DA18	Material Schedule 2	D	10/09/15
Sheet No: 1 OF 3	Landscape Site Plan	B	27.4.15
Sheet No: 2 OF 3	Landscape Planting Plan	B	27.4.15
Sheet No: 3 OF 3	Landscape Calculations/Planting Schedule/Notes/Details	B	27.4.15

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

2. Construction Certificate

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

3. Building Work to be in Accordance with BCA

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

4. Demolition Notification

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

5. External Finishes

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

6. Provision of Parking Spaces

The development is required to be provided with a total 233 off-street car parking spaces and five motorcycle spaces. These spaces shall be available for off street parking at all times.

7. Accessibility and Adaptability

The access compliance assessment report dated 14 April 2015 must be adhered to at all stages.

8. Compliance with NSW Police Force Requirements

The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 1 June 2015 comprising the following:-

- Ground level units to have upgraded security measures in place such as doors/windows being alarmed, thickened glass and sensor lights.
- CCTV coverage is to be used to monitor all common areas, entry/exits points, letter boxes, cars, motor cycles and lifts etc.
- Use of height indicator stickers on entrance/exit doors are to be used.
- High quality letter boxes that meets AS ISO9001:2008 and only to be accessed via within the unit complex by residents.
- Lift from car park into the residential part of the building to be used with a fob or pin code etc.

- Entry into car park to be secured by a fob, remote/code access, camera etc.
- Ensure improved strength to security roller shutters/garage doors.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism to be used.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- The underground car parking areas to be painted white to assist in reflecting light.
- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting entry/exit points from the building, car park and access/exit driveways etc.
- Use of anti-graffiti building materials.
- Vegetation to be kept trimmed at all times.
- High fencing during construction are to be used.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.

9. Tree Removal

Approval is granted for the removal of three trees as marked in Arboricultural impact assessment prepared by Redgum Horticulture dated 13 April 2015.

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

10. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 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.

11. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 68 Hezlett Road, Kellyville, dated 12/11/2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 4.3.1 – Recommended Treatments;

Section 4.3.1.1 – Recommended Glazing;

Table 5 – Glazing Requirements;

Table 6 – Minimum STC of Glazing (with Acoustic Seals);

Section 4.3.1.2 External Doors;

Section 4.3.1.3 Roof / Ceiling Construction; and

Table 7 – External Roof Construction (Colorbond Steel or equivalent).

12. Control of Early Morning Noise from Trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

13. Management of Construction and/or Demolition Waste

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

metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

14. 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.

15. Commencement of Domestic Waste Service

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

16. Construction of Garbage Rooms

All work involving construction of the two garbage rooms is required to comply with the requirements of Council's waste storage area specifications, as attached to this consent. Storage facility in each room must be provided for a minimum of 5 x 1100L bulk garbage bins and 15 x 660L bulk recycling bins. The measurements of these bins are provided below:

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

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

NOTE: The garbage rooms must be mechanically ventilated and should include automatic odour control systems.

17. Separate Application for Strata Subdivision

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

18. 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.

19. 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 ramp grades are to be maximum 22% with the relevant transitions as per above documentation.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

20. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

- The proposed driveways must be built to Council's heavy duty standard.

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

ii. Disused Layback/ Driveway Removal

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

iii. Site Stormwater Drainage

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

iv. Service Conduits

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

v. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of bioretention areas and rainwater tanks, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided. The MUSIC model submitted as part of the DA process has nominated the use of effective nutrient removing plants in the bio-retention basins. This requires a plant mix of greater than 50% to be made up of the following species:

- i. Carex;
- ii. Juncus;
- iii. Melaleuca; and
- iv. Goodenia ovata.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

21. Garbage Vehicle Access and Loading

Minimum vehicle access and loading facilities must be designed in accordance with AS2890.2 for the standard SRV with a modified vehicle length. The overall modified vehicle length is 7.4m. The additional 1m is rear overhang. The access and loading design must accommodate for the modified vehicle length and also provide additional space for loading (rear of vehicle).

NOTE: Garbage vehicles must enter and leave the site in a forward direction and are only permitted a single reverse movement into a designated loading area.

22. Waste Loading Bay Signage

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

23. 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 moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

24. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all docket and paper work for the disposal shall be retained and made available to the Council if requested.

25. 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 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.

26. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

27. Design Verification

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

28. Submission of a Salinity Report

A salinity report is to be prepared and submitted prior to the issue of the construction certificate. The recommendations of the report are to be implemented as part of this approval.

29. Special Infrastructure Contribution – Growth Centres

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

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

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

30. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

31. Section 94 Contribution – North Kellyville

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 7	No. of 2 Bedroom Units: 154	No. of 3 Bedroom Units: 20	Sum of Units	No. of Credits: 1	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 40,984.72	\$ 1,578,282.86	\$ 278,167.60	\$ 1,897,435.18	\$ 13,908.38	\$ 1,883,526.80
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 6,402.76	\$ 246,564.78	\$ 43,456.20	\$ 296,423.74	\$ 2,172.81	\$ 294,250.93
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 3,239.39	\$ 124,744.62	\$ 21,986.00	\$ 149,970.01	\$ 1,099.30	\$ 148,870.71
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 24,115.35	\$ 928,658.50	\$ 163,673.40	\$ 1,116,447.25	\$ 8,183.67	\$ 1,108,263.58
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 5,998.93	\$ 231,012.32	\$ 40,715.20	\$ 277,726.45	\$ 2,035.76	\$ 275,690.69
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 2,636.62	\$ 101,533.74	\$ 17,895.00	\$ 122,065.36	\$ 894.75	\$ 121,170.61
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,368.43	\$ 52,695.72	\$ 9,287.60	\$ 63,351.75	\$ 464.38	\$ 62,887.37
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 3,333.75	\$ 128,379.02	\$ 22,626.60	\$ 154,339.37	\$ 1,131.33	\$ 153,208.04
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 323.05	\$ 12,440.12	\$ 2,192.40	\$ 14,955.57	\$ 109.62	\$ 14,845.95
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 88,403.00	\$ 3,404,311.68	\$ 600,000.00	\$ 4,092,714.68	\$ 30,000.00	\$ 4,062,714.68

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No. 13.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

32. Erosion & Sediment Control Plan

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

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

33. Protection of Internal Noise Levels (Residential Unit Development)

An acoustic statement is required to be submitted to Council's Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the Acoustic Report prepared by Acoustic Logic Pty Ltd, with reference number 68 Hezlett Road, Kellyville and dated 12/11/2014, have been included in the construction plans of the development.

34. Street Numbering Identification and Letterbox Location

Prior to any Construction Certificate being issued, a plan showing the layout and location of the letterboxes for all units in the development must be submitted to Council's Team Leader – Land and Information, for written approval. Street and unit numbering will be determined after receipt of this plan.

Written correspondence from Australia Post, certifying their approval to the proposed location of the letterboxes must accompany this plan.

Australia post normally requires there be one single group of cluster letterboxes. Should more than one cluster be required, or should a combination of cluster and individual be required, Australia Post approval is necessary.

35. 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.

36. 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.

37. Stormwater Pump/Basement Car Park Requirements

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;
- c) An alarm system to alert a pump failure;

- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street along with the remaining site runoff, under gravity.

All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

38. 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.

39. 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 \$310,420 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 (440m) of the subject site multiplied by the width of the road.

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.

40. Water Sensitive Urban Design Elements – Bioretention Area and Rainwater Reuse Tank (North Kellyville)

The construction certificate issued for this structure must include the bioretention area and rainwater reuse tank conditioned earlier in this consent.

41. Internal Pavement Structural Design Certification

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

PRIOR TO WORK COMMENCING ON THE SITE

42. Principal Certifying Authority

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

43. 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.

44. 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.

45. 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.

46. 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).

47. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

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

48. Site Water Management Plan

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

49. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

50. 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.

51. 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.

52. 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.

53. 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.

54. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

55. Discontinuation of Domestic Waste Service

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

56. Notification of Asbestos Removal

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

57. 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.

DURING CONSTRUCTION

58. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

59. 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.

60. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

61. Contamination

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

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

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

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

63. Asbestos Removal

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

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

64. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

65. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

66. 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.

67. National Parks and Wildlife Act 1974

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

68. 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

69. 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.

70. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled 68 Hezlett Road, Kellyville prepared by Acoustic Logic Pty Ltd dated 12/11/2014. Certification is to be provided to the certifying authority that the project specific noise levels as outlined in the report have been met.

71. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

72. 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.

73. 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.

74. 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.

75. Registration of Subdivision

Any Occupation Certificate shall not be issued for this development until the subdivision pursuant to Development Consent No. 980/2015/ZA has been registered.

76. 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.

77. 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.

78. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

79. 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.

ii. Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

iii. Positive Covenant – Stormwater Pump

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

80. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

81. Internal Pavement Construction

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

82. Final Inspection of Garbage Rooms

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

83. Agreement for Onsite Waste Collection

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

84. 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.

THE USE OF THE SITE

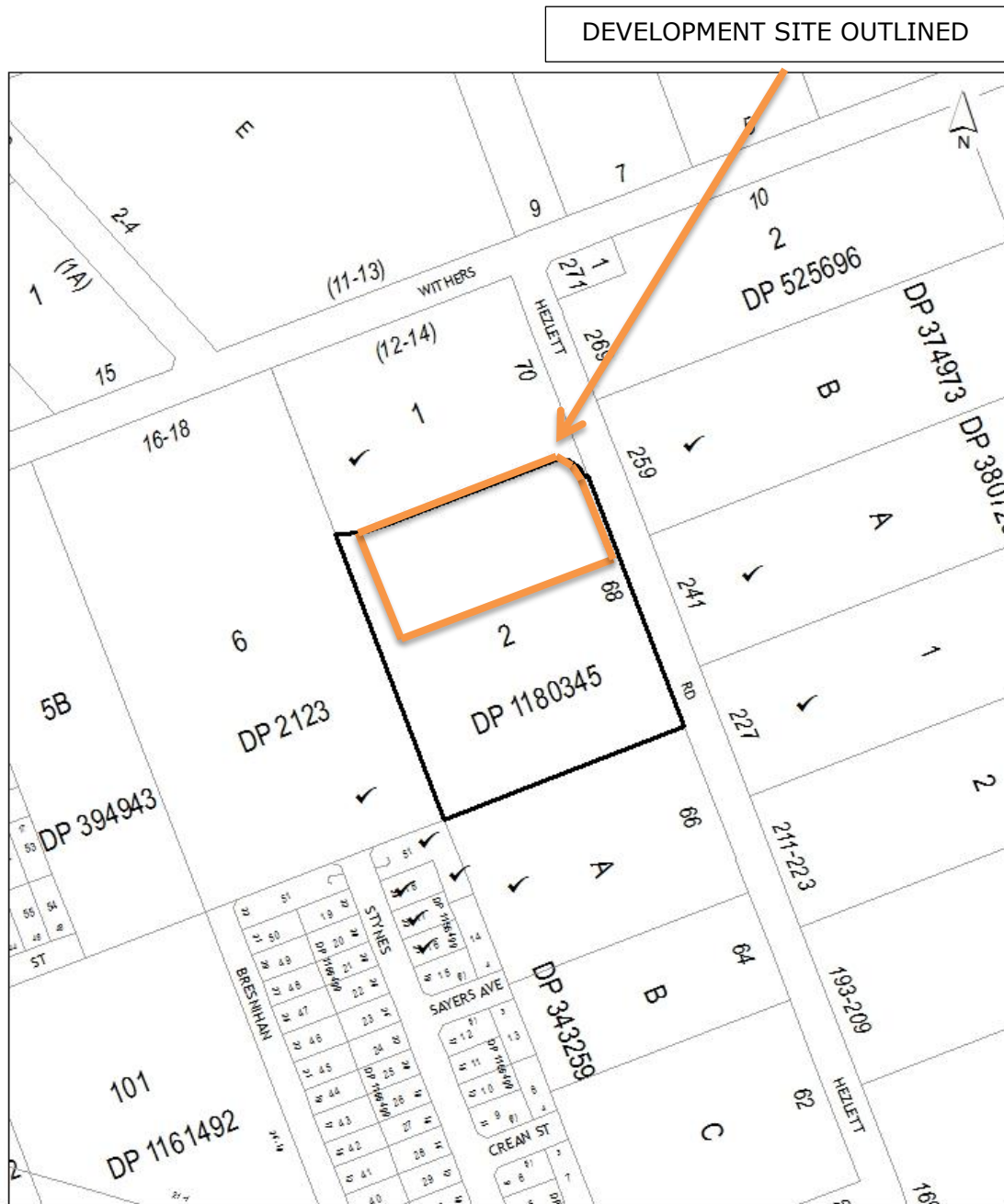
85. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. SEPP Zoning Map and DCP Road Layout Map
4. SEPP Height Limit Map
5. Site Plan
6. Elevations
7. Photomontage
8. Landscape Plan
9. Analysis of Height Diagram
10. Approved Subdivision Plan
11. Proposed Variation to Setbacks

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

NOTE: ONE SUBMISSION RECEIVED
FROM THE HILLS DISTRICT HISTORICAL
SOCIETY

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.

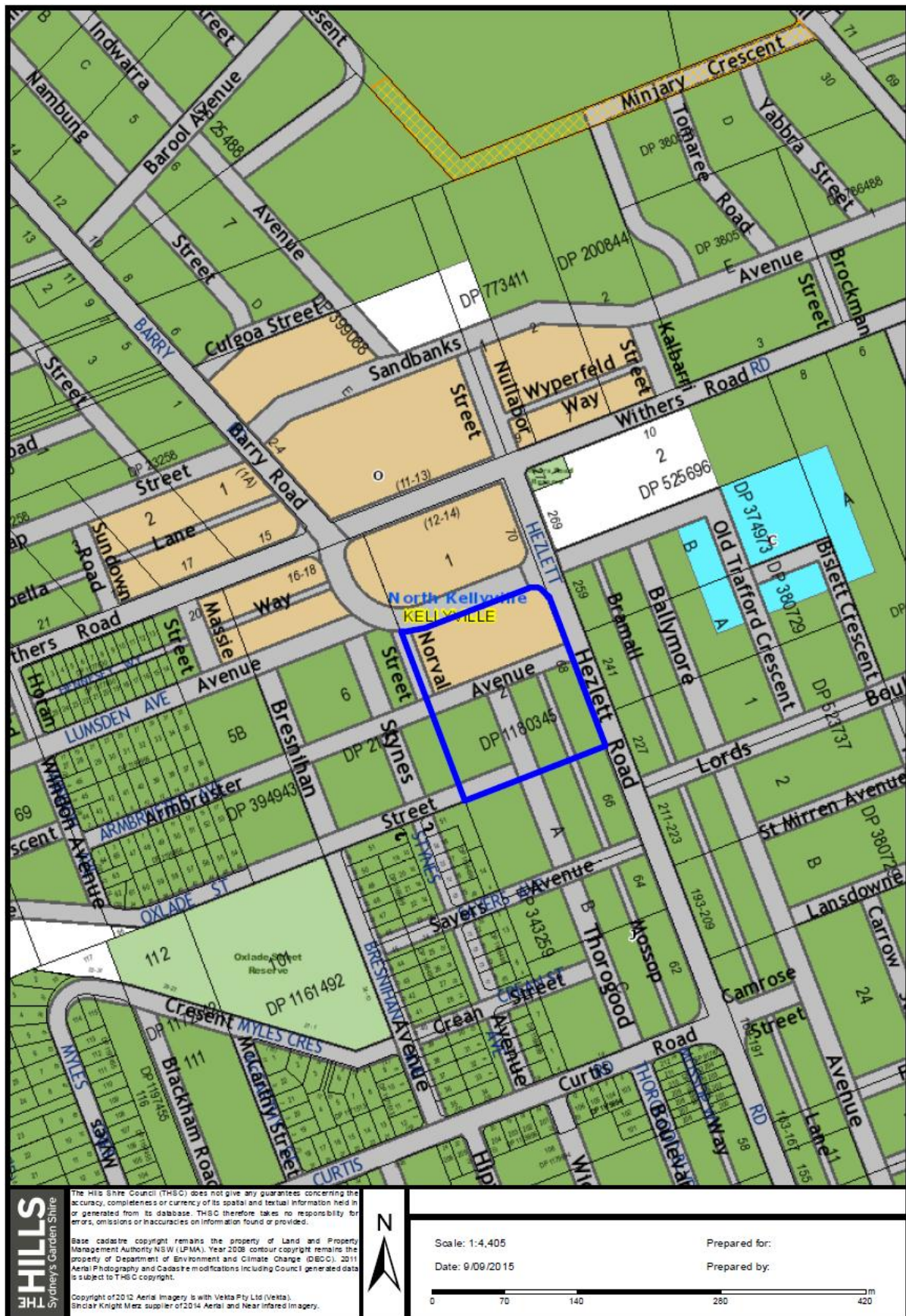
ATTACHMENT 2 – AERIAL PHOTOGRAPH



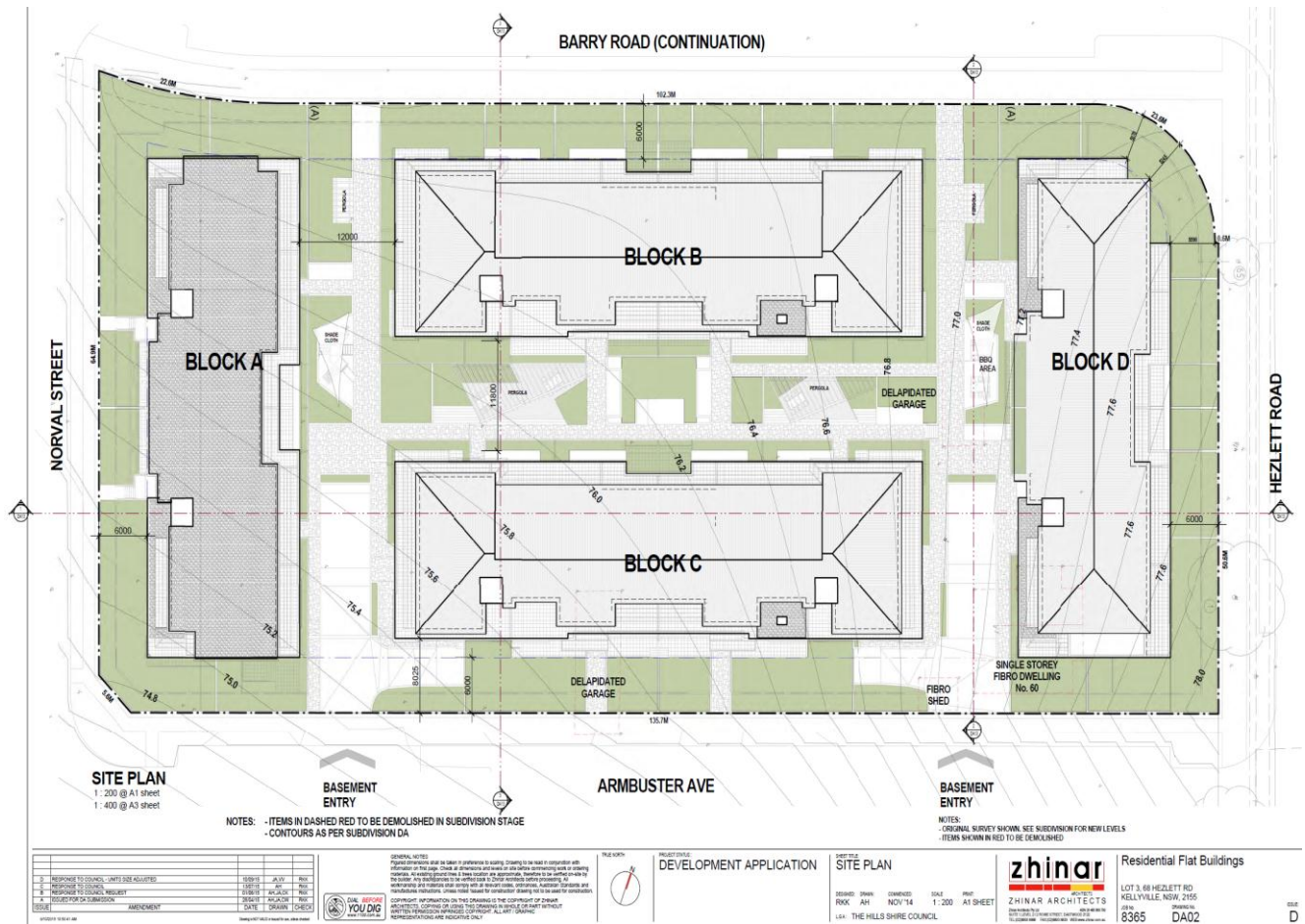
SUBJECT
SITE



ATTACHMENT 4 – SEPP HEIGHT LIMIT MAP



ATTACHMENT 5 – SITE PLAN



ATTACHMENT 6 – ELEVATIONS



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

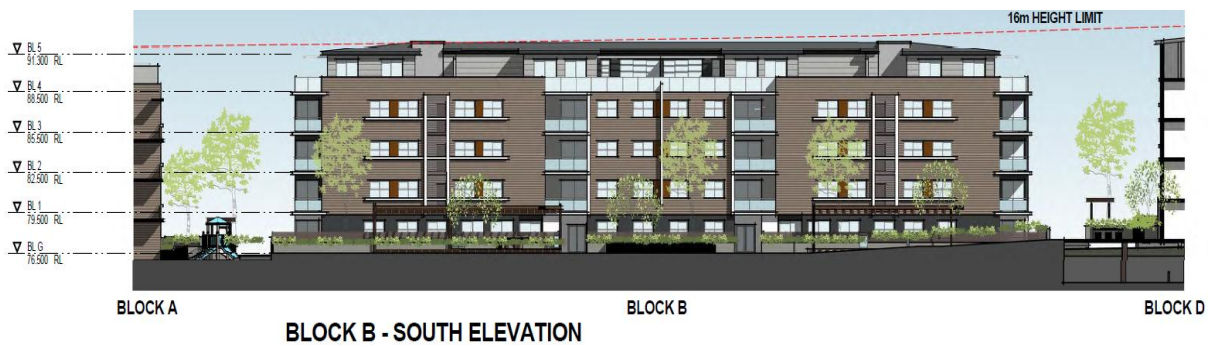


EAST ELEVATION

ATTACHMENT 6 – ELEVATIONS



BLOCK A - EAST ELEVATION



BLOCK B - SOUTH ELEVATION



BLOCK C - NORTH ELEVATION



BLOCK D - WEST ELEVATION

ATTACHMENT 7 – PHOTOMONTAGE

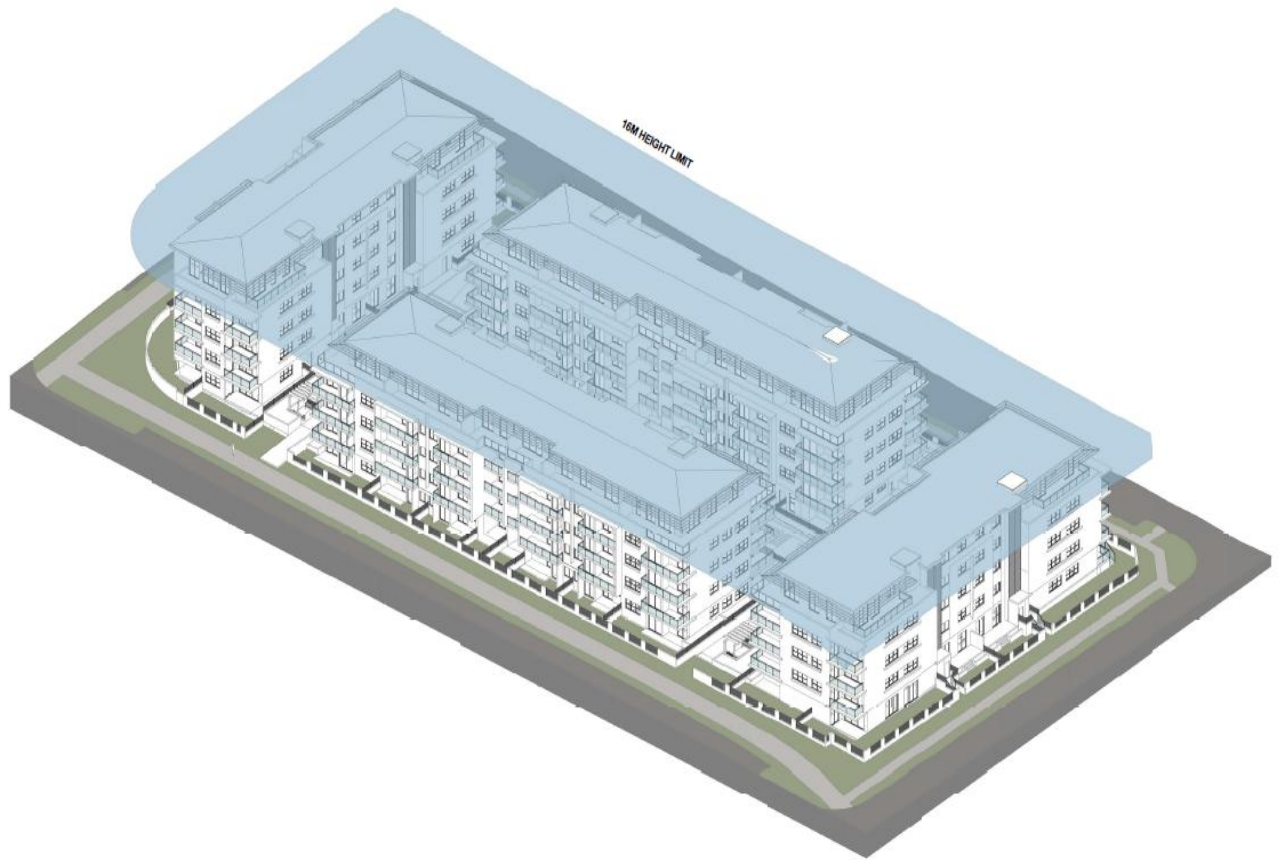


PHOTOMONTAGE - VIEW FROM NORTH-EAST

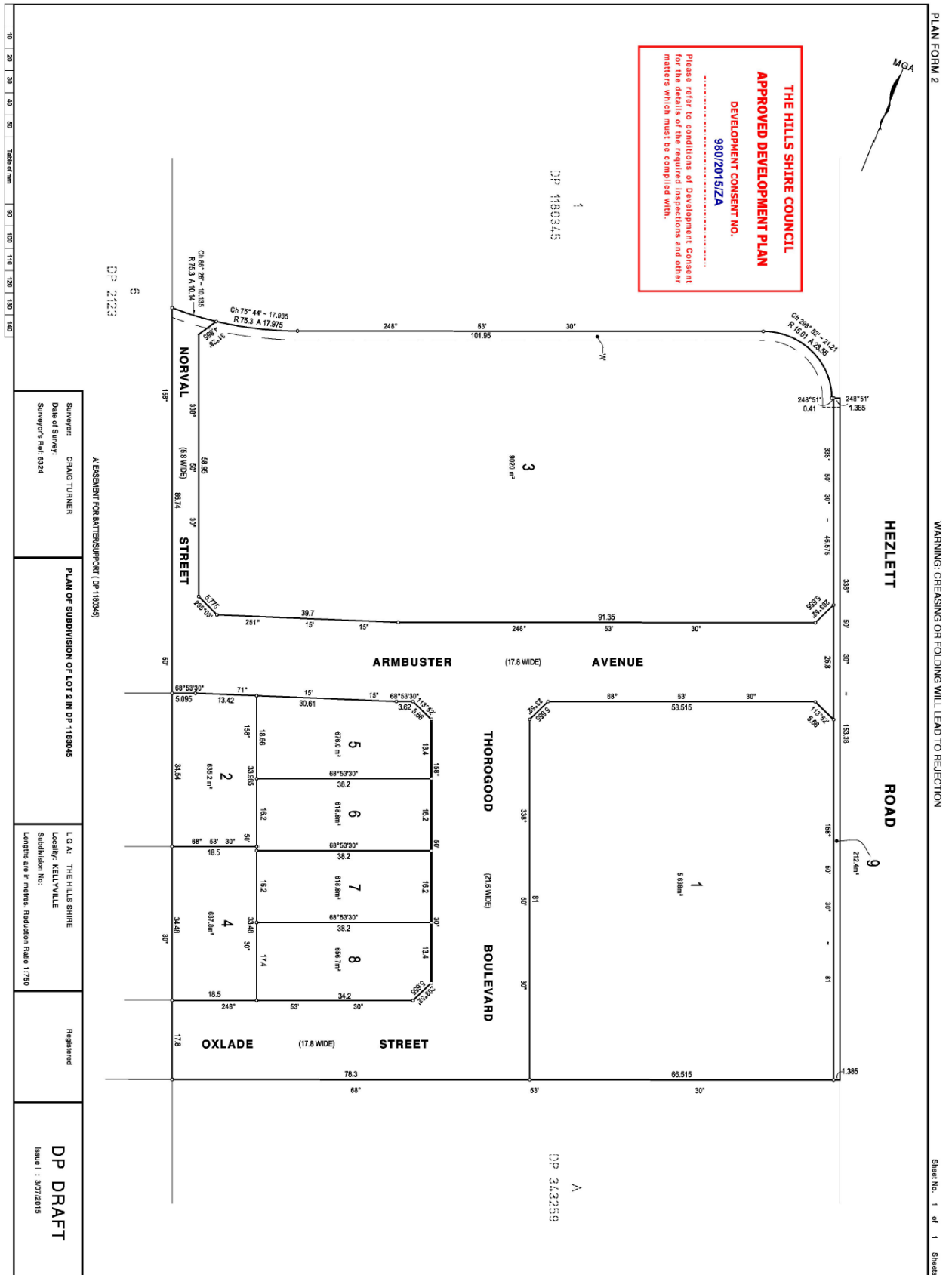
ATTACHMENT 8 – LANDSCAPE PLAN



ATTACHMENT 9 – ANALYSIS OF HEIGHT DIAGRAM



ATTACHMENT 10 – APPROVED SUBDIVISION PLAN



ATTACHMENT 11 – PROPOSED VARIATIONS TO SETBACKS

