

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW105
DA Number	1347/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	THE DEVELOPMENT APPLICATION IS FOR A REVISED MASTERPLAN FOR THE NORWEST TOWN CENTRE EASTERN RESIDENTIAL PRECINCT
Street Address	LOT 2103 DP 1176614 - 38 SOLENT CIRCUIT, BAULKHAM HILLS
Applicant/Owner	MULPHA NORWEST PTY LIMITED
Number of Submissions	THREE (3) SUBMISSIONS RECEIVED
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	<p>LIST ALL OF THE RELEVANT <u>ENVIRONMENTAL PLANNING INSTRUMENTS</u>:</p> <ul style="list-style-type: none"> • THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 • STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT • STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011 • STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND • STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007 <p>LIST ANY RELEVANT DEVELOPMENT CONTROL PLAN: S79C(1)(A)(III)</p> <ul style="list-style-type: none"> • DCP 2012 PART D SECTION 8 – NORWEST RESIDENTIAL PRECINCT • DCP 2012 PART B SECTION 5 – RESIDENTIAL FLAT BUILDINGS • DCP 2012 PART C SECTION 1 – PARKING
List all documents submitted with this report for the panel's consideration	THREE (3) SUBMISSIONS
Recommendation	APPROVAL
Report by	DEVELOPMENT ASSESSMENT CO-ORDINATOR JAMES MCBRIDE

EXECUTIVE SUMMARY

The Development Application is for a revised Master Plan for the Norwest Town Centre Eastern Residential Precinct and seeks to replace the Stage 1 Master Plan approved under DA910/2013/JP. The Master Plan seeks to replace 25 attached dwellings approved under the preceding Master Plan with a 12 storey residential flat building containing 77 apartments. Building B1 approved under DA910/2013/JP is proposed to be relocated with three additional attached dwellings proposed to front Solent Circuit. The north-south link road traversing the site is also proposed to be realigned. Overall the Eastern Residential Precinct will provide for 408 dwellings which include the following:

- 342 units across 7 apartments buildings that are 5-12 storeys in height
- Basement parking for the units
- 66 attached dwellings
- Visitor parking within the site
- Associated internal roads and landscaping

The revised masterplan will generate an additional yield of 70 dwellings across the entire Eastern Residential Precinct when compared to the previous mast plan (DA 910/2013/JP) determined by the Joint Regional Planning Panel on 28 August 2013.

The proposal involves two variations to development standards in The Hills LEP 2012, including Clause 4.3 – Height of Buildings and Clause 4.1B – Minimum Lot Size for Attached Dwellings. A Clause 4.6 variation has been lodged in support of the application.

The proposal has been assessed against the relevant provisions of the Hills Development Control Plan 2012 (DCP). Variations to car parking, apartment sizes, density, overshadowing, landscaping, building length, building design and common open space are proposed. The variations are addressed in the body of the report and are considered to be satisfactory.

The proposal was exhibited and notified to adjoining property owners. In response, three submissions were received. The issues raised in the submissions relate to building height, design, bulk and scale, loss of privacy, lack of public open space, traffic and car parking. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

In the absence of the JRPP process, this matter would be determined by an Ordinary Meeting of Council.

The proposal is recommended for approval.

BACKGROUND

Owner:	Norwest Land – Mulpha FKP Pty Ltd
Zoning:	SP2 Infrastructure and R4 High Density Residential
Area:	48,180m ²
Existing Development:	Predominately Vacant land and two Residential Flat Buildings under construction.

MANDATORY REQUIREMENTS

1. LEP 2012 – Variations, refer to report.
2. The Hills DCP 2012 – Variations, refer to report.
3. Section 79C (EP&A Act) – Complies
4. Section 94 Contribution – N/A

SUBMISSIONS

1. Exhibition: Yes, 30 days.
2. Notice Adj Owners: Yes, 30 days.
3. Number Advised: 161 adjoining property owners
4. Submissions Received: Three (3) submissions received.

REASONS FOR REFERRAL TO JRPP

1. Cost of works that would arise from the master plan would exceed \$20 million.

HISTORY

- 28/03/2006** Development Application 790/2006/HC approved by Council for the Norwest Town Centre Residential Precinct – Stage 1 Development (DA 790/2006/HC). The Master Plan approval guided future development of the 3 residential precincts being West, Central and East Precincts, providing a total of 518 dwellings with an overall population density of 127 persons per hectare. A site specific Development Control Plan for the Norwest Town Centre Residential Development had been prepared and DA 790/2006/HC had been prepared in accordance with the site specific Draft DCP.
- 05/04/2007** Development Application 2378/2006/HC approved by Council's Development Assessment Unit for the Norwest Town Centre Residential Precinct comprising 35 dwellings, including 12 townhouses, 11 integrated houses and 12 apartments.
- 13/08/2007** Section 96(1A) Modification to 2378/2006/HC/A approved under Delegated Authority.
- 20/12/2007** Development Application 33/2008/HA approved for Stage 1 works within the Norwest Town Centre - Central Residential Precinct. These works included the provision of an internal private road network, parking spaces and earthworks.
- 26/08/2008** Development Application 241/2008/HC approved for construction of the Norwest Town Centre – Central Residential Precinct.
- 23/09/2010** Development Application 993/2010/JP approved by the Joint Regional Planning Panel for the construction of an amended Central Residential Precinct Development within the Norwest Residential Town Centre comprising 32 integrated housing lots, and 54 attached town house dwellings.
- 27/11/2012** Planning Proposal 7/2012/PLP to amend the maximum permissible height limit within the Eastern Precinct and to amend the site specific Development Control Plan was refused by Council.
- 28/08/2013** Development Application 910/2013/JP approved by the Joint Regional Planning Panel. The approval amended the master plan for the Eastern Residential Precinct of the Norwest Town

Centre to provide 328 dwellings comprising 6 residential flat buildings and 88 attached dwellings.

07/08/2014	Development Application 936/2014/JP for the construction of two residential flat buildings being 8 storeys (Block A1) and 9 storeys (Block A2) containing 100 apartments and 2 levels of basement car parking for 211 vehicles approved by the Joint Regional Planning Panel.
19/01/2015	Development Application 1278/2014/HC approved for the revegetation and drainage works for Lot 2120.
01/05/2015	Subject Development Application lodged.
06/05/2015	The applicant was requested to provide additional information with respect to density calculations, dwelling yield and payment for nominated integrated development fee.
18/05/2015	The applicant submitted additional information.
18/05/2015	The applicant was requested to submit a Clause 4.6 Variation to the minimum allotment size for attached dwellings.
09/06/2015	The applicant was requested to provide additional information with respect to the orderly development of the road alignment, car parking, density, apartment sizes and ecology matters.
29/06/2015	The applicant was requested to submit a sightline analysis for the intersection approaches for the revised road alignment.
14/07/2015	The applicant partially submits additional information.
17/07/2015	The Hills Local Environmental Plan (Amendment No 24) was notified on the NSW Legislation website and came into force on 17 July 2015. Amendment No. 24 involved amendments to the height of building maps for the Eastern Residential Precinct from 16 metres to RL 116.
03/08/2015	The applicant submitted a sightline analysis for the revised road alignment.
27/10/2015	The applicant was requested to submit a revised masterplan depicting the revised road alignment and approaches to intersections.

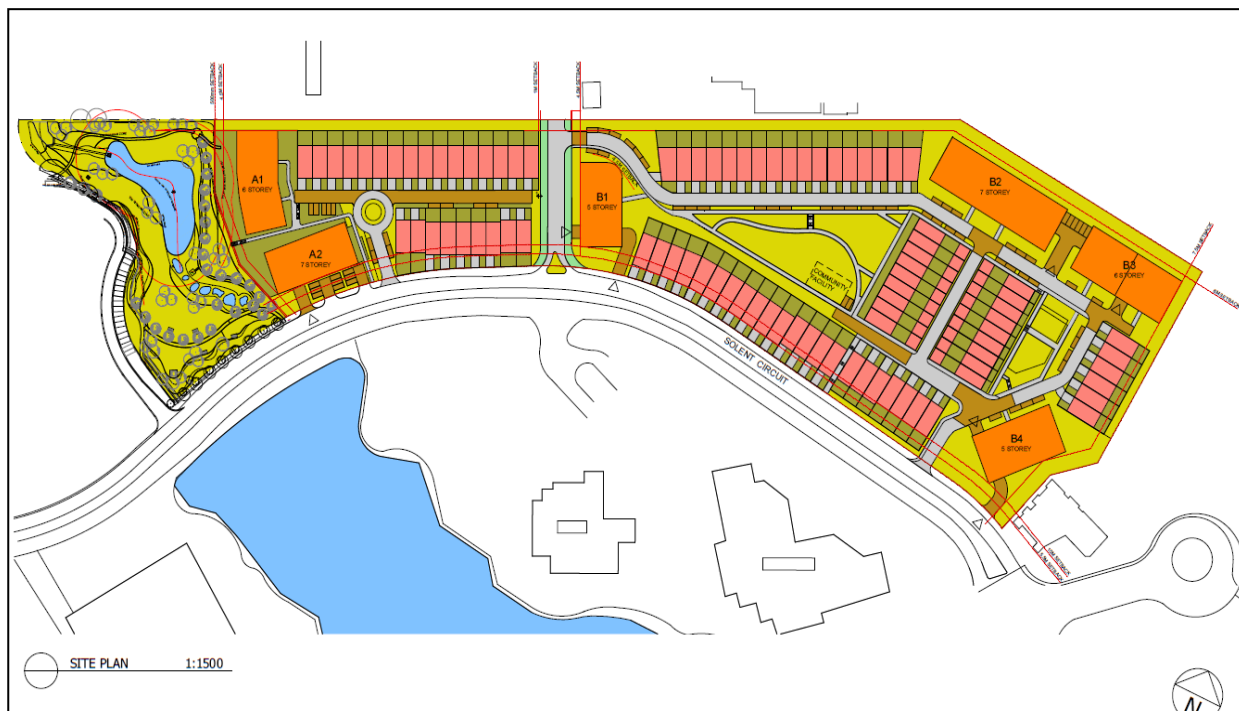
BACKGROUND

DA910/2013/JP was approved by the JRPP on 28 August 2013 for the Stage 1 Master Plan of the Eastern Precinct, comprising of 328 dwellings which includes the following:

- 240 units across 6 apartments buildings that are 5-7 storeys in height
- Basement parking for the units
- 88 townhouses
- Visitor parking within the site
- Associated internal roads and landscaping

The approval included two variations to the LEP, including building height and the minimum allotment size for attached dwellings. Additionally, variations to the DCP with

respect to building setbacks and the provision of car parking were also supported. It is noted that the masterplan determined that apartment sizes throughout the Eastern Precinct would be considered at the built form stage. The figure below depicts the approved masterplan:



Furthermore, DA936/2014/JP was approved by the JRPP on 7 August 2014 for the construction of two residential flat buildings containing 100 apartments. It is noted that the western portion of the Eastern Precinct to which DA936/2014/JP relates is excluded from the site of the revised Master Plan.

PLANNING PROPOSAL

The site was subject to a Planning Proposal which amended The Hills Local Environmental Plan 2012 (Amendment No 24) subsequent to the lodgement of this application. The Planning Proposal involved the following amendments:

- Amend the height of buildings map to amend the maximum building height from 16 metres to RL 116 for the entire Eastern Residential Precinct.

The Hills Local Environmental Plan (Amendment No 24) was notified on the NSW Legislation website and came into force on 17 July 2015.

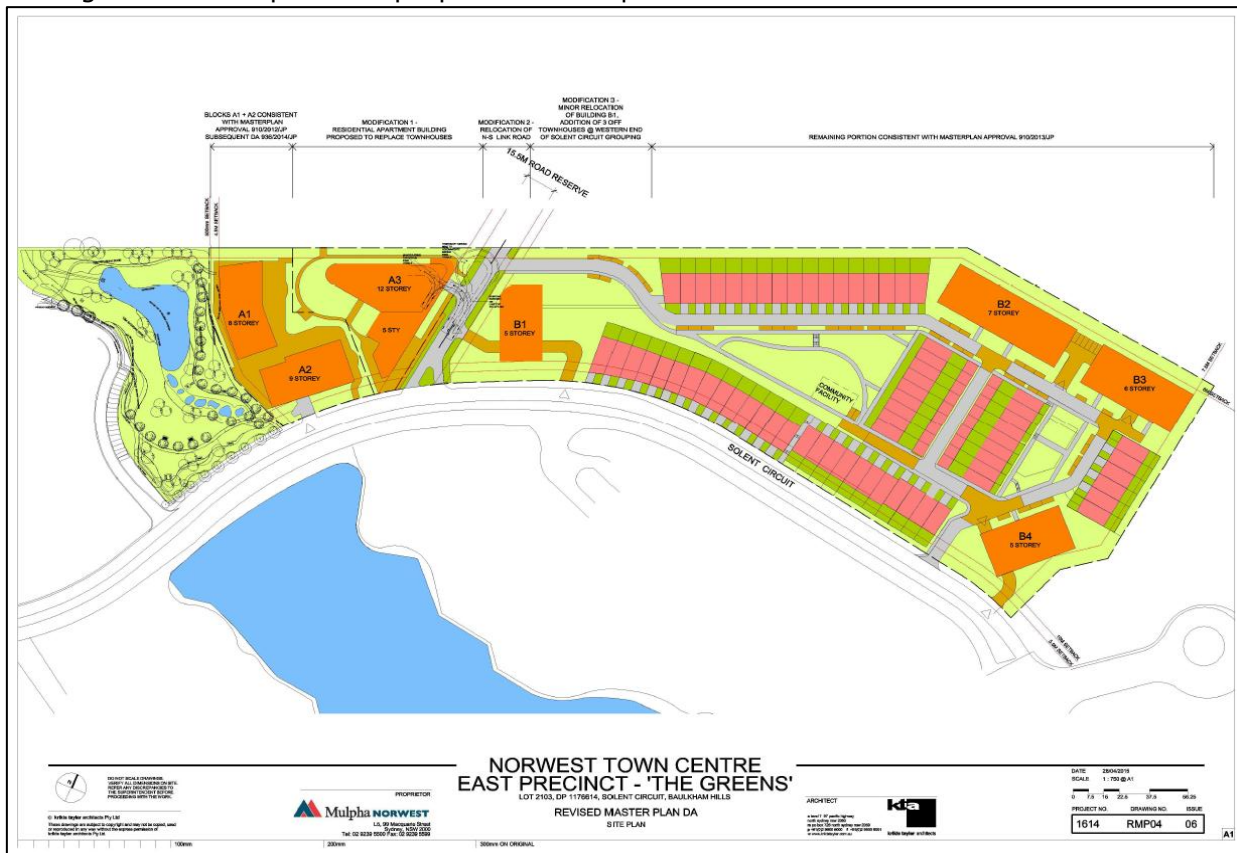
PROPOSAL

The Development Application is for a revised Master Plan of the Norwest Town Centre Eastern Residential Precinct and seeks to replace the Stage 1 Master Plan approved under DA910/2013/JP. The Master Plan seeks to replace 25 attached dwellings approved under the preceding Master Plan with a 12 storey residential flat building containing 77 apartments. Building B1 approved under DA910/2013/JP is proposed to be relocated with three additional attached dwellings proposed to front Solent Circuit. The north-south link road traversing the site is also proposed to be realigned. Overall the Eastern Residential Precinct will provide for 408 dwellings which include the following:

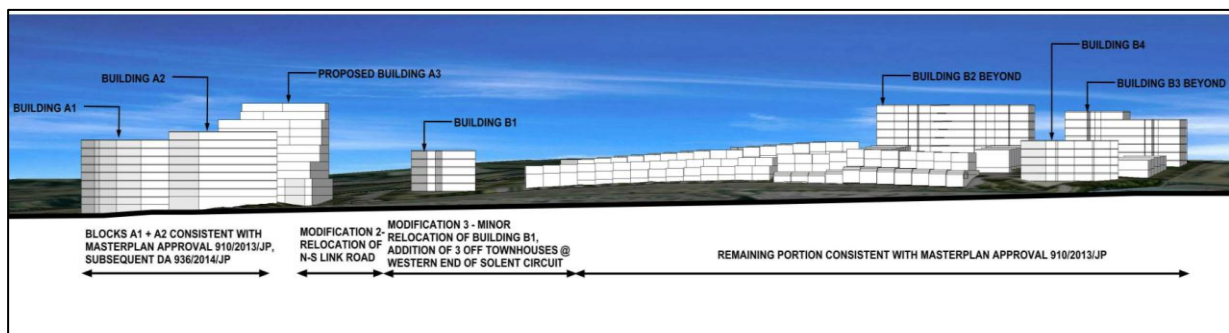
- 342 units across 7 apartments buildings that are 5-12 storeys in height
- Basement parking for the units
- 66 attached dwellings

- Visitor parking within the site
- Associated internal roads and landscaping

The figure below depicts the proposed masterplan:



The revised masterplan will generally be confined to the curtilage surrounding Building A3 and Building B1 in proximity to the link road. The western section of the Eastern Precinct will remain consistent with the previous masterplan approval DA910/2013/JP as depicted in the figure below:



Given the above, previous variations to building setbacks and car parking supported under DA910/2013/JP will be re-considered as part of this application.

The proposal involves two variations to development standards in The Hills LEP 2012, including Clause 4.3 – Height of Buildings and Clause 4.1B – Minimum Lot Size for Attached Dwellings.

The application is classified as 'Nominated Integrated Development' pursuant to Clause 91 of the Environmental Planning and Assessment Act 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000, requiring referral to the NSW Office of Water for concurrence.

SITE AND SURROUNDS

The subject site is known as the Eastern Precinct, Norwest, being Lot 2103 DP 1176614 and is located on the northern side of Solent Circuit. The development site has a total area of 48,180m² (4.81 hectares). The site forms part of the Norwest Town Centre Residential Precinct. The site has been identified to provide residential accommodation to supplement the development of the business park. The Western Precinct and Central Precincts have been completed.

Access to the site is from Solent Circuit which borders the southern boundary. A natural water course runs from the north-west to the south-east at the eastern end of the site. The topography of the site is varied, and a steep incline is visible from the southern boundary to the north, particularly and the south-eastern end of the site adjacent to Solent Circuit.

To the south-west of the site is new residential development known as the Central Precinct, to the north-west is the Balmoral Road Release Area and a Place of Worship, to the north is Castle Hill Golf and Country Club and to the east and south is the Norwest Business Park. To the south-east of the site is a child care centre. The future Norwest Railway Station is located approximately 500 metres south of the subject site.

ISSUES FOR CONSIDERATION

1 STRATEGIC PLANNING FRAMEWORK

1.1 Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The proposed development is consistent with this strategic direction as it will provide housing opportunities in locations highly accessible to proposed public transport.

1.2 Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney to 2031 is a growth plan which is underpinned by transport and infrastructure initiatives to deliver an adequate supply of housing and employment opportunities through to 2031. The draft strategy is integrated with the NSW Long Term Transport Master Plan and State Infrastructure Strategy as part of an overarching framework for the growth of Sydney. The draft strategy seeks to provide at least 545,000 new homes across Sydney and 625,000 new jobs to 2031, as well as introducing short term housing and employment targets to 2021.

The draft Strategy seeks to align economic and housing growth and emphasises the importance of the North West Rail Link Corridor. Furthermore, the draft Strategy prioritises the creation of liveable centres that are well integrated with adjacent neighbourhoods and best practice principles of transit orientated design.

The proposal is consistent with the draft Strategy as it will provide residential housing within close proximity to proposed public transport services and will additionally assist in meeting the residential density targets as proposed within the draft Strategy.

1.3 Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan.

The proposed development is consistent with this draft strategy as it is located in a prominent position that provides housing opportunities in order to capitalise on existing strategic transport corridors, local bus routes and the proposed North West Rail Link.

1.4 North West Rail Link

The North West Rail Link (NWRL) has been identified by the NSW Government as a priority transport infrastructure project which will consist of a heavy rail line extending from Epping, through the North West Growth Centre, to Cudgegong Road. The North West Rail Link will support metropolitan planning objectives by putting in place a key transport project which extends the connectivity of the existing rail network and will support future growth within North West Sydney.

The future Norwest Railway station is located approximately 500 metres south of the site. Proximity to the Norwest Railway station makes the site ideal for high density development in order to capitalise upon the principles of transport orientated development.

1.5 North West Rail Link Corridor Strategy

To ensure that future development supports the public transport infrastructure, a precinct planning process for the North West Rail Link Corridor has been undertaken by the NSW Department of Planning & Infrastructure.

The North West Rail Link Corridor Strategy provides a vision for how the eight precincts surrounding the proposed railway stations could be developed to integrate with the new rail link. The Corridor Strategy includes a structure plan for each station precinct to inform appropriate zonings and amendments to built form controls and to guide the assessment of major projects and development applications within the corridor.

A key principle informing the corridor strategy is the integration of land use and transport planning by the provision of transit orientated development. This is defined as mixed use communities within walking distance of a transit node that provides for a range of residential, commercial, open space and public facilities in a manner that makes it convenient and attractive to walk, cycle or use public transport for the majority of trips. Accordingly, the strategy highlights that the new rail line provides significant opportunities for transit orientated development around the proposed rail stations.

The structure plan identifies the Eastern Residential Precinct as being capable of accommodating residential development.

2 STATUTORY MATTERS FOR CONSIDERATION

2.1 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 \$140,000,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2.2 State Environmental Planning Policy No. 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states:-

- 1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment:

An Environmental Site Assessment prepared by Geotechnique Pty Ltd accompanied the previous master plan (DA910/203/JP) which covered the entire Eastern Residential Precinct. The assessment concludes that the site does not present a risk of harm to human health or the environment and is therefore suitable for the proposed development.'

Council's Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the Environmental Site Assessment. In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

2.3 Compliance with Local Environmental Plan 2012

LEP Mapping Restrictions

The proposal has been assessed against the LEP 2012 Map Sheets as follows:-

LEP 2012 MAPPING - DEVELOPMENT STANDARDS			
STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	N/A	N/A	N/A
Allotment Size	1,800m ²	48,180m ²	Yes
	Residential Flat Building: 4,000m ²	Building A3: 4,000m ²	Yes
	Attached Dwellings: 240m ²	Approx. 185m ²	No – refer to Clause 4.6 Variation below.
Building Height	16 metres	Buildings A3, B1, B2, B3 and B4 will exceed the 16 metre height limit.	No – Refer to Clause 4.6 Variation below.

	<u>Housekeeping Amendment No. 24</u> RL 116	Building A3 will exceed the height limit and will comprise a height in the order of 38 metres. It is noted however that a draft housekeeping amendment had been exhibited at the time of lodgement which sought to amend the height across the entire precinct to RL 116. The amendment was subsequently gazetted during the course of assessment. Building A3 will have a maximum height of RL 115.95.	
LEP 2012 MAPPING – SITE RESTRICTIONS			
RESTRICTION		ASSESSMENT DETAIL	
Is the site a heritage listed item or within a heritage conservation area?	No	If yes, address Clause 5.10 of LEP 2012 and confirm what level of significance it is? (e.g. local, regional or state).	N/A
Is the site affected by land reservation or acquisition? (e.g. road widening, open space, trunk drainage etc)	No	If yes, what is the affectation and address Clauses 5.1 and 5.1(a) of LEP 2012.	N/A
Is the site affected by Sheet CL1_001 (e.g. acid sulphate soils and natural biodiversity mapping)	No	If yes, what is the affectation and address Clauses 7.1 and 7.3 of LEP 2012.	N/A
Is the site affected by Sheet CL2_002 (e.g. foreshore building line, land slide risk, natural resources, urban releases and key sites)	No	If yes, what is the affectation and address Part 6 and Clauses 7.2, 7.5 & 7.6 of LEP 2012.	N/A

a. Variation to Attached Dwelling Lot Size

Clause 4.1B of LEP 2012 provides the following in relation to minimum lot size:

- (1) The objectives of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to development on land in the following zones:
(a) Zone R3 Medium Density Residential
(b) Zone R4 High Density Residential*
- (3) Development may be granted to a single development application for development to which this clause applies that is both of the following:
(a) the subdivision of land into 3 or more lots.
(b) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal or greater than:
(i) for the erection of a dwelling house – 240 square metres or
(ii) for the erection of an attached dwelling – 240 metres.*

The minimum lot size required under the LEP for the R4 High Density Residential zone is 240 square metres. The minimum lot size for the proposed attached dwellings is 185 square metres, with a higher average proposed. It is noted that the precise terms of the variation to the minimum lot size will not be fully articulated until built form development applications are submitted. It is also noted that the same variation was sought and approved under DA910/2013/JP.

Clause 4.6(4) & (8) of LEP 2012 provides the following:

4.6 Exceptions to development standards

- (4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(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.*
- (8) This clause does not allow development 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,
(c) clause 5.4,
(ca) clause 6.1 or 6.2.*

Under the provisions of Clause 4.6, the minimum lot size may be varied subject to a written request from the applicant justifying the variation.

The applicant has submitted a written request that seeks to justify the contravention of the development standard as follows:

The variation to the minimum lot size should be supported as the masterplan ensures that the objective of Clause 4.1B of The Hills LEP which specifies the minimum lot size for

attached dwelling is achieved. The objective is to 'encourage housing diversity without adversely impacting on residential amenity'. The lots that are below the 240m² minimum lot size will not adversely impact on residential amenity as the attached dwellings are rear loaded, set within a masterplan with landscaped grounds surrounding the dwellings. The masterplan ensures that these attached dwellings will have limited relationship with adjoining residential development therefore not creating any adverse impacts. In addition, the residential amenity of the attached dwellings seeking a variation to the minimum lot size are not compromised by a reduced allotment size as the masterplan considers the setting of the attached dwellings and ensures that all residential amenities, services and facilities are provided to the attached dwellings, while ensuring that there is an adequate size of dwelling and configuration of built form on the site.

The proposed development is not contrary to the public interest because it is consistent with the objective of the Clause 4.1B of The Hills LEP (as demonstrated above) and the objectives for development within the land use zone being R4 High Density Residential on which the development is proposed. The variation to the minimum lot size for the 18 attached dwellings supports the following as follows:

- *To provide for the housing needs of the community within a high density residential environment*
- *To provide a variety of housing types within a high density residential environment*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

Seeking a variation to this development standard does not raise any matters of significance for State or regional environmental planning.

The justification outlined above demonstrates that the variation sought remains consistent with the objectives of the minimum lot size control for attached dwellings and the land use zone objectives for land zoned R4 High Density Residential and as such compliance with the development standard is considered unnecessary in these circumstances. The above justification also demonstrates that there are sufficient environmental planning grounds to justify the contravening of a development standard.

Comment:

Subclause (4) above is addressed as follows:

(a)(i) The applicant's written request to justify the contravention of the development standard is considered to be satisfactory, when considering the location of the site within the Norwest Residential Precinct.

(a)(ii) The proposal is considered to be in the public interest as it is consistent with the objective of the standard.

The objective of Clause 4.1B is to encourage housing diversity without adversely impacting on residential amenity. The proposed departure to the minimum allotment size for attached dwellings will not cause adverse impact on residential amenity with respect to overshadowing, privacy and perceived bulk and scale given the amenity provided within the overall Norwest Residential Precinct and the northern orientation of the majority of attached dwellings. Furthermore, the attached dwellings will have a limited relationship with future adjoining residential development to the north. It is noted that the building platform and the amenity of the attached dwellings will be further assessed with future built form applications.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.1B and the R4 High Density Residential zone. A variation to the minimum allotment size is considered to be satisfactory given that the application of the development standard in this instance is

considered to be unreasonable and unnecessary. In this regard, the variation can be supported.

The proposed variation to the attached dwelling subdivision standard is considered satisfactory and the applicant's objection to the standard is supported.

b. Variation to Height

Clause 4.3 of LEP 2012 provides the following in relation to height of buildings:

- (1) The objectives of this clause are as follows:*
 - (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
 - (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum height permitted for the land on the Height of Buildings Map is 16 metres. Buildings A3, B1, B2, B3 and B4 will exceed the 16 metre height limit given the proposed number of storeys.

It is noted that the precise terms of the variation to the height standard will not be fully articulated until Stage 2 Development Applications for the subject site are submitted. It is noted that DA1560/2015/JP is concurrently being considered for Building A3 which comprises a height of 12 storeys which exceeds the 16 metre height limit.

Variations to the maximum height of 16 metres are also sought for buildings B1, B2, B3 and B4 as the residential flat buildings range in height between 5 to 7 storeys. It is envisaged that these buildings would range in height from approximately 15 metres to 21 metres working on the basis that each storey is 3 metres in height however this would be subject to further detail provided within the built form applications.

Building A3 will exceed the height limit of 16 metres and will comprise a height in the order of 38 metres. It is noted however that a draft housekeeping amendment had been exhibited at the time of lodgement which sought to amend the height across the entire precinct to RL 116. The amendment was subsequently gazetted during the course of assessment. Building A3 in addition to buildings B1, B2, B3 and B4 will comply with the RL 116 height limit.

Nevertheless, the maximum building height of 38 metres sought under the masterplan will result in a variation to the building height limit of 16 metres as stipulated by Clause 4.3. This represents a variation of 22 metres or 137%.

Clause 4.6(4) & (8) of LEP 2012 provides the following:

4.6 Exceptions to development standards

- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (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.*

(8) This clause does not allow development 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,*
- (c) clause 5.4,*
- (ca) clause 6.1 or 6.2.*

Under the provisions of Clause 4.6 building height may be varied subject to a written request from the applicant justifying the variation.

The applicant has submitted a written request that seeks to justify the contravention of the development standard as follows:

Council resolved: "The housekeeping amendments to The Hills Local Environmental Plan 2012 as contained in Attachment 1 be adopted and proceed to finalization. The proposed height to Building A3 is in accordance with the amendments proposed in the Housekeeping Amendment no.1. As the Housekeeping Amendment no.1 has not been gazetted, this application is still required to address Clause 4.6 of The Hills LEP 2012.

The proposed variation to the maximum building height is consistent with the objectives of Clause 4.6 as the justification for seeking a variation, the proposed building height being in accordance with the Housekeeping Amendment No.1 initiated by Council, is within an acceptable degree of flexibility of applying development standards. Supporting this variation will achieve a better outcome for the development and area as the proposed building height will be consistent with the proposed height limit of RL 116 sought by Council, reflecting the original building height intended for the Norwest Business Park adopted in the 2006 DCP.

Compliance with the maximum height development standard is unnecessary in the circumstances of the case as Council supported the reinstatement of the building height to RL 116 in the Norwest Eastern Residential town centre, as demonstrated by the Council initiated Housekeeping No.1 amendment to The Hills LEP 2012. As the Housekeeping No.1 amendment has been approved at Gateway and is with Council for implementation, the maximum building height for Norwest Eastern Residential will be increased to RL 116 upon gazettal.

Contravening the development standard will not raise any matter for State or regional environmental planning as the Housekeeping No.1 amendment seeks to reinstate the building height for the Norwest Eastern Residential and Town Centre areas to RL 116, in accordance with the proposed building height for building A3. There is no public benefit or interest in contravening the development standard as the gazettal of the Housekeeping Amendment no.1 will increase the height limit to RL 116.

The proposed variation sought of RL 116 is consistent with the objectives of Clause 4.3 Height of Building. The proposed building envelope (Building A3) responds to the topography of the site, with the levels of the building envelope relate to the levels surrounding the site and to the levels established within the site. The proposed building envelope is consistent with the built form envisaged within Norwest Business Park being a building height of RL 116. The building envelope shape will not cause undue impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale.

There are sufficient environmental grounds to justify contravening the maximum height development standard as RL 116 height was adopted previously for the Norwest

Residential Town Centre however an error was made in translating the DCP control to The Hills LEP 2012.

Comment:

Subclause (4) above is addressed as follows:

(a)(i) The applicant's written request to justify the contravention of the development standard is considered to be satisfactory, when considering the location and size of the site within the Norwest Residential Precinct.

(a)(ii) The proposal is considered to be in the public interest as it is consistent with the objectives of the standard as follows:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The proposed departure to the building height development standard will not cause adverse impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The height of Building A3 will not result in adverse overshadowing of Building A1 and A2 and is sufficiently separated to maximise privacy for future residents. The building heights will generally be in accordance with the recently gazetted height limit for the entire site of RL 116 and will be compatible with the heights of buildings to the east and south which have a maximum height of RL 116.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height' and the R4 High Density zone. In this regard, the variation to building height will not create buildings of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining and future residents. A variation to the building height is considered to be satisfactory given that the application of the development standard in this instance is considered to be unreasonable and unnecessary. In this regard, the variation can be supported.

2.4 Compliance with The Hills Development Control Plan 2012

The Hills DCP 2012 Part D Section 8 Norwest Town Centre Residential Development

The following table addresses the requirements of Part D Section 8 Norwest Town Centre – Residential Development.

DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
The density shall be 150-175 persons per hectare	171.4 persons per hectare	Yes
The site coverage shall be a maximum of 50%.	49.7%	Yes
Internal layout and size of residential flats are to be in accordance with the development controls contained within Part B	1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 135m ²	No, refer to Section 2.4(i) below.

DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Section 4 – Multi Dwelling Housing and Part B Section 5 – Residential Flat Buildings.	4 bedroom – N/A	
External Setbacks		No refer to Section 2.4(ii) below.
Solent Circuit – 10m	8.75m for Building A3 and 5.5m for attached dwellings.	No
Northern Boundary – 14m Eastern Boundary – 12m Western Boundary – 12m	Northern – 6m minimum Eastern – 7.5m minimum Western – N/A (Determined under DA936/2014/JP for buildings A1 and A2)	No No N/A
Internal Setbacks		No, refer to Section 2.4(ii) below.
Main entry road – 8m Access street – 4m Between buildings (balcony to balcony) – 8m	6m 4.5m 8m	No Yes Yes
Building Heights Flat building to be 6 storeys apart from the building in the north-eastern corner which is to be 5 storeys	Residential flat building range from 5 storeys to 7 storeys with a maximum RL of 116.	No, refer to Section 2.4(iii) below.
Landscaped Area Minimum 50%	50.3%	Yes
Private Open Space Ground level courtyards to have a minimum area of 24m ² Balconies are to have a minimum area of 10m ² and a minimum depth of 2.4m	The Applicant has advised that compliance with private open space is anticipated and will be fully addressed in future built form development applications.	Yes
Common Open Space To be in accordance with Figure 5, Appendix 1 in the DCP.	Common open space has been provided generally in accordance with the DCP.	Yes
Car Parking and Access To comply with DCP Part C Section 1 <u>Multi- Dwelling</u> 2 space per dwelling Visitor – 2 per 5 units	Minimum 2 space per dwelling Nil	No, refer to Section 2.4(iv) below. Yes No – refer to discussion below
<u>Residential Flat Building</u> 1 Bedroom – 1 space	1 bedroom - 1 space	Yes

DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2 and 3 bedrooms – 2 spaces	2 bedroom – 1.5 spaces	No – refer to discussion below
Visitor – 2 per 5 units	3 bedroom – 2 spaces	Yes
	Visitor – 1.5 spaces per 5 units	No – refer to discussion below

(i) Unit Sizes

Part 3.2.2(b) of the DCP states that internal unit sizes are to be in accordance with the following:

Residential Flat Development (30 or more units) (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

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

Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

All remaining apartments are to comply with the Type 3 apartment sizes.

The proposal provides the following internal unit sizes:

1 bedroom unit	50m ²
2 bedroom unit	70m ²
3 bedroom unit	135m ²
4 bedroom unit	N/A

It is noted that the variations above were previously sought and supported under DA910/2013/JP. Nevertheless, the applicant has sought a variation to the DCP and has stated the following as justification:

Council has requested that details in relation to apartment sizes proposed in Building A3 and compliance with the DCP controls be provided. The unit sizes for Building A3 are in accordance with the DCP minimum unit areas as follows:

Type 1

- 1 Bedroom = 50m² (8 units provided)*
- 2 bedroom = 70m² (1 unit provided)*
- 3 + bedroom = 95m² (0 unit provided)*

Type 2

- 1 Bedroom = 65m² (0 unit provided)*
- 2 bedroom = 90m² (34 units provided)*
- 3 + bedroom = 120m² (0 unit provided)*

Type 3

- 1 Bedroom = 75m² (0 unit provided)*
- 2 bedroom = 110m² (7 units provided)*
- 3 + bedroom = 135m² (27 units provided)*

Council also requested the following to be addressed:

- *Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments*

Comment: Yes, 12% of Type 1 units provided.

- *Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments*

Comment: 44% of Type 2 units are provided. A minor variation is sought to this DCP control. The number of Type 2 apartments exceed the control by 14%. This should be supported by Council as the apartment mix within Building A3 is supporting larger apartment sizes, as demonstrated by combining Type 1 and Type 2 apartments not exceeding 60% of the apartment mix.

- *All remaining apartments are to comply with the Type 3 apartment sizes.*

Comment: Yes, the proposal complies.

Comment:

The objectives of the DCP are as follows:

- *To ensure that individual residential units are of a size suitable to meet the needs of residents.*
- *To ensure that layout of residential units is efficient and achieves a high level of residential amenity.*

The Residential Flat Design Code (RFDC) provides the following standards for unit sizes:

- 1 bedroom: 50-63.4m²
- 2 bedroom: 80-121m²
- 3 bedroom: 124m²

There is insufficient detail with the masterplan to support a variation to Council's DCP standards for apartment sizes with respect to Buildings B1, B2, B3 and B4. A more detailed assessment of the residential flat building's compliance with the SEPP 65 and DCP Part D Section 8 Norwest Town Centre Residential Development will be undertaken during Stage 2 Development Applications.

The apartment sizes for Building A3 do not comply with the minimum apartment size requirements of the DCP. The departure to the apartment size is the result of the proposed development exceeding the type 2 apartment provision by 14%. It is considered that the exceedance is counter balanced by virtue of there being only 12% of type 1 apartments where 30% is permitted. In this regard, the unit sizes proposed in the development are considerably larger on average than what is permitted through type 1 or within the RFDC. Furthermore, the combined type 1 and 2 apartments equate to 56% where the maximum combined by the DCP is 60%. The remaining 44% of units are type 3 which is 4% more than required. In this regard, the proposed development provides larger apartment sizes which is commensurate with the objectives of the DCP to provide family orientated living with functional floor layouts. A further assessment of the apartment sizes for Building A3 and the amenity of apartments will be carried out under DA1560/2015/JP. It is also noted that the apartment sizes comply with the Residential Flat Design Code.

An analysis of the proposed development's consistency with the 10 Design Quality Principles of SEPP 65 have been undertaken below:

Principle 1: Context

The proposal is located in an area with a variety of uses including residential, business and commercial. To the north of the development site is the Balmoral Road Release Area which is currently undergoing redevelopment from large residential lot subdivision to medium density development. Towards the west are the western and central residential precincts which have been developed. To the west and south of the site is a mix of commercial and business uses of varying sizes. The development of the site represents a good opportunity for increasing the density of housing in the area which will be located in close proximity to future public rail transport.

Principle 2: Scale

The proposal provides a mix of 2-3 level attached dwellings and 5-12 storey residential flat buildings. The scale of the attached dwellings are similar to dwellings established in the western and central precincts. The residential flat buildings will be articulated to reduce the scale of the buildings in relation to the 2-3 level attached dwellings and the individual site situation. There will be a mixture of scale along Solent Circuit with 3 level attached dwellings and 5-12 storey apartment buildings. The development is appropriate in its scale to existing and future developments in the area. The buildings as proposed are below the height limit of RL 116. However, the LEP height limit of 16m on some buildings will be exceeded, however it is considered that these areas of non-compliance will not result in significant adverse loss of amenity or increase overshadowing on adjoining neighbours.

Principle 3: Built Form

The proposed built form responds to the sloping nature of the site. The larger buildings have been located away from Solent Circuit in the north eastern section of the site. The apartment buildings along Solent Circuit will relate to the commercial buildings on the other side of the street in scale and articulation. The attached dwellings will also be articulated with stepping facades to respond to the sloping site and horizontal articulation to respond to the changes in the direction of the streets. The proposed built form is considered to be satisfactory.

Principle 4: Density

The proposed development complies with Council's density requirements, as well as site coverage and landscape requirements. The density on the site is considered appropriate given the site's location to public transport and adjacent amenities.

Principle 5: Resource, Energy and Water Efficiency

The applicant has advised that the development will achieve the required SEPP 65 requirements for solar access and natural ventilation and that the proposal will promote a good standard of environmental performance and management through the use of ESD principles. A BASIX Certificate will be required to be submitted with the Stage 2 Development Application which will further outline the development's compliance with ESD principles and relevant ratings in terms of energy and water consumption and thermal comfort.

Principle 6: Landscape

The proposal complies with Council's landscape requirement, being 50%. A high level of landscaping is proposed for both public and private areas which will enhance the aesthetic appearance of the site and provide a "green" background for the proposed built form.

Principle 7: Amenity

The development has been designed to accommodate the buildings on a sloping site. Outdoor private spaces will be provided for apartments that are at ground level where possible, whilst large balconies are provided for upper level units. The attached dwellings will have generous outdoor areas with some dwellings benefiting from a northern aspect. Wheelchair access is provided in accordance with Council's DCP. A further assessment of the development's amenity will occur with the Stage 2 Development Applications.

Principle 8: Safety and Security

The applicant has advised that all apartment entries will be well lit and will have vertical elements that clearly define the location of all access doors. These doors to all common areas will have security locks and lifts will also be locked and well light. There is good visual surveillance from footpaths and driveways. The design does not allow for any recessed nooks and all external areas will be well illuminated. Car parking will be secured both externally at garage doors and internally into keyed lifts.

Principle 9: Social Dimension and Housing Affordability

The proposal offers a good mix of housing types and sizes close to public transport, shopping and community facilities. The mix of development will provide an opportunity for a range of members of the community to purchase an attached dwelling or apartment. The proposed development will assist local businesses both in the short term with construction and long term with added patronage of the available services.

Principle 10: Aesthetics

The buildings have been designed to minimise the impact on the streetscape, whilst providing a suitable range of housing types for the community. The aesthetic of the building is modern and reflects the nature of the site and the surrounding developments. Modern materials and colours are to be used for the development. Further details in terms of colours, material and finishes will be provided with Stage 2 Development Applications.

(ii) Setbacks

Part 3.2.2(c) of the DCP states that setbacks are to be in accordance with the following:

Boundary Setbacks

Solent Circuit	10 metres
North boundary	14 metres
East boundary	12 metres
West boundary	12 metres

Internal Setbacks

Main entry road	8 metres
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The development proposes a 5.5 metre setback to Solent Circuit for the attached dwellings, a minimum 6 metre setback to the northern boundary, and a minimum 7.5 metres for the eastern boundary which does not comply with the DCP requirements. Additionally, an internal main entry road setback of 6 metres is proposed which does not comply with DCP requirements.

It is noted that the variations above were previously sought and supported under DA910/2013/JP. Nevertheless, the applicant has sought a variation to the DCP and has stated the following as justification:

Solent Circuit

Council noted that the setback from Solent Circuit should be 10m in accordance with the DCP and the proposed architectural plans identified a setback of 6.7m. Council requested that the setback be increased in order to be consistent with the building setback approved for Building A2 under DA 936/2014/JP. This setback has been increased accordingly so that it is consistent with the building setback approved for Building A2 which is 8.75m.

Northern Boundary (plant on ground floor only)

The setback encroachment to the northern boundary is due to the location of the hot water tank/fire control room. The setback has been increased from 5.4m to 6.0m by reducing the plant enclosure on the north eastern corner of the building and the free standing triangular mechanical exhaust element has been relocated to integrate within the building. The design of the north east corner of the building has been enhanced in the revised architectural drawings.

Eastern Boundary

The eastern boundary setback was proposed at 6m to the future link road and 3m from balcony. Council has requested that an 8m setback from the link road be incorporated into the layout. A variation of 2m to incorporate a setback of 6m is sought as an alternative considering that 8m is not appropriate for the Site; the link road is in an urban setting, public area on private land and the proposed setback is appropriate to stimulate retail activation to the Link Road frontage.

Comment:

The objectives of the DCP are as follows:

- *To provide setbacks that complement the landscape setting of the Norwest Business Park*
- *To provide privacy for future residents within a parkland setting.*
- *To minimise overshadowing of communal open space areas.*

Attached Dwellings - Setbacks

The proposed attached dwellings do not comply with the setback requirement to Solent Circuit. However, this setback as outlined in the DCP was a requirement aimed for residential flat buildings. The 5.5 metre setback to Solent Circuit is considered to be an acceptable streetscape outcome, and is similar to the 4.5 metre - 5.5 metre setbacks approved for the multi-dwellings in the Central Residential precinct fronting both Solent Circuit and Fairway Drive. Therefore, the proposal provides a consistent streetscape along Solent Circuit in relation to setbacks to attached dwellings.

The attached dwellings along the northern boundary propose a 6 metre setback from the northern boundary to their private open space, which does not comply with the 14 metre requirement. This setback is considered satisfactory for the proposed attached dwellings as a road requirement for the Balmoral Road Release Area will likely be constructed along the northern boundary of the site. The northern setback provides adequate private open space for the attached dwellings.

The attached dwellings along the eastern boundary have a setback of approximately 9 metres which does not comply with the 12 metre requirements. The proposed rear setback of the attached dwellings to the eastern boundary is considered satisfactory in this instance as there is a significant setback to the development to the east.

Residential Flat Buildings - Setbacks

The proposed residential flat buildings do not comply with the 14 metre northern boundary setback requirement, proposing a minimum 6 metre setback. The requirement of the 14 metre setback to the north is considered to be unnecessary in this instance given the location of the future road along the northern boundary and the likely future pattern of development to the north.

The setback to Solent Circuit is proposed to be 8.75 metres which is consistent with the building setback approved for Building A2 under DA936/2014/JP and is considered to be a satisfactory alignment given the curvature of Solent Circuit.

The proposal results in a minimum 7.5 metre setback to the eastern boundary which does not comply with the 12 metre requirement. The proposed setback of the 6 storey residential flat building at the north-eastern end of the site is considered satisfactory in this instance as there is a significant setback to the development to the east. The 5 storey residential flat building (B4) at the south-eastern end of the site has a minimum setback of 7.5 metres and is adjacent to the existing childcare centre at 2-6 Maitland Place. Building B4 will result in some overshadowing to the child care centre at 3pm on 22 June, however the centre will benefit from full sun in the morning on 22 June. Given the orientation of the child care centre, the proposed residential will not overlook the centre or the outdoor play area however this will be further assessed with the built form applications.

The proposal provides an internal setback to the main entry of 6 metres which does not comply with the 8 metre requirement. A setback to the link road is considered to be satisfactory in order to stimulate retail activation to the Link Road frontage. Additionally, the setback will not result in any amenity impacts to adjoining residential properties.

Overall, the proposed setbacks for the residential flat buildings and the attached dwellings are considered satisfactory.

(iii) Residential Flat Building Heights

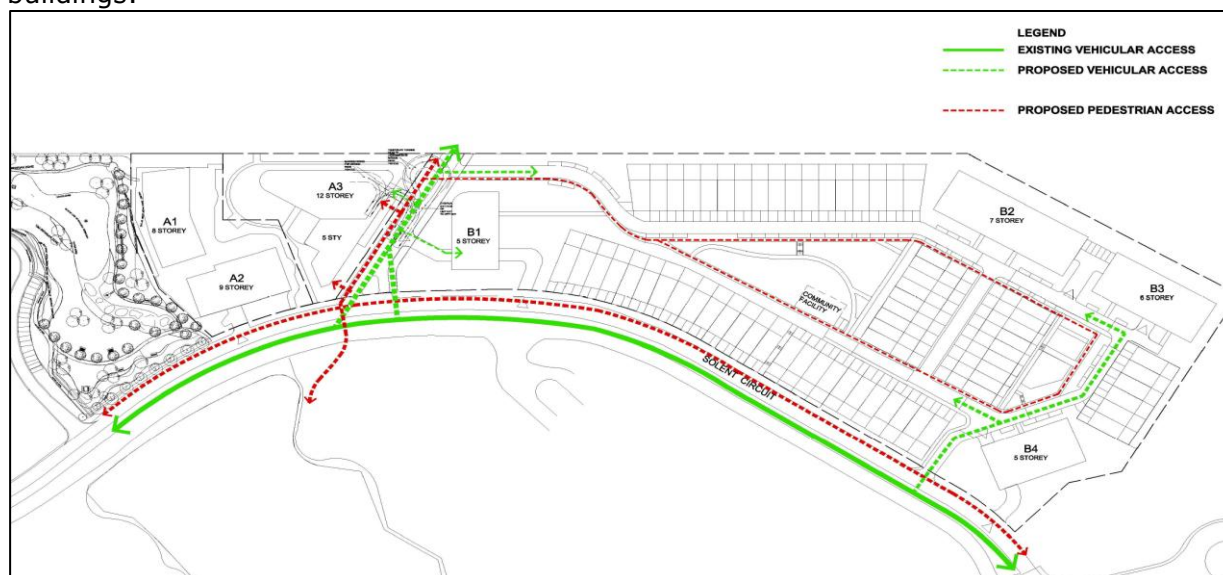
Part 3.2.2(d) of the DCP states that residential flat building heights are to be in accordance with the following diagram:



The proposal provides the following building heights in terms of the residential flat buildings:

- Building A3: 12 Storeys
- Building B1: 5 Storeys
- Building B2: 7 Storeys
- Building B3: 6 Storeys
- Building B4: 5 Storeys

The figure below illustrates the siting and heights of the proposed residential flat buildings:



As illustrated above, the proposal seeks to vary the 5-6 storey height limit across the precinct with Building A3 comprising a maximum height of 12 storeys.

It is noted that the variations above were previously sought and supported under DA910/2013/JP. Nevertheless, the applicant has sought a variation to the DCP and has stated the following as justification:

The proposed variation sought of RL 116 is consistent with the objectives of Clause 4.3 Height of Building. The proposed building envelope (Building A3) responds to the topography of the site, with the levels of the building envelope relating to the levels surrounding the site and to the levels established within the site. The proposed building envelope is consistent with the built form envisaged within Norwest Business Park being a building height of RL 116. The building envelope shape will not cause undue impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale.

The proposed variation to the building height is consistent with the objectives for development within the R4 High Density Residential zone. The proposed RL 116 for Building A3 will assist in:

- Providing the housing needs for the community within a high density residential environment,*
- Providing a variety of housing types within a high density environment,*
- Supports the introduction of the retail premises on the ground floor of Building A3 to assist in providing services to meet the day to day needs of residents, and*
- Encourages high density residential development in locations that are close to population centres and transport routes.*

Comment:

The objectives of the DCP are as follows:

- *To ensure that residential flat buildings reflect the height and scale of the Norwest Business Park and respond to the site's topography.*
- *To minimise overshadowing of adjoining properties and communal open spaces.*

As the applicant has indicated above, the proposed heights do not exceed RL 116 which is the height limit of the properties to the east and south of the subject site. This RL also protects the view corridors in the area.

It is considered that the non-compliance with the 16 metre height limit does not result in any significant overshadowing or amenity impacts such as privacy or acoustic impacts or significant view loss. The location of Building A3, being the highest residential flat building, has been carefully considered with the topography of the site. In this regard, the proposed building heights are considered to be satisfactory and a variation to the DCP is supported.

(iv) Car Parking

Development Control Plan Part C Section 1 Parking requires the following parking rates:

Multi Dwelling Housing

2 spaces per 2 or 3 bedroom unit
2 visitor spaces per 5 units

Residential Flat Buildings

1 Bedroom – 1 space
2 and 3 bedrooms – 2 spaces
Visitor – 2 per 5 units

The attached dwelling component of the development provides 2 parking spaces per unit and nil allocated visitor parking spaces.

The residential flat building component of the development provides 1 parking space per 1 bedroom unit, 1.5 space per 2 bedroom unit and 2 spaces per 3 bedroom unit. Visitor parking is provided at a rate of 2 spaces per 5 units.

The proposal does not comply with visitor parking for the attached dwellings and the residential flat building parking rate for the 2 bedroom units.

It is noted that the variations above were previously sought and supported under DA910/2013/JP. Nevertheless, the applicant has sought a variation to the DCP and has stated the following as justification:

In accordance with previous discussions regarding car parking, the car parking proposed is in accordance with Condition no.3 of DA 910/2013/JP which stipulated the following parking rates for subsequent built form:

Condition no.3 Provision of Parking Spaces

The residential flat building developments are required to be provided with parking at the following rates:

*1 space per 1 bedroom unit
1.5 spaces per 2 bedroom unit
2 spaces per 3 bedroom unit
2 visitor spaces per 5 units*

Each attached dwelling is to be provided with a double garage with sufficient area on the driveway for another car to be parked in front of the garage door.

The Traffic and Parking Report for Revised Stage 1 Masterplan submitted with DA 1347/2015/JP confirms that the car parking provided is in accordance with Condition no.3 of DA 910/2013/JP. The Traffic and Parking Report also states that "Two spaces in a lock up double garage will be provided for all townhouses. These types of dwellings will all be at least 5.5m setback from the boundary and will be able to provide one (1) visitor space in front of the double garage".

Council also requested that visitor parking is required to be provided on-site and not within the adjoining road network. The Traffic and Parking Report states the following "All proposed tenants spaces for all seven Buildings would be provided on-site as part of the respective structures in Table 3 [which includes visitor parking]. All parking associated with the commercial component of Building A3 (22 spaces) will also be provided in the building car park. It is suggested that about 75 spaces will be designated for visitors of the shops. Whilst the majority of visitor spaces will be provided within the building car parks, a number of visitor spaces will also be made available on-street within the Estate" (p.6).

All visitor parking associated with the residential component of Building A3 will be provided in the basement, and the Traffic and Parking Report (May 2015, ref: J717 Rev B) prepared by Gennaoui Consulting Pty Ltd submitted with Building A3 DA 1560/2015/JP provides further details as to how the visitor parking will be provided for the commercial component. The Traffic and Parking Report submitted with DA 1560/2015/JP concluded that "some 156 spaces including 31 visitor spaces would be needed for the apartment building to comply with Council's requirements. An additional 22 spaces is required for the retail component of the building. Some 178 spaces would be provided in a three level basement car park under the building" (p.10). The Traffic and Parking Report submitted with DA 1560/2015/JP provides confirmation that all visitor parking associated with Building A3 will be provided on-site within the three level basement car park.

Comment:

The proposed masterplan seeks to maintain the parking provision previously adopted under DA910/2013/JP. Condition No. 3 of that consent stipulated the following:

The residential flat building developments are required to be provided with parking at the following rates:

*1 space per 1 bedroom unit
1.5 spaces per 2 bedroom unit
2 spaces per 3 bedroom unit
2 visitor spaces per 5 units*

Each attached dwelling is to be provided with a double garage with sufficient area on the driveway for another car to be parked in front of the garage door.

The above condition is considered to be satisfactory for the revised masterplan given that the demand for parking provision has not substantially changed from the previous masterplan. The additional dwelling yield generated by the masterplan will be commensurate with the above parking rates. Therefore the above condition will be recommended as a new condition of consent for the revised masterplan.

The parking provision for Building A3 will be provided in accordance with the above rates and will be further assessed under DA1560/2015/JP which is under concurrent consideration.

(v) Pre-determined DCP Road Layout

The Norwest Town Centre Residential DCP contains a street hierarchy and layout as detailed in Appendix 1 of the DCP. The proposed through site link to the Balmoral Road Release Area is required as it will increase traffic and pedestrian permeability between the adjoining Balmoral Road Release Area and the Norwest Town Centre.

The alignment of the through site link varies from that which was approved under the previous master plan and the DCP. Figures 1 and 2 show the intended road layout proposed in the Balmoral Road Release Area DCP and the Norwest Town Centre Residential DCP.

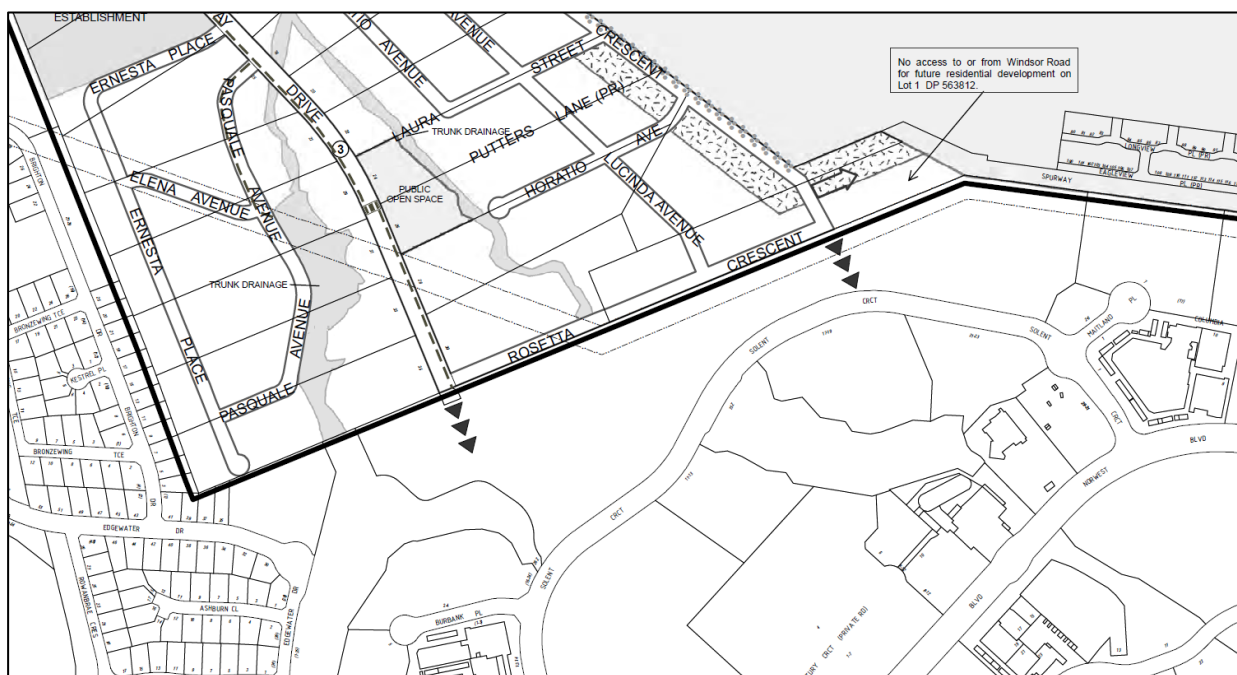


Figure 1



Figure 2

Extract from Norwest Town Centre Residential Development DCP Map

The revised masterplan seeks to realign the through site link as detailed in Figure 3 below:

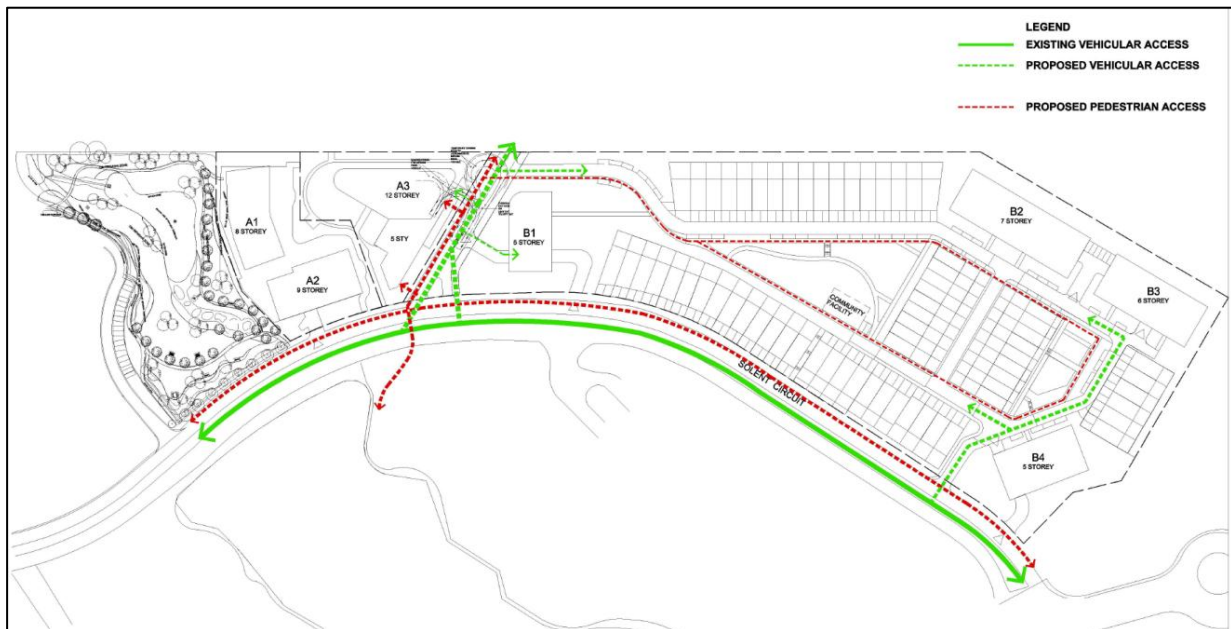


Figure 3

Extract from the architectural plans/maps submitted by the applicant

The applicant has sought a variation to the DCP and has stated the following as justification:

Council has requested that the alignment of the new Link Road proposed within the DA be amended so that the road is in accordance with the Balmoral Road Release Area DCP and the Norwest Town Centre Residential DCP. Council has stated that the

proposed alignment creates an undesirable road layout pattern, creating a new T-intersection in close proximity to two other T-intersections, requiring vehicles and pedestrians to make additional turns. However, we dispute Council's statements as there are no traffic grounds that require this road to be re-aligned with the future proposed Rosetta Crescent due to the following reasons:

- *The distances between the proposed T-intersection of the new Link Road and Rosetta Crescent and the two planned T-intersections either side is considered satisfactory from a traffic perspective. The new Link Road intersection is approximately halfway between the future proposed Lucinda Avenue and Rosetta Crescent (as shown in Figure 1 on the following page).*
- *The new Link Road as proposed is a left in, left out type intersection.*
- *The location shown on the Balmoral layout is very steep and road grading is a concern, supporting the proposed location of the new Link Road which is more appropriate to the land form.*

The proposed masterplan comprises a through site link that does not align appropriately with the Balmoral Road Release Area DCP road layout. However, it is noted that Council is in receipt of a concept plan as part of a separate planning proposal for the adjacent site (RMB 47 and Lots 32 and 33 DP 247442, Spurway Drive 10/2013/PLP) that depicts a variation to this DCP road layout that would align with the proposed masterplan (Figure 4).



Figure 4
Proposed masterplan and concept for adjacent property (Spurway Drive)

It should be noted that Council did not support the concept for the Spurway Drive planning proposal in its entirety and that no amendments to the Balmoral Road DCP were made in relation to this road alignment in conjunction with that planning proposal.

However, as both applicants have identified a variation in the road layout, it is appropriate that a variation to the DCP be managed as part of the Development Application process. In order to maintain the permeability of the road network in this area, the variation to the DCP is only considered appropriate where a 4 way intersection is delivered at the corner of Rosetta Crescent and the Spurway Drive extension.

Moreover, the road alignment has been reviewed by Council's Manager Infrastructure and Transport Planning who raised no objection to the road alignment and the permeability of the street network provided that the approaches were redesigned so as to prevent acute angles at the intersections. Accordingly, the approaches to Solent Circuit and future Spurway Drive have been redesigned in order to provide safer approaches with desirable sightlines.

In this regard, a variation to the road alignment is considered to be satisfactory.

3 ISSUES FOR CONSIDERATION

3.1 Issues raised in Submissions

ISSUE/OBJECTION	COMMENT	OUTCOME
Concern is raised that 12 storeys will be higher than the current 8 storeys of the adjoining development, further impacting the shadow effect of the high-rises in the Central Park development.	<p>The revised masterplan proposes a 12 storey residential flat building known as Building A3 which will be located adjacent to Buildings A1 and A2 currently under construction. Buildings A1 and A2 will be 9 and 8 stories respectively.</p> <p>The proposed 12 storey residential flat building will have a maximum height of RL 115.95 which is below the envisaged height limit of RL 116. The height limit of RL 116 is consistent with the existing height limit with the adjoining Norwest Business Park.</p> <p>The proposed building will not have an adverse impact on views and vistas and will not significantly impact upon the amenity of Buildings A2 and A3 or any existing dwellings within the Central Residential Precinct. Adjoining development will not be adversely overshadowed and will receive adequate solar access. Moreover, the development will be substantially setback from the Central Residential Precinct and will not result in undue overlooking.</p> <p>In this regard, the height of the proposed development is satisfactory and consistent with the height envisioned for the Eastern Residential Precinct.</p>	Issue addressed.
Concern is raised that Solent Circuit is already suffering under the strain of a lack of parking and	A Traffic Report has been submitted with the Development Application which indicates the pre and post traffic generation	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>current business traffic load, especially during Hillsong times. How will this be reduced? Solent Circuit will also implode due to parking for the train station (as there is no public parking available).</p> <p>Concern is raised that Norwest Boulevard roundabouts cannot handle the current business traffic during peak times, yet still no mention of when this will be fixed with lights, particularly at the Woolworth and Hillsong bottle necks.</p>	<p>as a result of the proposed masterplan.</p> <p>The Traffic Report has estimated that based on the dwelling yield for the entire precinct, that between 235 to 265 vehicles per hour are expected during morning and afternoon peak hours respectively. Based on the traffic generation, the report concludes that:</p> <p><i>The proposed Master Plan for the Greens Estate would result in about 12 percent more trips than the approved Master Plan. These small increases in traffic volumes largely due to the provision of small neighbourhood shops in Building A3 are not likely to unduly impact on the surrounding road network.</i></p> <p><i>Therefore, there are no traffic reasons why approval should not be granted for the revised master Plan, subject to the installation of traffic signals at the intersection of Solent Circuit East with Norwest Boulevard.</i></p> <p>It is noted that the previous masterplan comprised a condition of consent that required works to signalise the intersection of Solent Circuit (East) and Norwest Boulevard. The condition required the signals upon the occupation of 400 dwellings within the overall Norwest Residential Precinct (Including West and Central Precincts). It is noted that the current dwelling yield is 221 dwellings and hence the signalisation will be required with subsequent built form applications.</p> <p>When having regard to the proposed development and the existing traffic environment, it is envisaged that there will be no adverse traffic implications on the surrounding road network subject to future traffic signals.</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	Council's Principal Traffic Coordinator has reviewed the proposal and raises no objection to the proposed development with respect to traffic generation.	
Concern is raised that Council is not maintaining decent green spaces (particularly using native, established trees) or creating new park amenities to compensate for the massive increases in population. This seems to be in conflict with "The Garden Shire" motto. This is of major concern with respect to the proposed extension of Spurway Drive past the golf course and bulldozing the remaining trees.	<p>The proposed masterplan will include over 50% of the Eastern Residential Precinct being landscaped. The areas surrounding the curtilage of future buildings will be capable of promoting active and passive recreational uses in addition to providing canopy tree planting. Moreover, over 80% of the landscaping within common open spaces will be provenance groundcovers, shrubs and trees from the Cumberland Plain Woodland and River-flat Eucalypt Forest endangered ecological communities.</p> <p>Furthermore, DA 1278/2014/HC was approved for the revegetation in perpetuity of Lot 2102 in DP 1176614 located within the Eastern Residential Precinct adjacent to the Central Residential Precinct.</p> <p>It is considered that green spaces within proximity to the Eastern Residential Precinct are satisfactory in serving the needs for an increase in population.</p>	Issue addressed.

External Referral Comments

RMS Comments

The proposal was referred to RMS for review under the provisions of SEPP Infrastructure 2007 as the proposal provides more than 200 parking spaces. The following comments were provided for consideration:

Roads and Maritime has reviewed the submitted documentation and raise no objection to the application. Roads and Maritime has the following comments for Council's consideration in the determination of the application:

1. Any new traffic facilities, signs or line marking proposed on public roads as part of this development proposal is to be designed in accordance with the current standards and Roads and Maritime supplements. These detailed plans will need to be referred to Local

Traffic Committee for consideration and approved by Council.

2. The layout of the proposed car parking areas associated with the development (including driveways, grades, turn paths, sight distance requirements) should be in accordance with AS2890.1-2004.

In addition to the above, Roads and Maritime makes reference to page 18 of the SEE report where Council has requested a status update on the progression of the proposed signalised intersection at Solent Circuit and Norwest Boulevard, Norwest.

Roads and Maritime has been advised that Andrew King from The Hills Shire Council should be contacted regarding an update on the proposed signals.

The comments from the RMS reference the future signalisation as required by the proposed development upon occupation of 400 dwellings in total. A condition of consent will be imposed to ensure this requirement is fulfilled.

Additionally, the above comments provided by the RMS will be recommended as a condition of consent.

Police Comments

The NSW Police have reviewed the proposal and raised no objection to the proposal and have made the following notable comments for consideration:

- a. Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle bike parking.*
- b. It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit. Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.*
- c. Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting. Signage is suggested by Police for pedestrians and motorists to differentiate between retail and residential car parking areas.*
- d. Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. 'Warning, trespasser will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'*
- e. Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.*

A condition has been recommended requiring compliance with the NSW Police requirements.

Office of Water Comments

The previous masterplan was defined as Nominated Integrated Development under the provisions of the Environmental Planning & Assessment Act, 1979 as approval was required from the NSW Office of Water under the provisions of the Water Management Act, 2000. The Office of Water have advised that they raise no objection to the proposal given that the revised masterplan is more than 40 metres from waterfront land.

Sydney Water Comments

The proposal was referred to Sydney Water for review given the scale of the development. The following relevant comments were provided for consideration:

- *For the proposed development, the drinking water main available for connection is the 150mm water main on the Southern side of Solent Circuit. Detailed water requirements will be provided at the Section 73 application phase.*
- *The wastewater main available for connection is the 150mm main traversing the Western side of the subject site.*
- *Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.*
- *The proposed wastewater infrastructure for this development will need to be sized & configured according to the Sewerage Code of Australia WSA 02-2002-2.2 (Sydney Water Edition 1 – Version 3)*
- *The applicant must verify that the quantity and quality of water effluent entering the Sydney Water asset in Lot 2102 adheres to the conditions as stated in the previous development application*

A condition has been recommended requiring compliance with the NSW Police requirements.

Internal Referral Comments

Subdivision Engineering Comments

The Development Application was referred to Council's Development Engineer to review the design of car parking, vehicular access points and stormwater management. No objections were raised to the proposed development subject to conditions of consent.

Forward Planning Comments

The Development Application was referred to Council's Forward Planner to review the previous master plan application, density, building height, and through link to Balmoral Road Release Area and no objection is raised to the proposal.

Traffic Management Comments

The Development Application was referred to Council's Traffic Engineer to review traffic generation and design of the through site link. No objections were raised to the proposed development subject to conditions of consent.

Ecology Comments

The Development Application was referred to Council's Biodiversity Officer has reviewed the plans and landscape plan and recommends requirements for the planting of indigenous local provenance groundcovers, shrubs and canopy species within the landscaped area of the master plan. No objections to the master plan as amended by Council staff are raised, subject to the recommended conditions of consent.

Environment and Health Comments

The Development Application was referred to Council's Environmental Health Officer to review land contamination and acoustic design. No objections were raised to the proposed development subject to conditions of consent.

Resource Recovery Comments

The Development Application was referred to Council's Resource Recovery Officer to review waste management. No objections were raised to the proposed development subject to conditions of consent.

Heritage Comments

The Development Application was referred to Council's Heritage Section as the proposed development is within the vicinity of an avenue of trees leading to Castle Hill Country Club which is listed in Schedule 5 of The Hills Local Environmental Plan 2012 as an item of environmental heritage. No objection was raised to the proposal.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2012, and the Hills Development Control Plan 2012 and is considered satisfactory.

The proposal's variations to LEP 2012 for height and attached dwelling lot size are considered to be acceptable and supportable in this instance. The non-compliances with the DCP have been strongly justified by the applicant, in particular the alignment of the through site link, building heights, setbacks, parking requirements and unit sizes. The variations to the DCP are generally acceptable and will be further assessed during Stage 2 Development Applications.

The concerns raised in the submissions have been considered and do not warrant a refusal of the Development Application.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

Hills 2026

The social and environmental impacts have been addressed in the report. The proposal will add a variety of housing choice, in close proximity to future public transport and is a satisfactory built form outcome.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

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.

- Various changes to the landscape plan (inclusion of native planting)
- The approach to future Rosetta Crescent is to be in accordance with the 'Intersection Site Distance Analysis Rosetta Crescent/Access Road' prepared by C&M Consulting Engineers and dated 29 July 2015. The approach will facilitate safer sightlines and remove the acute angle of the future intersection.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
RMP01	Site Analysis Plan – Amended in Red	10	26/04/2015
RMP02	Vehicular and Pedestrian Access Plan – Amended in Red	06	26/04/2015
RMP03	Aerial Location Image	05	26/04/2015
RMP04	Site Plan – Amended in Red	06	26/04/2015
RMP05	Site Elevations 1	05	26/04/2015
RMP06	Site Elevations 2	05	26/04/2015
RMP07	Site Sections 1	05	26/04/2015
RMP08	Site Massing Images	06	26/04/2015
RMP09	Garbage Collections Points	06	26/04/2015
Drawing No. 001 to 0015	Norwest East Precinct Landscape Design – Amended in Red	J	13/07/2015

2. Compliance with Master Plan

Approval is granted for the proposed Master Plan in accordance with the plans and details provided with the application to provide guidance for future development of the site. All Stages of works the subject of the Master Plan will require the submission and approval by Council, of a Development Application.

3. Provision of Parking Spaces

The residential flat building developments are required to be provided with parking at the following rates:

- 1 space per 1 bedroom unit
- 1.5 spaces per 2 bedroom unit
- 2 spaces per 3 bedroom unit
- 2 visitor spaces per 5 units

Each townhouse is to be provided with a double garage with sufficient area on the driveway for another car to be parked in front of the garage door.

4. Compliance with Roads and Maritime Service (RMS) Requirements

The following condition is required by Roads and Maritime Services (RMS) or as otherwise agreed by RMS and Council in writing:

- (a) Any new traffic facilities, signs or line marking proposed on public roads as part of this development proposal is to be designed in accordance with the current standards and Roads and Maritime supplements. These detailed plans will need to be referred to Local Traffic Committee for consideration and approved by Council.

- (b) The layout of the proposed car parking areas associated with the development (including driveways, grades, turn paths, sight distance requirements) shall be in accordance with AS2890.1-2004.

5. Compliance with NSW Police Requirements

The applicant shall consider the recommendations of the NSW Police as outlined below:

- (a) Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle bike parking.
- (b) It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit. Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.
- (c) Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting. Signage is suggested by Police for pedestrians and motorists to differentiate between retail and residential car parking areas.
- (d) Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. 'Warning, trespasser will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'
- (e) Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

6. Compliance with Sydney Water Requirements

The following condition is required by Sydney Water or as otherwise agreed by Sydney Water and Council in writing:

- a) For the proposed development, the drinking water main available for connection is the 150mm water main on the Southern side of Solent Circuit. Detailed water requirements will be provided at the Section 73 application phase.
- b) The wastewater main available for connection is the 150mm main traversing the Western side of the subject site.
- c) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.

- d) The proposed wastewater infrastructure for this development will need to be sized & configured according to the Sewerage Code of Australia WSA 02-2002-2.2 (Sydney Water Edition 1 – Version 3)

7. Unit Sizes

The unit sizes for the residential flat buildings will be considered with the built form Development Applications (Stage 2), and will have regard to the Apartment Design Guidelines, SEPP 65 and The Hills 2012 DCP Part D Section 8 Norwest Town Centre Residential Development.

8. Signalisation of Norwest Boulevard/Solent Circuit (East)

In accordance with the Norwest Town Centre Master Plan (DA 790/2006/HC), a signalised intersection at Norwest Boulevard/Solent Circuit (east) shall be provided at the expense of the applicant/developer prior to the occupation of 400 units within the Norwest Town Centre Residential Precinct (including the West, Central and Eastern Precincts). The design of this signalised intersection shall be prepared by Council and approved by the RMS.

9. Proposed Street Naming

A written application for street naming must be submitted to Council for approval, along with the applicable fee as per Council's Schedule of Fees and Charges. The street names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed.

10. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

11. Road Design/ Construction Requirements

The design, location and construction of the public road dissecting the site connecting Solent Circuit and Rosetta Crescent (proposed) must comply with the DCP and Council's Design Guidelines Subdivisions/ Developments. Should Rosetta Crescent not yet be

constructed a temporary turning head will be required adjacent to the site's northern boundary.

The internal (private) roads are to be designed, located and constructed generally as shown on the plans submitted with the development application, with the following additional requirements applied:

- a) Where a private road is intended to be utilised by larger service vehicles, namely a waste collection vehicle, a swept turning path analysis for a HRV will need to be provided with the concept engineering design for these works as part of each built form application, demonstrating that the width and alignment of these roads allow for this vehicle to manoeuvre through the site without having to undertake any reversing movements. Localised widening at intersections and bends may be required to accommodate this.

12. Strangers Creek Connection/ Stormwater Requirements

The design, layout and embellishment of the creek corridor linking Norwest Lake/ Solent Circuit to Strangers Creek (Sydney Water's stormwater management zoned land) downstream must comply with the previous approvals over this part of the site. Any change to this previously approved design, layout and embellishment will require revised modelling and detailed plans as part of the relevant built form development application(s). The buildings shown "A1" and "A2" must have a finished floor level a minimum of 500mm above the 1 in 100 year ARI flood level associated with this creek connection. The driveway/ basement entrance associated with these buildings must be located away from the creek so as to provide the same freeboard.

13. 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.

14. 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.

THE USE OF THE SITE

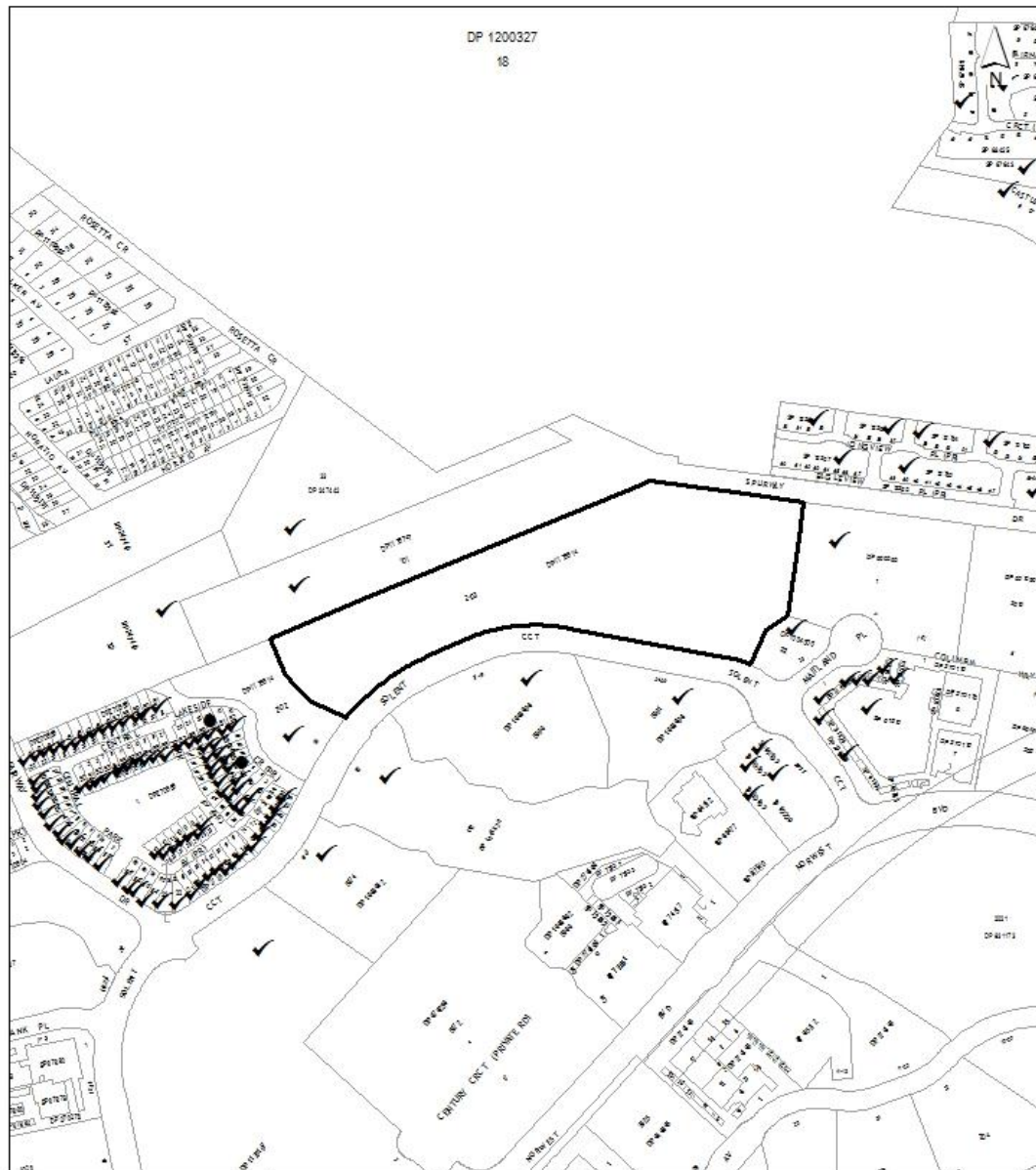
15. Agreement for Onsite Waste Collection

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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Master Plan
5. Elevations
6. Site Massing Images
7. Landscape Plan Master Plan

ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

● SUBMISSION RECEIVED

ADDITIONAL SUBMISSION RECEIVED
NOT IN SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire

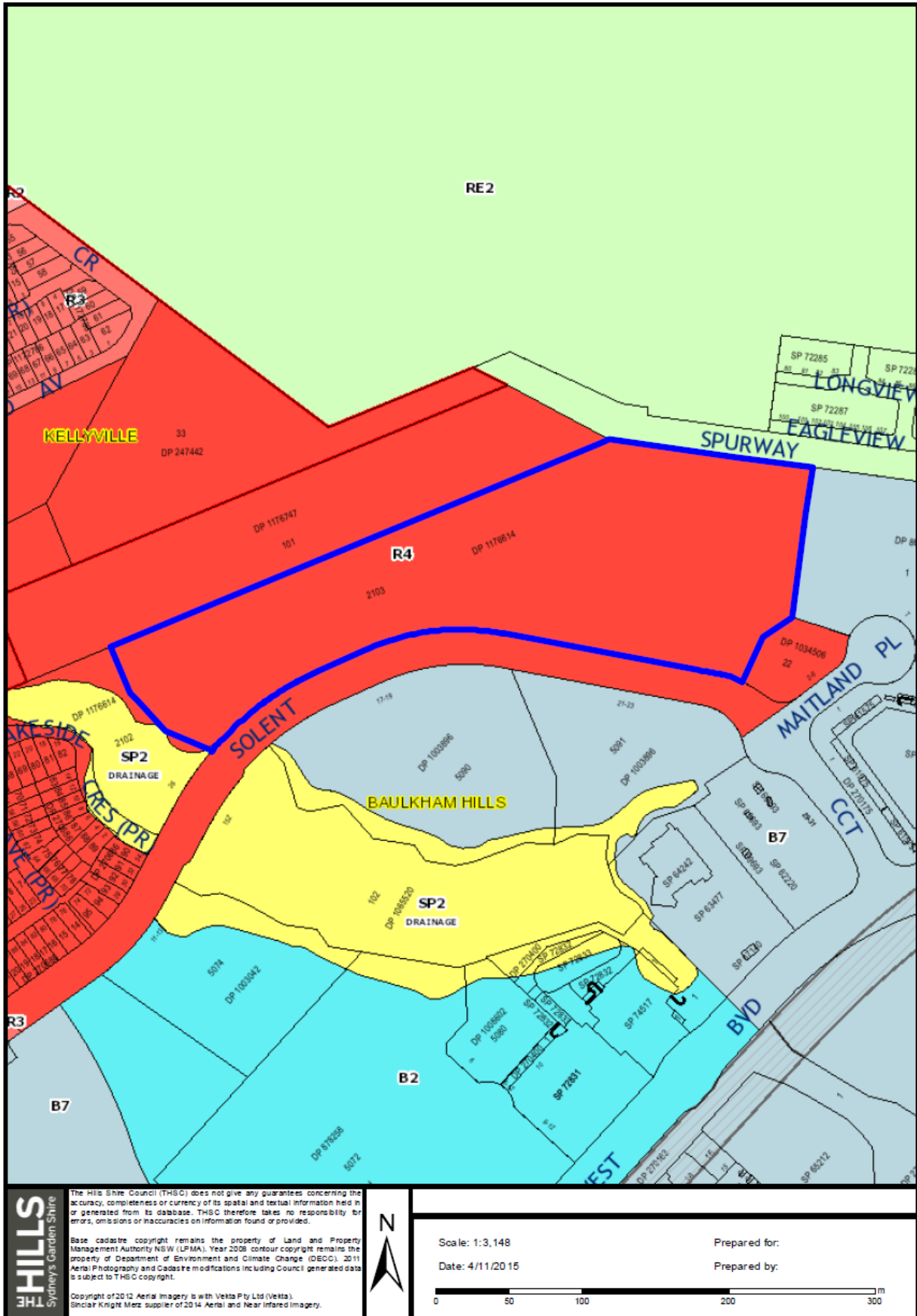
THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



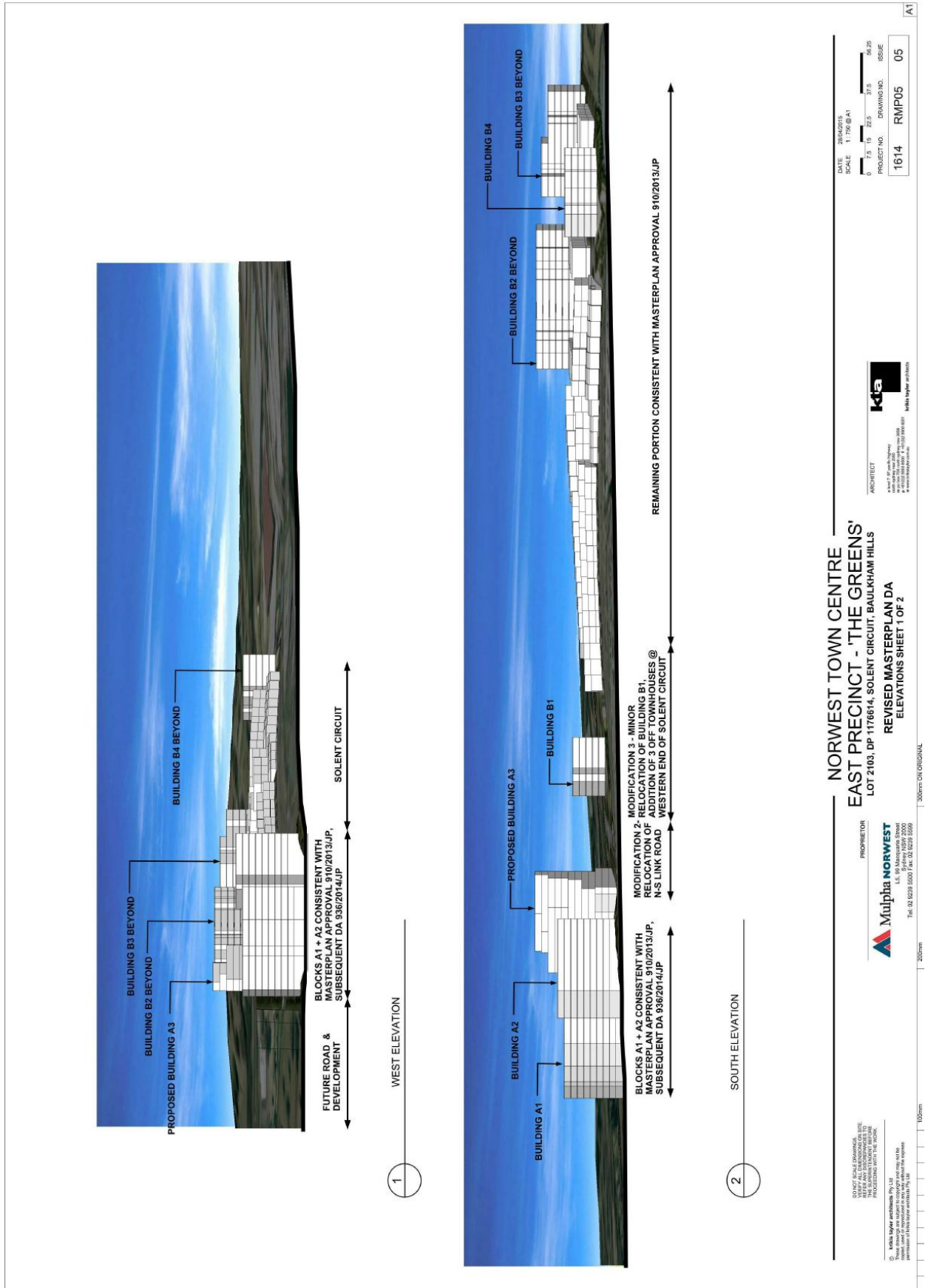
ATTACHMENT 3 – ZONING MAP

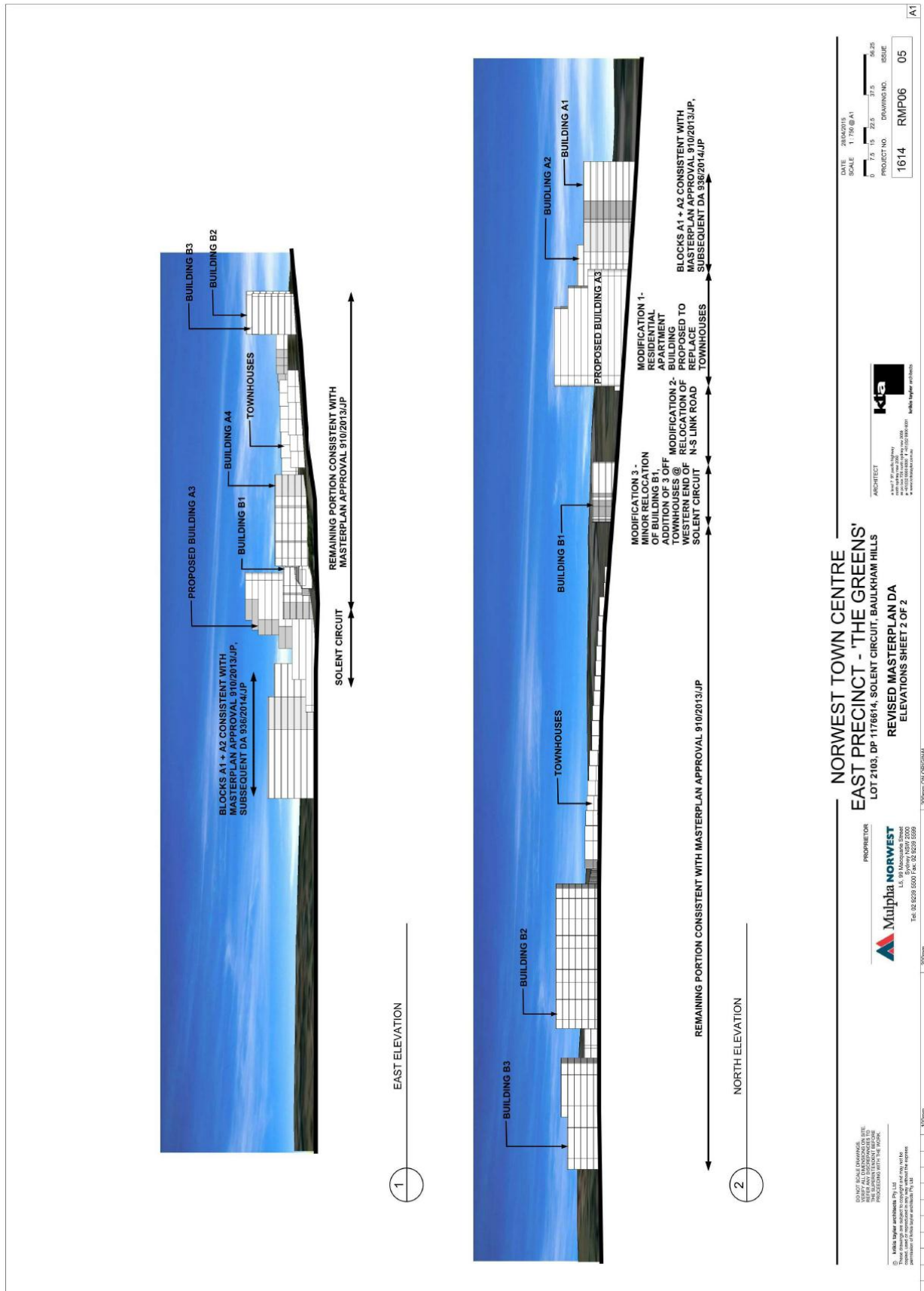


ATTACHMENT 4 – MASTER PLAN



ATTACHMENT 5 – ELEVATIONS





ATTACHMENT 6 – SITE MASSING IMAGES



ATTACHMENT 7 – LANDSCAPE MASTER PLAN

