

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW149
DA Number	229/2016/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING DEVELOPMENT CONTAINING 224 UNITS
Street Address	LOT 2 DP 200844, NO. 5-9 WITHERS ROAD, KELLYVILLE
Owner	WAKEFIELD ASHURST DEVELOPMENTS PTY LTD/KELLYVILLE CENTRAL PTY LTD
Number of Submissions	NIL
Regional Development Criteria (Schedule 4A of the Act)	CIV OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	• SEPP SYDNEY REGION GROWN CENTRES 2006 • NORTH KELLYVILLE PRECINCT DCP • SEPP 55 – REMEDIATION OF LAND • SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT • APARTMENT DESIGN GUIDELINES
Does the DA require Special Infrastructure Contributions Conditions (s94EF)?	YES
List all documents submitted with this report for the panel's consideration	NIL SUBMISSIONS
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 224 units, comprising 7 x 1 bedroom, 156 x 2 bedroom, 61 x 3 bedroom units. The units are proposed within three separate buildings which have a height of four to eight storeys. The site fronts Withers Road (existing) and will also include the part or full construction of Nullabor Street, Sandbanks Avenue and Kalbarri Street.

The site is zoned R2 Low Density Residential, R3 High Density Residential, E4 Environmental Living and RE1 Public Recreation. The applicant seeks to utilise the 'Development near zone boundaries' clause to develop a residential flat building within

the R2 Low Density zone, but does not seek to maximise yield on other areas of the site to provide a balanced and reasonable built form and scale of development.

The development includes a variation to SEPP Sydney Region Growth Centres which limits the height of development on the site to 9 metres within the R2 Low Density land and 16 metres within R3 Medium Density land. The proposed maximum height in the R2 Low Density land is 19.5 metres which is a variation of 116.6%. The proposed maximum height in the R3 Medium Density land is 22.4 metres which is a variation of 40%. The proposed height is considered satisfactory given the location beside the North Kellyville Local Centre and is suitable for higher density development. That part of the site on which buildings will be placed will be surrounded by existing or future public roads and as such does not directly adjoin existing or future development. The proposal includes the retention of the E4 Environmental Living zoned area as an environmental facility, which is a permissible use in the zone, as further justification for the proposed height. There is also generous open space provision on the southern part of the site.

The development includes variations to the North Kellyville DCP in respect to front setback and private open space and also to SEPP 65 – Design of Residential Flat Buildings and the Apartment Design Guidelines in relation to private open space and direct sunlight. The proposed design is considered satisfactory and the variations are minor in nature.

The proposal was exhibited and notified to adjoining property owners and no submissions were received.

The proposal is recommended for approval subject to conditions.

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

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Kellyville Central Pty Ltd	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R2 Low Density, R3 Medium Density, RE1 Public Recreation and E4 Environmental Living.	2.	<u>SEPP Sydney Region Growth Centres 2006</u> – Variation required, see report.
Area:	4.854 hectares	3.	<u>SEPP 65 – Design Quality of Residential Flat Development and Apartment Guideline</u> - Satisfactory
Existing Development:	Three dwelling houses and associated structures	4.	<u>SEPP 55—Remediation of Land</u> - Satisfactory
		5.	<u>North Kellyville DCP</u> – Variations required, see report.
		6.	<u>Section 94 Contribution</u> – Yes, currently \$5,276,926.52
		7.	<u>Special Infrastructure Contributions</u> – condition imposed.

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 31 days	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, 31 days		
3. Number Advised:	19		
4. Submissions Received:	Nil		

HISTORY

05/08/2015	Subject Development Application lodged.
17/11/2015	Letter sent to the applicant requesting further details on the use of the E4 Environmental Living zoned land, various engineering matters, waste management details, landscape plan, unit numbering, unit sizes and setbacks.
07/12/2015	Draft plans provided by the applicant for discussion purposes.
10/12/2015	A meeting was held with the applicant to discuss the outstanding issues.
11/02/2016, 24/02/2016 and 30/03/2016	Additional information submitted by the applicant.
05/04/2016	Email sent to the applicant requesting additional information regarding the lower ground floor plan, adaptable units, works within the E4 Environmental Living zone, open space, private open space, storage areas, height, letterbox locations, subdivision plan and compliance with parking dimensions.
15/04/2016	Additional information submitted by the applicant.

PROPOSAL

The Development Application is for the demolition of existing structures, construction of three residential flat buildings ranging from 4 to 8 storeys comprising of a total of 224 units (7 x 1 bedroom, 156 x 2 bedroom, 61 x 3 bedroom), basement parking for 481 vehicles, construction of road and drainage, and subdivision of the development site to create a development lot, future open space and road.

The residential flat buildings will contain the following:

Building A – 141 units.
Building B – 61 units.
Building C – 22 units.

There are 29 adaptable units proposed.

The basement carpark comprises 436 resident parking spaces and 45 visitor spaces.

The proposal includes face bricks, Alucobond panels, sliding shutters and metal roofing. The colour scheme includes browns, creams/whites and grey, blue, yellow and orange features. The external materials and finishes are in keeping with the modern character of the area.

The site is zoned:

R2 Low Density Residential
R3 High Density Residential
E4 Environmental Living
RE1 Public Recreation

The residential flat development will be located in the southern part of the site which is zoned part R2 Low Density Residential and part R3 High Density Residential. The RE1 Public Recreation zoned land will be acquired by Council as part of the open space requirements of the area. The E4 Environmental Living zoned land will be utilised as part of the development site however will only be used for passive recreation. In order to ensure that the E4 Environmental Living zoned land is maintained as intended, a restriction has been recommended to require this area to be maintained in perpetuity.

The development component of the site is bounded by existing and proposed future roads. The site currently has frontage to Withers Road. The proposed works include the half road construction of Nullabor Street, and full road construction of Sandbanks Avenue and Kalbarri Street.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

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

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

The proposed development has a Capital Investment Value of \$71,903,070 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application is referred to the JRPP for determination.

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

(i) Permissibility

The site is zoned:

R2 Low Density Residential
R3 High Density Residential
E4 Environmental Living
RE1 Public Recreation

Attachment 3 shows the zoning.

The residential flat development will be located in the southern part of the site which is zoned part R2 Low Density Residential and part R3 High Density Residential. It is noted that there is an encroachment of the proposed road (Sandbanks Avenue) into the E4

Environmental Living zoned area. As a road is a permissible use in the E4 Environmental Living zone, no objection is raised.

The proposal is defined as a residential flat building:

"residential flat building" means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

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

(ii) Works in the R2 Low Density Residential Zone

The site includes a section of R2 Low Density Residential land located along part of the eastern boundary which has a width of approximately 30 metres. Building A encroaches into the R2 Low Density Residential zoned land by a maximum of 6.3 metres. Attachment 6 shows the proposed encroachment. The applicant has addressed the encroachment as follows:

The zoning overlay also shows that the eastern end of Building A encroaches into the R2 zoned land by up to 6.3m. Clause 5.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 provides that consent may be granted to development of land to which Clause 5.3 applies for any purpose that may be carried out in the adjoining zone, for a distance up to 20m. Therefore consent may be granted for that part of the residential flat building that encroaches into the R2 zoned land, provided the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

As discussed in the Statement of Environmental Effects (SEE), the proposed development is considered to be consistent with the objectives of the R3 zoned land. An assessment against the objectives of the R2 zoned is provided below.

To provide for the housing needs of the community within a low density residential environment.

The development will provide housing for the growing community of The Hills Shire and the narrow strip of land between the zone boundary and Kalbarri Street (in its currently proposed location) cannot be appropriately developed for low density residential uses as the land area is only 11.5m wide between the zone boundary and the road reservation for the proposed Kalbarri Street. Low density residential development in this strip of land cannot be achieved because of the building separation distance required between a residential apartment building and a dwelling and because of the street frontage setback required from Kalbarri Street.

It should be noted the road reservation and alignment of Kalbarri Street have been moved to the east to provide direct road frontage to the adjoining lot to the east which facilitates a more orderly development of both the site and adjoining property.

Lower density residential uses will be more appropriately developed on the adjoining property. A 24m separation distance is provided from the proposed development to the

existing lot boundary, which will ensure an appropriate separation distance. Future dwellings developed on the adjoining R2 will typically be setback 4.5m from the property boundary so the separation distance between the low density dwellings and residential flat buildings will be in excess of 28m.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not relevant to the proposed development.

- *To provide for a variety of housing types but primarily low density detached housing.*

The proposed development seeks to provide a range of apartment sizes and the adjoining development to the east will be primarily low density detached housing. As the small residual parcel of land zoned R2 could not be developed for low density development extending the proposed residential apartment building to the road will allow the residential land to accommodate residential dwellings.

- *To support the well-being of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.*

The proposal is for residential uses and does not contain any other non-residential uses, which are appropriately provided on the adjoining town centre.

The objectives of the R3 zone have been addressed in the SEE.

The objective of Clause 5.3 is to provide flexibility to enable a more logical and appropriate development of a site, and in this instance, the R2 zoned land cannot be reasonably nor appropriately developed for low density uses given the location of the new road (Kalbarri Street) and the need to provide sufficient separation between the medium and low density residential uses to achieve good amenity for the lower density uses.

It is a logical design response for the proposed residential flat building to extend across the R2 zone boundary allowing the proposal to have an interface with Kalbarri Street.

Comment:

Clause 5.3 'Development near site boundaries' of the Precinct Plan states:

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) *This clause does not apply to:*

- (a) *land zoned B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways or*
- (b) *land within the coastal zone, or*
- (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
 - (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *The clause does not prescribe a development standard that may be varied under this Precinct Plan.*

As shown in Attachment 3, the R2 Low Density Residential land is located along part of the eastern boundary. As outlined in parts 1 and 2 above, an appropriate use may be carried out on land where the use does not encroach within a distance greater than 20 metres. The proposed use satisfies the distance limitation as the proposed encroachment of the residential flat building into the R2 Low Density Residential land for a distance of 6.3 metres.

As outlined by the applicant, the Kalbarri Street (proposed road) has been relocated closer to the eastern boundary to facilitate development of the subject site and the development site to the east. Given the narrow width of the land which is approximately 11.5 metres, the area is more suitably accommodated within the current proposal to allow an orderly streetscape outcome. A Development Application has been lodged for the site to the east (DA 1246/2015/ZB) for 46 residential lots, one residue lot and road construction (currently under assessment). The minor relocation of the road results in an orderly development of both sites and allows for a compatible and appropriate use of both development sites.

The proposed encroachment is also considered to be satisfactory having regard to the objectives of both zones. The proposal provides for housing needs of the community, it contributes to the housing choice in the area and supports the provision of medium density housing.

The proposed use of the land for an apartment development is considered to be a 'logical and appropriate development' given the surrounding existing and proposed urban form. The R3 Medium Density zoned land is located opposite the approved (but not yet constructed) retail and commercial development at the corner of Withers Road and Barry Road. The encroachment is minor and is considered to be a satisfactory use of the site.

Further, the proposed apartment development is separated from the future adjoining development due to the site being surrounded by four roads. This ensures that the proposed development provides an appropriate level of distance between any lower density uses proposed across Kalbarri Street.

The proposed use is considered satisfactory.

(iii) Use of the E4 Environmental Living Land

The E4 Environmental Living zoned land located to the north of the site is proposed to be used as an 'environmental facility'. The applicant has advised that:

The E4 zoned land to be used as an environmental facility will be retained in private ownership and will ultimately be owned by the Strata Plan to be established for the residential apartments. The land will become common property of the strata scheme. The future management of the land will therefore lie with the strata scheme, who will be responsible for the ongoing maintenance of the bushland and the proposed environmental facilities.

Ongoing maintenance works will be funded by the strata scheme via a levy on future strata plan owners and managed by the body corporate. The exact funding model will be determined once the strata scheme is established.

Access to the site will be via security controlled gates, with swipe card access. Perimeter fencing will be established and is proposed to be 1.8m high black chain wire fence. An image of black chain wire is provided below. Access to the environmental facilities and bushland areas will be restricted to future residents of 5-9 Withers Road and their guests.

Comment:

An environmental facility is defined within the Precinct Plan as:

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

The objectives of the E4 Environmental Living zone from the Precinct Plan are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

The applicant has submitted a landscape plan which shows the works proposed within the E4 Environmental Living zoned land. The works include pergolas and gates at the two entry points, a sandstone path system, fencing, bridge crossing across the creek, picnic shelters, a bioretention basin and embankment planting.

The proposed use of the E4 Environmental Living zoned land is considered appropriate and this area will provide an additional passive recreation area for residents of the development. The on-going maintenance and management of the area is consistent with the desire to ensure that the environmental value of the land is sustained. In order to ensure that the E4 Environmental Living land is maintained in perpetuity, a condition has been recommended which requires a restriction to be created over the E4 Environmental Living land (Condition imposed 105 (vi) and (viii)).

As such the proposed use of the E4 Environmental Living zoned land is considered satisfactory and can be supported.

(iv) Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1B Residential density	Minimum 20 dwellings per hectare.	46.1 dwellings per hectare including the E4 land (61.9 dwellings per hectare excluding the E4 land).	Yes
4.3 Height of buildings	R2 Low Density land – 9 metres R3 Medium Density land - 16 metres	Maximum height in R2 Low Density land – 19.5 metres. Maximum height in R3 Medium Density land - 22.4 metres.	No – see comments below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	Variations proposed to height are addressed below.	Yes

Clause 4.6 Exceptions to Development Standards states as follows:

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

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

a. Variation to Height

SEPP Sydney Region Growth Centres 2006 limits the height of the development to:

R2 Low Density land – 9 metres

R3 Medium Density land - 16 metres

The following variations are proposed:

Building	Maximum Height	Variation
Building A – within the 12m height limit	16.2 - 22.4m	0.2 - 6.4m
Building A – within the 9m height limit	17.3 - 19.5m	8.3 - 10.5m
Building B	16.4 - 17.8m	0.4 - 1.8m
Building C	18.4 - 18.8m	2.4 - 2.8m

The applicant has provided a detailed justification and has concluded as follows:

....the 16m and 9m height of buildings development standards is unreasonable and unnecessary in this circumstance.

The non-compliance with the 16m building height limit is generated by both the slope of the land and the desire to preserve the bushland on the northern part of the site and limit the development to the southern part of the site. In order to provide a medium density development that interfaces with Kalbarri Street it is necessary to utilise the flexible zone boundary provisions which inevitably results in a breach of the 9m height limit that applies to the R2 zone. Not extending the development to Kalbarri Street would result in poor built form outcome.

The proposed development is consistent with the zone objectives and the exceedance of the building height limit does not affect the proposal's consistency with the zone objectives. Similarly, the proposed development satisfies the objectives of the building height development standard under the LEP.

The exceedance of the building height limit does not generate any adverse amenity impacts on the future residents of the proposed development or future adjoining

development. In fact it reduces amenity impacts compared with a development scenario which places low density development on Kalbarri Street immediately adjoining the proposed residential apartments. Accordingly it is considered that the proposal is in the public interest. Furthermore, compliance with the development standard would reduce the number of homes that would be provided within close proximity to the proposed North Kellyville Local Centre.

The justification within this written request is considered to be well founded and the proposed development worthy of approval.

Comment:

The objectives of the SEPP are:

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

The objectives of the DCP in regard to residential flat buildings are:

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

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

The applicant has stated in the Clause 4.6 variation request:

Whilst the buildings are greater than 16m and 9m in the height, the retention of bushland and no development on the E4 zoned land is considered to achieve better overall environmental outcome for the site as there are minimal environmental impacts associated with the additional building height and greater environmental benefits in preserving the bushland area. The site area is large and can absorb the additional building height proposed with 60% of the site being open space.

In regard to the above, the applicant has proposed that the E4 Environmental Living land be utilised only for passive recreation for residents. The retention of this area and the embellishment works proposed, have assisted in substantiating the proposed height variation. The additional height is considered satisfactory when balanced with the retention of the E4 Environmental Living land.

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

The development includes a large area of open space, both immediately surrounding the apartment buildings and to the north of the development area which is zoned E4 Environmental Living. Landscape works are also proposed to enhance the development for both future residents and from a streetscape perspective.

A high level of amenity is provided to the units given the area of landscape provided as part of the development site, the proximity to the future local centre, future public transport and the variety of unit types available. There are also 39 adaptable units provided which will assist in providing housing choice within the area.

A local heritage item ('Yalta') is located at 45 Hezlett Road however there is sufficient separation between the development site and the local heritage item to ensure that there will not be an adverse impact to the local heritage item.

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

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

3. Native Vegetation Area and Offset

The site contains an area mapped under the SEPP as a native vegetation protection area. Attachment 4 shows the native vegetation area. The native vegetation area is located within the E4 Environmental Living zoned area. Vegetation within this area can only be removed with Development Consent. The applicant proposes a bio-retention basin within the native vegetation area. In addition, the native vegetation area extends onto the adjoining site at No. 3 Withers Road which is subject to Development Application 1246/2015/ZB for 46 residential lots, one residue lot and road construction (currently under assessment). The native vegetation area on this adjoining site is also proposed to be removed and an offset provided on the subject site.

The proposed vegetation loss and offsets are as follows:

Loss of vegetation for the bio-retention basin – 412m²
Proposed offset for the bio-retention basin – 1702m²

Loss of vegetation for the works on No. 3 Withers Road under DA 1246/2015/ZB – 930m²

Proposed offset on the subject site for the works on No. 3 Withers Road under DA 1246/2015/ZB – 1400m².

Note: the offset of vegetation on the adjoining site is not under consideration with the subject application and the details are provided for information purposes only.

The applicant has submitted the following as justification for the proposal:

Council has advised that it does not support the current location of the bio-retention basin as it is within the native vegetation retention area and Council requested the bio-retention basin be relocated, ideally within the R3 zoned land or that the offset planting is to be provided outside the mapped native vegetation retention area.

Prior to lodgement of the DA, the applicant consulted with the NSW Office of Water (NOW) regarding the proposed location of the detention basin and the NOW did not raise any objection to the proposed location.

The location of the detention basin has been selected as it is a natural low point within the site and is located in an area that is generally cleared of significant vegetation and comprises grasses and some canopy trees. Part of this area will also be disturbed by the construction of the new Sandbanks Avenue and the batters to retain the road.

The engineering plans show the extent of the riparian corridor loss and the extent of the compensatory increase in the riparian area. The design of the bio-retention basin has been amended to locate the basin to be setback 5m from the top of the bank of the riparian corridor and elongated to minimise disturbance to the riparian corridor.

The compensatory increase in the riparian corridor (in addition to the existing mapped riparian corridor) is 1,702m², which is significantly greater than the 412m² area lost for the provision of the detention basin.

The Water Sensitive Urban Design Strategy report has been updated to reflect the amended design.

Clause 6.3 of State Environmental Planning Policy (Sydney Region Growth Centres) requires that development consent must not be granted for the removal of native vegetation unless council is satisfied that the requirements of Clause 6.3(6) are addressed. These are discussed below.

(a) that there is no reasonable alternative available to the disturbance of the native vegetation.

As noted above the location of the detention basin has been selected as it is a natural low point for drainage discharge within the site and sits immediately north of the alignment of Sandbanks Avenue and is ideally positioned with respect to the servicing of the proposed development.

Figures 1-3 show photographs of the area of the proposed bio-retention basin. As can be seen, the area of the proposed basin is predominately grass and the area was also chosen as it will require minimal removal of trees. Given the area is predominantly a cleared area, the use of this area for the bio-retention basin minimises disturbance to native vegetation and there are no other reasonable alternatives for the location of the detention basin. Relocation of the basin to within the R3 zoned will have a significant impact on the design of the apartment buildings and basement and would require major design modifications. The proposed development is seeking to limit residential development to the R2 and R3 residential zoned land and retain the E4 zoned land for non-residential and bushland uses.



Figure 1: View of area of proposed detention basin



Figure 2: View of area of proposed detention basin



Figure 3: View of area of proposed detention basin and existing creek line (on left)

(b) that as little native vegetation as possible will be disturbed

As discussed above the location of the basin is in an area that is generally a disturbed open grassed area that is not heavily vegetated and therefore will disturb as little native vegetation as possible.

(c) that the disturbance of native vegetation will not increase soil salinity

Within The Hills area, land along creek lines is generally mapped as having a very low salinity potential. Given the minimal removal of trees and larger area of compensatory planting the proposal is not expected to increase soil salinity.

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction

Bank re-establishment planting will be undertaken around the bio-retention basin and a variety of sedges and rushes will be planted in the bio-retention basin. A full schedule of plant species proposed to be planted is included with the landscape plans.

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation

A 1702m² compensatory planting area is proposed further downstream and within the site. The compensatory planting area is an addition to the existing riparian corridor and is three times the size of the area proposed to be disturbed for the provision of the bio-retention basin. Therefore there will be a net gain of native vegetation area.

(f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

Only 412m² (0.0412ha) of land will be disturbed and is therefore a significantly smaller area than 0.5 hectares.

Comment:

Clause 6.3(6) of the Precinct Plan states as follows:

- (6) *Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:*
 - (a) *that there is no reasonable alternative available to the disturbance of the native vegetation,*
 - (b) *that as little native vegetation as possible will be disturbed,*
 - (c) *that the disturbance of the native vegetation will not increase soil salinity,*
 - (d) *that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,*
 - (e) *that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,*
 - (f) *that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.*

The objective of this clause is to prevent the clearing of certain native vegetation.

The proposed development includes the loss and offset of vegetation as follows:

Loss of vegetation for the bio-retention basin – 412m²
Proposed offset for the bio-retention basin – 1702m²

Loss of vegetation for the works on No. 3 Withers Road under DA 1246/2015/ZB – 930m²
Proposed offset on the subject site for the works on No. 3 Withers Road under DA 1246/2015/ZB – 1400m²

As can be seen, the total loss of vegetation on the site is 412m², however with both offset areas combined there is an increase in vegetation on the site of 3102m² on the site.

The proposed location of the bio-retention basin within the mapped native vegetation area is considered reasonable given that the works are located within a predominantly cleared area. As such there will be a minor impact to the native vegetation on the site. There are no mapped salinity areas in proximity to the site.

The clearing on site is less than 0.5 hectares and will be compensated by the offset planting on the site.

Council's Senior Biodiversity Officer has reviewed the proposal and has raised no objection to the proposal subject to the imposition of conditions requiring a vegetation management plan to be prepared and implemented.

As such no objection is raised to the proposed works within the native vegetation area.

4. SEPP 55 – Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land 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.*

A Stage 1 Preliminary Site Investigation report has been prepared by DLA Environmental. The report has identified that bonded asbestos fragments were observed at three locations on the site. The report also concludes there is a low risk of chemical contaminants based on historical review, site investigation and laboratory soil analysis.

The report concludes that:

In its current condition the Site can be made suitable for the future intended land use, consistent with the criteria outlined in the NEPM 2013 Table 1A(1) Column B – Residential with minimal opportunities for soil access, following the implementation of asbestos remediation and appropriate clearance certification.

The report has been reviewed by Council's Environmental Health Officer who has raised no objection to the proposal subject to the imposition of a condition requiring implementation of the recommendations of the report (See Condition 11).

5. Compliance with North Kellyville DCP 2014

The proposal has been assessed against the provisions of The North Kellyville Development Control Plan as detailed below. It may be noted that the key controls specified by the DCP relate only to the R3 Medium Density and R4 High Density zones. As Clause 5.3 of the Precinct Plan has been utilised to allow development of apartments within the R2 Low Density zone, the DCP requirements are considered relevant to the whole development.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED	COMPLIANCE
Frontage	30m	The site will have the following frontages to the existing and future roads: Withers Road – 147m Nullabor Street – 104m Sandbanks Avenue – 148m Kalbarri Street – 70m	Yes
Adaptable Dwellings	10%	There are 29 adaptable units which is 12.9%.	Yes
Site Coverage (maximum)	50%	10%	Yes
Landscape Area (minimum)	30%	57% of the site area south of Sandbanks Avenue and 74% of the total site area (excluding roads).	Yes

Communal Open Space	15%	57%	Yes
Principal Private Open Space	10m ² per dwelling	All units comply with the exception of unit BG22 which has 8m ² .	No – see comments below.
Front Setbacks (minimum)	6m Balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length.	All units comply with the exception of units A305 and A405 which are on levels 3 and 4 and have a setback of 4.8m from Nullabor Street.	No – see comments below.
Corner Lots Secondary Street Setback (minimum)	6m	All of the buildings front a street. There are no secondary streets.	NA
Side Setback (minimum)	Buildings up to 3 storeys: 3m Buildings above 3 storeys: 6m	All of the buildings front a street. There are no side setbacks.	NA
Rear Setback (minimum)	6m	All of the buildings front a street. There are no rear setbacks.	NA
Zero Lot Line	Not permitted	There are no zero lot lines proposed.	NA
Habitable Room/Balcony Separation Distance (minimum) for buildings 3 storeys and above	12m	The separation between the buildings exceeds 12 metres.	Yes
Car Parking Spaces - Resident	1 space per dwelling plus 0.5 spaces per 3 or more bedroom dwelling	Based on 7 x 1 bedroom, 156 x 2 bedroom and 61 x 3 bedroom units, 255 (254.5) spaces are required. A total of 436 resident spaces are provided.	Yes
Car Parking Spaces - Visitor	1 visitor car parking space per 5 apartments	45 visitor spaces are required, with 45 spaces provided.	Yes
Bicycle Parking	Bicycle parking spaces: 1 per 3 dwellings	75 bicycle spaces are required, with 80 bicycle spaces provided.	Yes
Garage Dominance	A maximum of two garage doors per 20m of lot frontage facing any one street frontage.	There is two basement entry points proposed, one from Nullabor Street and one from Kalbarri Street.	Yes

In addition to the above, the proposal is considered to be generally consistent with the road layout plans within the DCP (See Attachment 5). It is noted that there is an encroachment of the proposed road (Sandbanks Avenue) into the E4 Environmental

Living zoned area. As a road is a permissible use in the E4 Environmental Living zone, no objection is raised. In addition, Kalbarri Street has been relocated marginally to the east and the central lane way has been deleted. The proposed roads continue to be consistent with the DCP road layout plan and are considered satisfactory.

a. Private Open Space

The DCP requires that a minimum 10m² of private open space is provided for each unit. All units comply with the exception of unit BG01 which has a private open space area of 8m².

In addition, the ADG requires that a 1 bedroom unit have a private area of 8m² with a minimum depth of 2m, however if the units is located at ground level a private open space area of 15m² with a minimum depth of 3m is required.

The applicant has submitted the following as justification:

All apartments have principal private open space greater than 10m², with exception of apartment BG22 which has 8m². Whilst the private open space is less than 10m² or 15m², the site has very large areas of communal open space.

Comment:

The DCP contains the following objectives:

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

The proposed apartment provides a reasonable level of amenity for future residents. The unit has direct access from the living areas to the balcony and receives a satisfactory level of solar access. A high level of residential amenity is provided.

The units also have a high level of access to the common open space immediately surrounding the development, to the E4 Environmental Living area which is located across Sandbanks Avenue and to Council's future public park which is also located across Sandbanks Avenue. As such the proposal is considered to have a high level of access to both private and public open space.

The proposed variation to the private open space area is satisfactory and can be supported.

b. Setbacks

The DCP requires a 6m front setback, however balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length. Due to the site layout and road frontages, all elevations of the buildings are considered to be front setbacks. Two of the units fronting Nullabor Street have a setback of 4.8 metres. These units are located on Levels 3 and 4.

The applicant has submitted the following as justification:

The boundary setbacks comply for all buildings with the exception of two balconies fronting Nullabor Street on Levels 3 and 4 of Building A (Units A305 and A405), which are set back from the boundary by 4.8m not 6m. The boundary setback control allows

for balconies to encroach into the setback to a maximum of 4.5m from the boundary, for the first three storeys and for a maximum 50% of the façade length.

The width of the balconies on Level 3 and 4 is only 6.5m, whereas the length of the façade of Building A fronting Nullabor Street is 40.47m. Therefore the extent of the setback encroachment is only 16% of the façade length and therefore balconies at the lower level comply with the setback control. The façade and apartment design for Levels 3 and 4 maintains the design of the lower levels to provide a uniform design for the first five stories, with the sixth storey further set back (which complies with the 6m boundary setback).

Whilst the proposed design results in an encroachment of 1.2m for two balconies at Levels 3 and 4, the extent of the encroachment is limited to a relatively small section of the total façade length and the design of the façade presents a rhythmic form and articulated façade and does not result in any adverse environmental impacts.

Comment:

The DCP contains the following objectives:

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

The proposed variations are considered minor and will not result in an adverse impact on streetscape. The proposed external design and articulation provided for the apartments is appropriate for the modern character of the area.

The development, in this area, will face towards the mixed use development approved at No.s 2-4 Barry Road. The proposed development is compatible with the adjoining development. Separation is provided between the developments through the provision of Nullabor Street.

The proposed setbacks are considered satisfactory given the minor nature and are supported.

c. Unit Size and Mix

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

Apartment Mix

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

Residential Flat Development (30 or more units)

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

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

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

The following is proposed:

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 7 x 1 bedroom units (3.1% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 61 x 3 bedroom units (27.2% of the total).

Proposed Unit Sizes are:

Unit Type	Size	No. of Units	Type
1 bedroom	65 - 70m ²	6	Type 2
	80m ²	1	Type 3
2 bedroom	89m ²	9	Type 1
	90 - 105m ²	126	Type 2
	110 - 124m ²	21	Type 3
3 bedroom	107 - 122m ²	16	Type 1
	120 - 134m ²	28	Type 2
	135 - 172m ²	17	Type 3

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 25 x Type 1 apartments (11.2% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments - there are 160 x Type 2 apartments (71.4% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there are 39 x Type 3 apartments (17.4% of the total).

Although the development does not meet the requirements of the DCP in regard to unit types, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes. The proposal also meets the objective of the ADG in regard to unit mix which requires 'A range of apartment types and sizes is provided to cater for different household types now and into the future'.

Clause 30(1)(b) of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide. The units all meet the minimum internal area specified in the ADG.

The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. The SEPP also requires that the development demonstrates that the proposal has had adequate regard to the Design Quality Principles and the objectives of the ADG. The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

The proposal is considered satisfactory in regard to the proposed unit sizes and mix. The development provides a range of unit types and layouts to meet the needs of future residents.

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

The proposal has been accompanied by a Design Verification Statement by a chartered architect which confirms that the proposal is satisfactory with regard to the provisions of SEPP 65.

The proposal has been assessed against the provisions of the Apartment Design Guidelines (ADG) as outlined below:

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	59% of the total site is open space.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	A total of 30% of the development site (south of Sandbanks Avenue) is deep soil, with 68% of the overall site.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	The separation between the buildings exceeds 12 metres.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Appropriate visual privacy is achieved through window placement, use of balustrades and screens and separation between buildings.
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:	The site is not within 800m of a railway station or light rail stop so this provision does not apply. Parking has been provided in

	Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	accordance with the DCP requirements.
Designing the Building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	74% of the units receive a minimum three hours solar access.
Direct Sunlight	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	17% of apartments receive no direct sunlight – see comments below.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	88% of apartments are naturally cross ventilated.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1.8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	All ceiling heights are 2.7 metres.
Apartment size	Apartments are required to have the following internal size: Studio – 35m ² 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	All units comply with the required minimum sizes.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window.	The proposed units comply with the depth requirements.
Balcony area	The primary balcony is to be: Studio – 4m ² with no minimum depth 1 bedroom – 8m ² with a minimum depth of 2m	All balconies areas comply with the minimum area requirements with the exception of unit

	2 bedroom – 10m ² with a minimum depth of 2m 3 bedroom – 12m ² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m ² with a minimum depth of 3m is required.	BG22 which is located on the ground floor and has a courtyard of 8m ² . See comments above.
Storage	Storage is to be provided as follows: Studio – 4m ³ 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3+ bedrooms – 10m ³ At least 50% of the required storage is to be located within the apartment.	Storage is provided in both the basement parking and within the units to meet the requirements.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	A variety of units sizes, layout and designs are provided.

a. Direct Sunlight

The ADG requires that a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. The proposal has 17% of apartments which receive no direct sunlight.

The applicant has submitted the following as justification:

17% of apartments receive no direct sunlight, however the apartments are all larger than typical apartments with good sized private open space and access to significant areas of communal open space. The future residents will also have good amenity being located close to future shops and services.

Comment:

The objective of the ADG is:

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

The proposed development provides a reasonable level of solar access to units. The units which do not receive solar access are located in southern areas of the layout and due to the orientation do not achieve the required level of solar access. The units are considered to have a reasonable level of amenity. The units also comply with BASIX requirements and are designed to meet all other requirements of the SEPP and ADG.

The proposed variation is considered satisfactory and can be supported.

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

(i) Context

The development responds to and reflects the context into which it is placed. The site is located at the corner of two roads and is close to public transport. The site is part of the envisaged development of North Kellyville. The precinct is characterised as an area

which is undergoing significant change. The context is likely to change over the coming years as further residential and retail development occurs.

(ii) Scale

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

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

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

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

(iii) Built Form

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

(iv) Density

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the area.

(v) Resources, Energy and Water Efficiency

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

(vi) Landscape

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

(vii) Amenity

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

(viii) Safety and Security

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

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

(ix) Social Dimensions

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

(x) Aesthetics

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

6. Government Authority Comments

The proposal was referred to Office of Water, Roads and Maritime Services (RMS) and NSW Police. The following comments were received:

a. Department of Primary Industry (Water) (DPI Water)

The proposal contains a creek within the E4 Environmental Living zoned area located on the northern part of the site. There are works proposed within 40 metres of the creek and as such the proposal is defined as 'integrated development' to DPI Water.

DPI Water have issued General Terms of Approval for the proposed works.

See Condition 3 and Appendix A.

b. Rural Fire Service (RFS)

The site is bush fire prone land and contains both Category 1 vegetation and buffer zone. The proposal includes the subdivision of the development site to create a development lot, future open space and road. As subdivision of bush fire prone land is proposed, the application is defined as 'integrated development' to RFS.

The RFS have issued a Bush Fire Safety Authority subject to the provision of asset protection zones, provision of water and utility services, access requirements, design and construction requirements, and landscaping requirements.

See Condition 4 and Appendix B.

c. Roads and Maritime Services (RMS)

The proposal was referred to RMS under the requirements of SEPP Infrastructure 2007 given the proximity of the works to the future signalised intersection at Hezlett Road/ Withers Road/Nullabor Street.

RMS raised no objection to the proposal subject to compliance with AUSTROADS requirements, the layout of parking areas being in accordance with relevant Australian Standards, and that any landscaping or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.

Condition have been recommended requiring compliance with the relevant Australian Standards. In regard to the landscaping and fencing, the proposed fencing will be located on the boundary or within, with adequate setbacks provided to landscape works to ensure that there will be no impact to pedestrians (See Conditions 27, 28 and 46).

d. NSW Police

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

The Police have raised no objection to the proposal subject to a condition of consent (see Condition No. 5).

TRAFFIC MANAGEMENT COMMENTS

Council's Principal Co-ordinator Roads and Transport has reviewed the proposal and advised as follows:

The traffic report submitted by Varga Traffic Planning identifies that the proposed 224 high density residential apartments will generate an additional 62 peak hour vehicle trips based on the RMS Guideline rate of 0.29 peak hour vehicle trips/dwelling. The additional traffic from the proposed development would have been taken into account as part of the Maunsel/AECOM traffic report undertaken during the planning stages by the Growth Centres Commission provided the zoning is consistent.

The proposed access driveways are suitably located to provide sufficient sight distance compliant with the Australian Standards.

Any improvements required to traffic facilities in the locality have been identified in Contribution Plan 13 and will be funded through the Plan.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal subject to conditions.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes a variation to SEPP Sydney Region Growth Centres in regard to height. The development also includes variations to the North Kellyville DCP in respect to front setback and private open space and also to SEPP 65 – Design of Residential Flat Buildings and the Apartment Design Guidelines in relation to private open space and direct sunlight. The proposed design is considered satisfactory and the variations are minor in nature and will result in an appropriate level of amenity for future residents.

The proposal also includes use of the R2 Low Density Residential land which has been incorporated into the site. This has resulted in a height variation and has required the use of the LEP clause to ensure that the use is a permissible use, will result in a reasonable built form outcome and providing a high level of amenity for residents.

The proposal includes the retention of the E4 Environmental Land to the north of the development area which will be retained in perpetuity for passive open space purposes for residents. This will enhance the local area and add to the open nature of the area.

The proposal is satisfactory and is recommended for approval.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA01	Northpointe Gardens	May 2015 Rev. G
---	Area Calcs	Submitted 29/04/2016 Rev. D
DA02	Overall Site Plan and Photo Montage	Submitted 05/04/2016 Rev. F
DA03	Survey Setouts and Setbacks	April 2015 Rev. G

DA04	Site Analysis Plan	Submitted 05/04/2016 Rev. E
DA05	Site Plan	May 2015 Rev. F
DA06	Ground Floor Plan	April 2015 Rev. G
DA07	1 st Floor Plan	April 2015 Rev. G
DA08	2 nd Floor Plan	April 2015 Rev. G
DA09	3 rd Floor Plan	April 2015 Rev. G
DA10	4 th Floor Plan	April 2015 Rev. G
DA11	5 th Floor Plan	April 2015 Rev. G
DA12	6 th Floor plan and Roof Plan	April 2015 Rev. F
DA13	Basement 1 & Lower Ground Floor Plan	April 2015 Rev. H
DAOL	Letterbox Proposal	06 Apr 2016
DA14	Basement 2 Plan	April 2015 Rev. H
DA15	North Elevation and Section FF	May 2015 Rev. E
DA16	South Elevation and Section BB	May 2015 Rev. D
DA17	East Elevation and West Elevation	May 2015 Rev. H
DA18	Section DD, Elevation AA and Section CC	May 2015 Rev. D
DA19	Section EE and Section GG	May 2015 Rev. D
DA20	Sun Paths 22/6	May 2015 Rev. D
DA21	Adaptable Apartments & Garbage Room	April 2015 Rev. F
DA22	Materials Selection	May 2015 Rev. D
DA23	Materials Selection	May 2015 Rev. D
DA24	Views	May 2015 Rev. D
1218	Plan of Proposed Subdivision	25/01/2016 Rev. B
1218	Project Site Plan	25/01/2016 Rev. A
LA01	Cover Sheet	14.04.16 Rev. 2
LA02	Landscape Plan	14.04.16 Rev. 2
LA03	E4 Land and Development	14.04.16 Rev. 2
LA04	Landscape Sections	14.04.16 Rev. 2
LA05	Planting and Circulation Strategy	14.04.16 Rev. 2
5247	Plan of Detail and Levels Sheet 1 of 3	23.02.15 No. B
5247	Plan of Detail and Levels Sheet 2 of 3	23.02.15 No. B
5247	Plan of Detail and Levels Sheet 2 of 3	23.02.15 No. B
1218	Tree Management Plan	02.06.15
1218	Plan of Riparian Corridor	---

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

2. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

436 resident spaces;

45 visitor spaces;

A bike rack accommodating a minimum 80 bicycles.

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

3. Compliance with Department of Primary Industries (Water) Requirements

Compliance with the requirements of the Department of Primary Industries (Water) attached as Appendix A to this consent.

4. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix B to this consent.

5. Compliance with Police Requirements

Compliance with the requirements of NSW Police – Local Area Command as outlined in their letter dated 16 September 2015:

Surveillance

- During the construction phase security sensor lights be used and security guards are to monitor the site.
- Paint the basement white to reflect light.
- CCTV is required to be installed at entry/exit points to the carpark, within the basement carparking and common areas. Height stickers are also required on entry/exit doors.
- Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

Lighting and Technical Supervision

- Lighting is to be utilised within the site in accordance with Australian Standards.

Environmental Maintenance

- Materials chosen are to have regard to the potential for graffiti.

Access Control

- Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- The ground floor units are required to have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- Signage is to be erected to ensure that people are aware they are entering private property. The signage is also required to include details of what security treatment has been implemented.
- Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

6. Construction Certificate

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

7. Building Work to be in Accordance with BCA

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

8. Tree Removal

Approval is granted for the removal of trees as marked in Tree Management plan prepared by Yarraman developments PTY Limited dated 02/06/2015.

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

9. Planting Requirements

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

10. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Atkins Acoustics and Associates Pty Ltd, referenced as 45.6948.R3.Rev00:CFCD7, dated 12 May 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

11. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by DLA Environmental Services, referenced as DL3456_s002529, dated Jan 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Bonded asbestos fragments found at location 1 will require remediation in the form of scraping 200mm off the 5 x 3 meter area by suitably qualified Class B contractor.
- The other two sites identified as location 3 & 4 containing asbestos will require hen-picking.
- Visual inspections and soil sampling upon completion of the remediation will be undertaken by a suitably qualified environmental professional or occupational hygienist, with the subsequent clearance certification.

12. Adherence to Construction and Demolition Waste Management Plan

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

13. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material removed from the site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for

recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

14. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on the site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

15. Commencement of Domestic Waste Service

A private waste contractor is not permitted to service this development without the previous written approval of Council. A domestic collection service will be provided by Council. The service must be arranged prior to occupancy of the development and no sooner than two weeks before. All requirements and instructions relating to the service must be complied with at all times. To commence the waste service telephone Council on (02) 9843 0310.

16. Construction of Garbage Rooms

All work involving construction of the garbage rooms (and rubbish holding area and bin servicing rooms) must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. The two garbage rooms must each provide minimum bin storage facility for 13 x 1100L garbage bins and 11 x 660L recycling bins. The measurements of these bins in millimetres are as follows:

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

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

17. Construction of Large Item Stores

The purpose of the large item stores is for the interim storage and management of unwanted bulky goods. The minimum floor area required for each store is 8m². It is recommended the stores are larger if possible to provide generous space.

18. Provision of Onsite Waste Collection

Minimum vehicle access and loading facilities must be provided in accordance with AS2890.2-2002 for the standard MRV. The minimum vertical clearance (clear of services) for all manoeuvring areas of the waste collection vehicle is 3.5m. All areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per AS2890.1 to warn waste operators of the low headroom area. Loading bays must allow additional space for access and loading (bins are emptied from the rear of the truck). Caution signage and safety measures such as mirrors must be provided where necessary to ensure there will be no potential conflict between pedestrians/ passenger vehicles and waste collection.

19. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

20. Approved Street Naming

Street naming must comply with Council's approved map which can be found on Council's website:

21. Street Trees

Street trees must be provided for the section of Withers Road, Nullabor Street, Kalbarri Street and Sandbanks Avenue within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of

street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

22. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

23. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;
- d) Intended maintenance responsibility, Council, landowner etc;
- e) Inspection method and estimated frequency;
- f) Adopted design cleaning/ maintenance frequency;
- g) Estimate life-cycle costs;
- h) Site access details, including confirmation of legal access, access limitations etc;
- i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l) A work method statement;
- m) A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- n) The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council. For example, the consultation draft document entitled Managing Urban Stormwater: Urban Design prepared by the SMCMA and the then NSW DECCW suggests that the developer maintain WSUD elements within a subdivision until a given proportion of the dwellings on the lots created, say 80%, are erected and occupied.
- o) The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- p) Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- q) A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.

- r) WAE drawings and any required engineering certifications are provided to Council.
- s) Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- t) Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

24. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

25. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Yarraman Developments Pty Ltd Drawing 1218 SUB-B Revision B dated 25/01/2016 except where amended by other conditions of consent.

26. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

27. 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.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

28. Minor Engineering Works

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

Council's Design Guidelines Subdivisions/ Developments

Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

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

a) Driveway Requirements

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

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

The driveway must be 6m wide (minimum) at the boundary splayed to 7m wide (minimum) at the kerb, or as required to accommodate the swept turning path of the largest design service vehicle expected to enter the site. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

b) Site Stormwater Drainage

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

29. Excavation/ Anchoring Near Boundaries

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

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

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

30. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

31. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP 65.

32. Special Infrastructure Contribution – Growth Centres

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

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

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

33. Property Numbering

The responsibility for property numbering is vested solely in Council.

Multiple street addresses will be applied to this property, with units being addressed to street numbers in Withers Road (potentially 3 street numbers), Kalbari Street (1), Sandbanks Avenue (potentially 3 street numbers) and Nullabor Street (2). All street numbers are not yet available. The applicant is to contact Land Information Section of Council prior to issue of Construction Certificate. Addresses will be based on positioning of letterboxes (approved by Australia Post) and main entry points.

Unit numbering supplied on plans submitted and numbered DA06-DA11 Revision G, DA12 Revision F and DA13 Revision H comply with Council and NSW Addressing Policy and are approved as submitted. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

34. Vegetation Management Plan

A Vegetation Management Plan must be prepared strictly in accordance with Council's *Vegetation Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management. The Plan must be submitted to Council's Manager – Environment and Health for approval.

The Vegetation Management Plan must include details relating to:

- The rehabilitation and management of native vegetation within the Restricted Development Area (Native Vegetation Protection Area & additional offset area).
- Requirements for planting of appropriate species within the adjoining E4 Parkland.
- The delineation of the restricted development area and adjacent E4 Parkland.

- The wording and erection of signage at key locations.
- The location and type of temporary bushland protection fencing required.
- The location and type of permanent bushland protection fencing required.

35. Restricted Development Area

A scaled plan delineating the Restricted Development Area (RDA) is to be prepared and submitted to the satisfaction of The Hills Shire Council's Manager - Environment and Health.

The RDA is the area covered by land mapped as Native Vegetation Retention Area/Riparian Protection Area by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the additional riparian offset area.

There is to be no pergolas or other built structures without prior consent of The Hills Shire Council and the RDA must be managed in accordance with the Council approved Vegetation Management Plan.

36. Landscape Construction Management Plan

A construction management plan is required for landscape work within the E4 zone as shown of Drawing Number LA03 prepared by Paterson Design Studio Pty Ltd dated 14.04.16.

The plan must detail the extent of all works including:

- Proposed disturbance to native vegetation.
- Proposed regrading and/or cut and fill.
- Site stockpile locations.
- Location of sediment and erosion control fencing.
- Proposed tree removal.
- Proposed tree and/or vegetation planting.
- Construction methods and materials.

The Plan must be submitted to The Hills Shire Council's Manager – Environment and Health for approval.

37. Section 94 Contribution – North Kellyville

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 7	No. of 2 Bedroom Units: 156	No. of 3 Bedroom Units: 61	Sum of Units	No. of Credits: 3	Total S94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.38	\$ 13,908.38	\$ 40,984.72	\$ 1,598,780.04	\$ 848,411.18	\$ 2,488,175.94	\$ 41,725.14	\$ 2,446,450.80
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 6,402.76	\$ 249,766.52	\$ 132,541.41	\$ 388,711.09	\$ 6,518.43	\$ 382,192.66
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 3,239.39	\$ 126,364.68	\$ 67,057.30	\$ 196,661.37	\$ 3,297.90	\$ 193,363.47
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 24,115.35	\$ 940,719.00	\$ 499,203.87	\$ 1,464,038.22	\$ 24,551.01	\$ 1,439,487.21
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 5,998.93	\$ 234,012.48	\$ 124,181.36	\$ 364,192.77	\$ 6,107.28	\$ 358,085.49
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 2,636.62	\$ 102,852.36	\$ 54,579.75	\$ 160,068.73	\$ 2,684.25	\$ 157,384.48
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,368.43	\$ 53,380.08	\$ 28,327.18	\$ 83,075.69	\$ 1,393.14	\$ 81,682.55
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.33	\$ 1,131.33	\$ 3,333.75	\$ 130,046.28	\$ 69,011.13	\$ 202,391.16	\$ 3,393.99	\$ 198,997.17
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 323.05	\$ 12,601.69	\$ 6,686.82	\$ 19,611.55	\$ 328.86	\$ 19,282.69
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 88,403.00	\$ 3,448,523.52	\$ 1,830,000.00	\$ 5,366,926.52	\$ 90,000.00	\$ 5,276,926.52

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

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

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

38. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads

imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

39. Security Bond Requirements

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

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

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

40. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

41. Sediment and Erosion Control Plan

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

- a) Lot boundaries;
- b) Roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program.

42. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

43. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

44. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$145,350.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the Withers Road frontage of the subject site plus an additional 50m on either side (285m) multiplied by the width of the road (6m).

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

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

45. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

46. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments. Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and

associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Withers Road	Road Type: DCP Collector Street 3.5m/ 12m/ 4.5m (20m) Pavement Design: Collector (Design Guidelines Section 3.12)
Sandbanks Avenue	Road Type: DCP Minor Street with Cycleway 3.5m/ 8.3m/ 4m/ 2.5m (18.3m) Pavement Design: Local/ Access (Design Guidelines Section 3.12)
Kalbarri Street	Road Type: DCP Minor Street 3.5m/ 8.3m/ 4m/ 2m (17.8m) Pavement Design: Local/ Access (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council. The kerb return/ splay corner at the intersection of Nullabor Street and Withers Road will need to be larger to provide for the traffic signals planned here. This matter is to be discussed with Council staff early in the design process, so that the traffic signal design and any associated requirements can be incorporated into the detailed design.

The wider 4.5m verge must be located on the southern side of Withers Road correlating with the cycleway required at this location.

With respect to "minor street" and "street along riparian corridor/ park" roads:

- The roadside swale needs to be provided on the low side of these roads, as they have a one way cross fall, to limit the earthworks associated with their construction.

- A concrete pad 1.7m wide and 0.8m deep must be provided behind the kerb and adjacent to the driveways that cross the swale to access the lots on the low side of these roads.
- Driveways that cross the swale to access the lots on the low side of these roads must be constructed with the subdivision works, along with all ancillary drainage work necessary to make the construction effective. Adjacent lots should have their driveways grouped together to limit the number of "breaks" in the swale. These driveways should be 4m wide with a 1m wide grassed verge separating them, located 500mm on either side of the property boundary, making the total "gap" in the swale 9m wide.

ii. Partial Width Road Construction

The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Nullabor Street	Road Type: DCP Town Centre Street 4m/ 15.4m/ 6m (25.4m) Pavement Design: Industrial (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council. The kerb return/ splay corner at the intersection of Nullabor Street and Withers Road will need to be larger to provide for the traffic signals planned here. This matter is to be discussed with Council staff early in the design process, so that the traffic signal design and any associated requirements can be incorporated into the detailed design.

With respect to the partial width construction of Nullabor Street, the narrower (4m) verge must be provided on the eastern side within the development site, with the 6m wide verge located on the western side of this road within the adjoining property.

Where partial width construction does not exist opposite, you are responsible for the construction of the 4m wide footpath verge and 7.7m of road pavement, being half the eventual 15.4m wide carriageway, resulting in a total road reserve width of 11.7m within the subject site. The remaining 13.7m is to be provided once the adjoining property to the east is developed as per DA 1336/2012/JP. Where partial width construction already exists opposite, the completed road must comply with the overall requirements outlined in the table above. Within the 7.7m wide carriageway, you must provide a low level retaining wall at the property boundary to address the level difference between the existing topography and the planned grading of this road. The tendered cost of removing this retaining wall must be calculated and submitted to Council for checking. A bond to ensure the eventual removal of this wall must be submitted before a Construction Certificate is issued, with the bond amount determined using 150% of the tendered cost (determined above).

These works must be carried out generally in accordance with the concept engineering plan prepared by Yarraman (Revision A) submitted with the development application subject to the following design amendments:

- The kerb return at the intersection of Nullabor Street and Withers Road will need to be larger to provide for the traffic signals planned here, as noted earlier.
- The localised narrowing of the road carriageway at the end of the parking lane at the same location needs to be removed to provide for the traffic signals planned here.

- The finish/ treatment of the paved concrete verge in Nullabor Street must comply with the requirements of Council. This matter is to be discussed with Council staff early in the design process.

iii. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

iv. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of Sandbanks Avenue and the northern side of Withers Road fronting the site in accordance with the DCP and the above documents.

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of Kalbarri Street in accordance with the DCP and the above documents.

v. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern side of Sandbanks Avenue and the southern side of Withers Road fronting the site in accordance with the DCP and the above documents.

vi. Disused Layback/ Driveway Removal

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

vii. Earthworks/ Site Regrading

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

viii. Stormwater Drainage – Temporary Works

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

ix. Stormwater Drainage – Creek Outlet

The piped stormwater outlet/ connection to the natural watercourse must comply with the requirements of Council and DPIW.

x. Water Sensitive Urban Design Elements (North Kellyville)

Water sensitive urban design elements, consisting of bio-retention swales in Sandbanks Avenue and Kalbarri Street, a 750m²/ 150m³ bio-retention basin within the E4 zoned land north of Sandbanks Avenue, A GPT immediately upstream of this basin and four 25kL rainwater tanks within the development site, are required generally in accordance with the WSUD Strategy Revision C dated 09/02/2016 and the associated report prepared by Civil Certification Pty Ltd submitted with the application. The bio-retention swales in roads, the basin and the GPT unit are to be provided as part of the subdivision works and the rainwater reuse tanks when the site/ RFB is developed.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The following requirements apply:

1. The bio-retention swales in roads must be 4m wide and yield a detention volume of 0.75m³ per linear metre.

All calculations are to be provided.

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

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

The rain gardens and rainwater reuse tanks are required to be constructed in accordance with the following documents and requirements:

- Council's Typical Rain Garden Plan and Details (Standard Drawing 44)
- Council's Rain Garden Installation Guide and Specifications

PRIOR TO WORK COMMENCING ON THE SITE

47. Principal Certifying Authority

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

48. Builder and PCA Details Required

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

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

49. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

50. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

51. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

52. Erosion and Sedimentation Controls

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

53. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

54. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

55. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

56. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

57. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

58. Project Ecologist

Prior to any works commencing, a Project Ecologist is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Ecologist is replaced, The Hills Shire Council's Manager – Environment & Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.

59. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should

demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

60. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

61. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

62. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

63. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

64. Sediment and Erosion Control

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

65. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

- a) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and provision of electrical services for the non-residue lots created by the subdivision.
- b) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- c) Consultation with the relevant telecommunications provider regarding the installation of telecommunication pits and pipes is required. The design and construction of these works must comply with current NBN standards, where applicable. Development within the area affected by the publically announced rollout maps by NBN must be registered with NBN via their website.

66. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

DURING CONSTRUCTION

67. Construction Noise

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

68. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

69. Historic Sites or Relics

If, during the earthworks, any evidence of a historic archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

70. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

71. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate Nos. 601751M_02 and 601295M-02 are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

72. Roof Water Drainage

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

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

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

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

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

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

74. Stockpiles

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

75. Asbestos Removal

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

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

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

76. Tree Removal & Fauna Protection

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

Tree hollows are to be salvaged from trees removed and placed within the bushland areas of the allotment/s. This is to be done by under the direction of the Project Ecologist.

77. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

78. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

79. Construction Noise

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

80. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any septic tank collection well or aerated waste water treatment system is to be removed or reused in accordance with *NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS)* available from the NSW Health website (www.health.nsw.gov.au).

Note: Methods 1 & 5 (Demolition) are not permitted.

81. Washing of Vehicles

The car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a suitable Trade Waste Agreement from Sydney Water.

82. 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.

83. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

84. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

85. Subdivision Earthworks – Lot Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

86. Compliance with Requirements of Development Consent

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

87. Design Verification Certificate

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

88. Landscaping Prior to Issue of Occupation Certificate

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

89. Vegetation Management Plan (VMP) Implementation

In accordance with the North Kellyville DCP (2008) a five year security bond is to be lodged with Council to ensure compliance with the approved Vegetation Management Plan. The bond is to be set at 100% of the cost estimate for works provided within the Council approved VMP.

The security bond will be progressively released at the following stages subject to the submission of progress reports and the satisfactory completion of works in accordance with the Council approved VMP:

- Release of 50%, 12 months after certified completion of VMP establishment works;
- Release of a further 25%, 36 months after initial establishment works;
- Final release of 25%, 60 months after initial establishment works.

Progress reports are required to be submitted prior to each progressive partial bond release demonstrating compliance with the Council-approved VMP. The progress reports shall be prepared by a professional ecologist/bush regeneration specialist and certified by Council's Manager – Environment and Health.

90. Biodiversity compliance

Certification that the following measures have been undertaken must be submitted to The Hills Shire Council's Manager – Environment & Health:

- **Tree Removal & Fauna Protection** – Details prepared by the project ecologist demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent.

91. Internal Pavement Construction

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

92. Final Inspection of Garbage Rooms

Prior to an Occupation Certificate being issued, a final inspection of the garbage rooms and related areas must be undertaken by Council. This is to ensure compliance with design specifications specified in other conditions of this consent and that all necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the suggested appointment time.

93. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and submitted 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.

94. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

95. Completion of Engineering Works

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

96. Works as Executed Plans

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

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

97. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

98. Confirmation of Pipe Locations

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

99. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

100. 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.

101. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

102. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) One copy of the final plan.
- b) The original administration sheet and Section 88B instrument.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

103. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

104. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

105. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

i. Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication.

ii. Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

As public stormwater runoff is directed to the basin proposed on the northern side of Sandbanks Avenue, the public/ Council must be provided with the legal right to drain water to the watercourse beyond via this basin, the maintenance of which is dealt with below.

iii. Restriction – Bedroom Numbers

Lot 201 must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

iv. Restriction/ Positive Covenant – Water Sensitive Urban Design

Lot 201 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

v. Restriction/ Positive Covenant – Asset Protection Zone

Lot 201 must be burdened with a restriction and a positive covenant using the "bushfire requirements/ asset protection zone" terms included in the standard recitals. Lots with a defined asset protection zone require a restriction and a positive covenant that refers to an area defined in the plan.

vi. Restriction/ Positive Covenant – Vegetation Management Plan

Lot 201 must be burdened with a restriction and a positive covenant using the "vegetation management plan/ restricted development area" terms included in the standard recitals.

vii. Positive Covenant – Stormwater Pump

Lot 201 must be burdened with a positive using the "basement stormwater pump system" terms included in the standard recitals.

viii. Restriction – Use of Lots 201 and 203

Lots 201 and 203 must be burdened with a restriction which precludes/prohibits the future development of these lots in accordance with the letter provided by 'dfp planning consultants' dated 8 February 2016. Works which are permitted in the E4 Environmental Living zone under the Development Consent are limited to those works detailed on the approved plan titled 'E4 Land and Development', Plan LA03 dated 14.04.2016 Rev. 2.

106. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

107. Pump System Certification

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

108. Water Sensitive Urban Design Certification

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

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

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

THE USE OF THE SITE

109. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

110. Waste and Recycling Management

A caretaker must be engaged and is to be responsible for managing all things necessary to ensure the required operational needs relating to waste management are met for this development. All waste servicing instructions from Council must be complied with at all times. All bins and waste areas must be regularly washed and cleaned.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Native Vegetation Area
5. DCP Road Layout
6. Site Plan overlay with Zoning
7. Full Site Plan
8. Part Site Plan
9. Typical Elevations
10. Height Plane Plan
11. Height Plan
12. Landscape Works within E4 Environmental Living Land
13. Photomontages

APPENDIX A – GENERAL TERMS OF APPROVAL FROM DPI WATER



Department of
Primary Industries
Water

Contact: Gina Potter
Phone: 02 8838 7566
Fax: 02 8838 7554
Email: Gina.Potter@dpi.nsw.gov.au
Our ref: 10 ERM2015/0777
Our file:
Your ref: DA2016/229/JP

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Sanda Watts

PATCH NO:
FILE:

11 SEP 2015

THE HILLS SHIRE COUNCIL

8 September 2015

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2016/229/JP

**Description of proposed activity: Demolition of existing structures construction of
3 storey residential flat building 224 units basement parking drainage and
subdivision**

Site location: 5-9 Withers Road Kellyville

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

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- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Gina Potter
Water Regulation Officer
Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast
NSW Department of Primary Industries – DPI Water

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	5-9 Withers Road Kellyville	
DA Number:	DA2016/229/JP	
LGA:	The Hills Shire Council	
Plans, standards and guidelines		
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2016/229/JP and provided by Council: (i) Site plan, map and/or surveys Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.	
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan (iv) Amendments to Plans - the bio basin must not encroach closer than 5m from top of bank	
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals . (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures	
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.	
Rehabilitation and maintenance		
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
Reporting requirements		

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Number	Condition	File No:
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Security deposits		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Access-ways		
10	N/A	
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
Bridge, causeway, culverts, and crossing		
12-13	N/A	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
19-21	N/A	
River bed and bank protection		
22	N/A	
23	The consent holder must establish a riparian corridor along the tributary to Cattai Creek in accordance with a plan approved by DPI Water.	
24-27	N/A	
Groundwater		
28	The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.	
END OF CONDITIONS		

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water.enquiries@dpi.nsw.gov.au

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APPENDIX B – GENERAL TERMS OF APPROVAL FROM RURAL FIRE SERVICE

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Your Ref: 229/2016/JP
Our Ref: D15/2440
DA15081898157 CC

ATTENTION: Sanda Watts

19 April 2016

Dear Madam

Integrated Development for 2//200844 2 & 1//773411 5-9 Withers Road Kellyville

I refer to your letter dated 12 February 2016 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the area around the proposed Block B projecting out from the building in a northern and north easterly direction for 23m and for Block C projecting out from the building for 18m in a northern and north westerly direction shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

The remaining areas within the site (up to the site boundaries) bounded by Withers Road, Nullabor Street, Sandbanks Avenue and Kalabarri Street to be created and managed as an Inner Protection Area.

Water and Utilities

ID:98157/94337/5

Page 1 of 3

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas to the proposed lots shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The proposed property access road (driveway) shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The proposed Residential Flat Building Block B's northern and north eastern elevations and roofing shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
6. The proposed Residential Flat Building Block B's southern and south western elevations shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. The proposed Residential Flat Building Block C's elevations and roofing shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

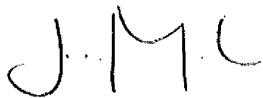
General Advice – consent authority to note

- It is recommended that the applicant make arrangements for emergency and evacuation which are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 18 September 2015.

For any queries regarding this correspondence please contact Craig Casey on 1300 NSW RFS.

Yours sincerely



Jason Maslen
Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ PROPERTIES NOTIFIED

NOTE: HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

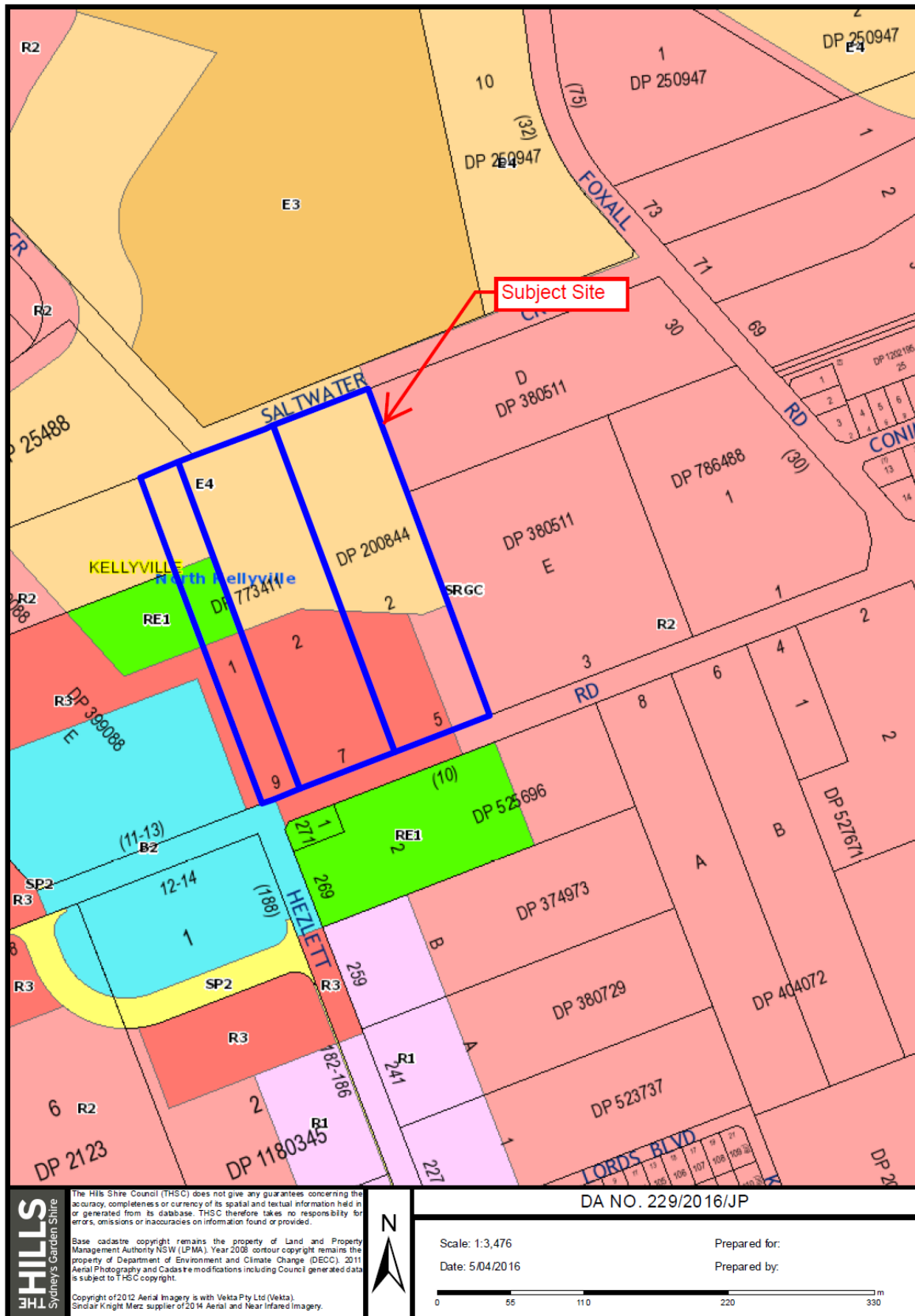
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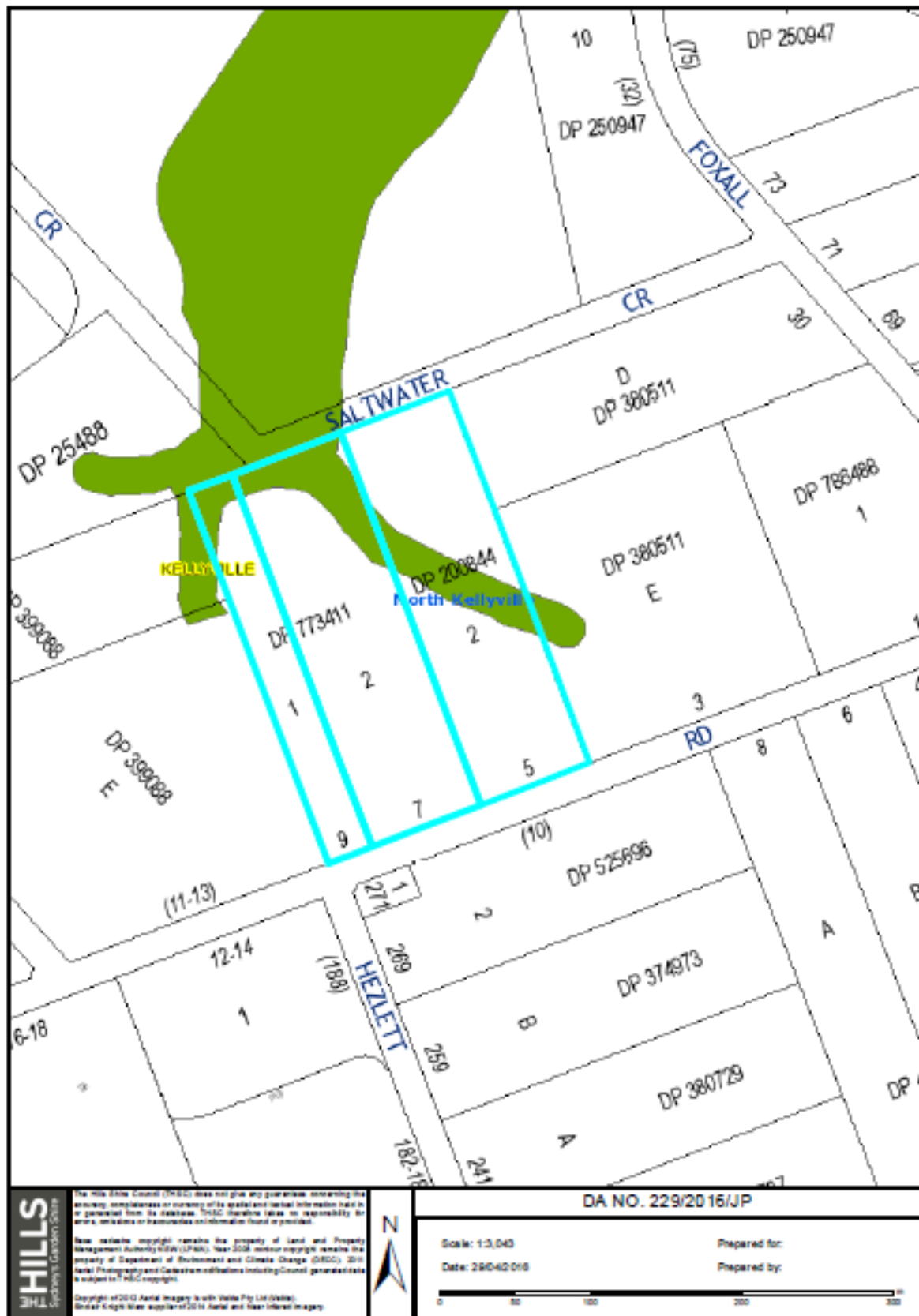
ATTACHMENT 2 – AERIAL PHOTOGRAPH



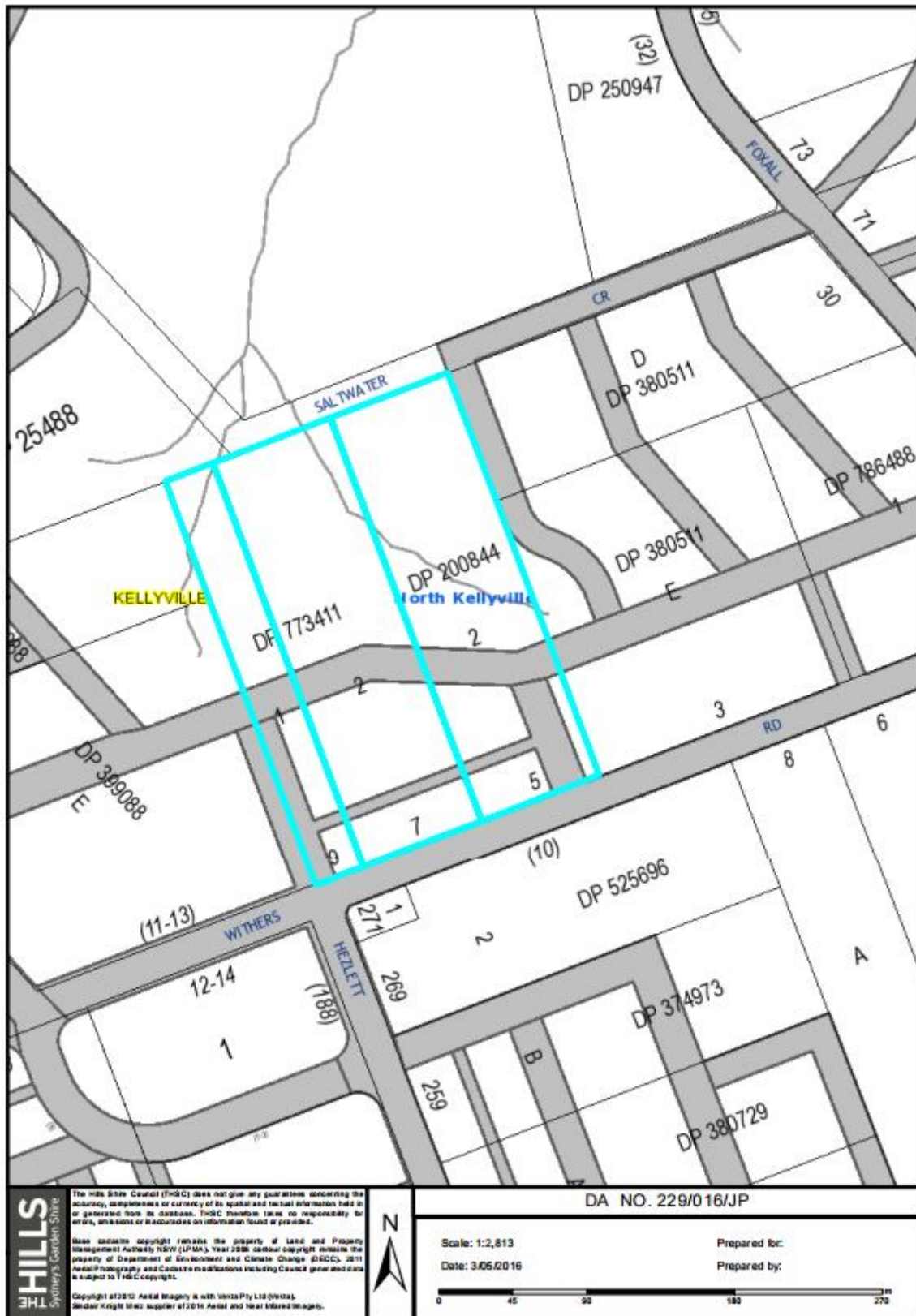
ATTACHMENT 3 – ZONING PLAN



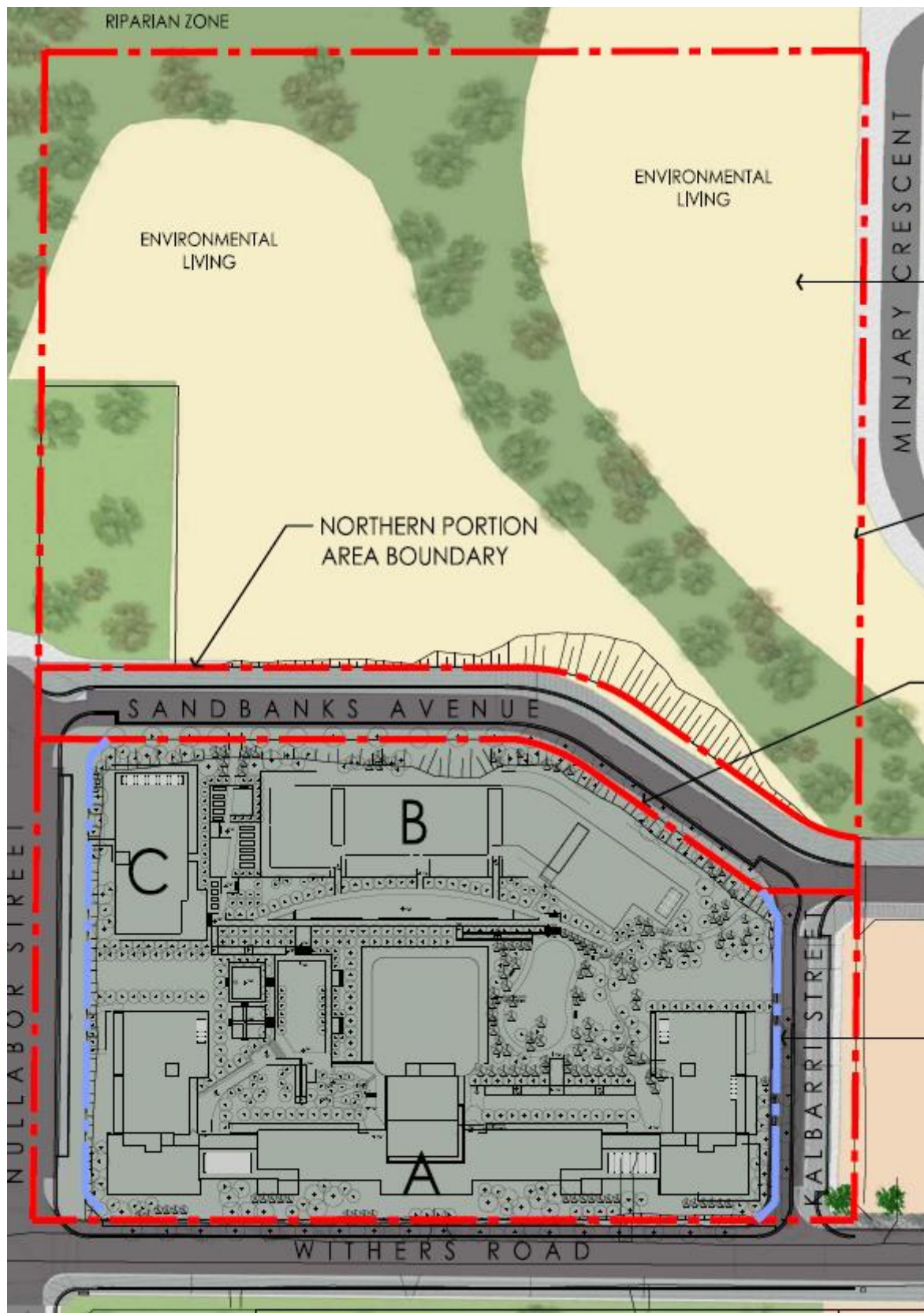
ATTACHMENT 4 – NATIVE VEGETATION AREA



ATTACHMENT 5 – DCP ROAD LAYOUT



ATTACHMENT 6 - FULL SITE PLAN



ATTACHMENT 7 – PART SITE PLAN



ATTACHMENT 8 – TYPICAL ELEVATION



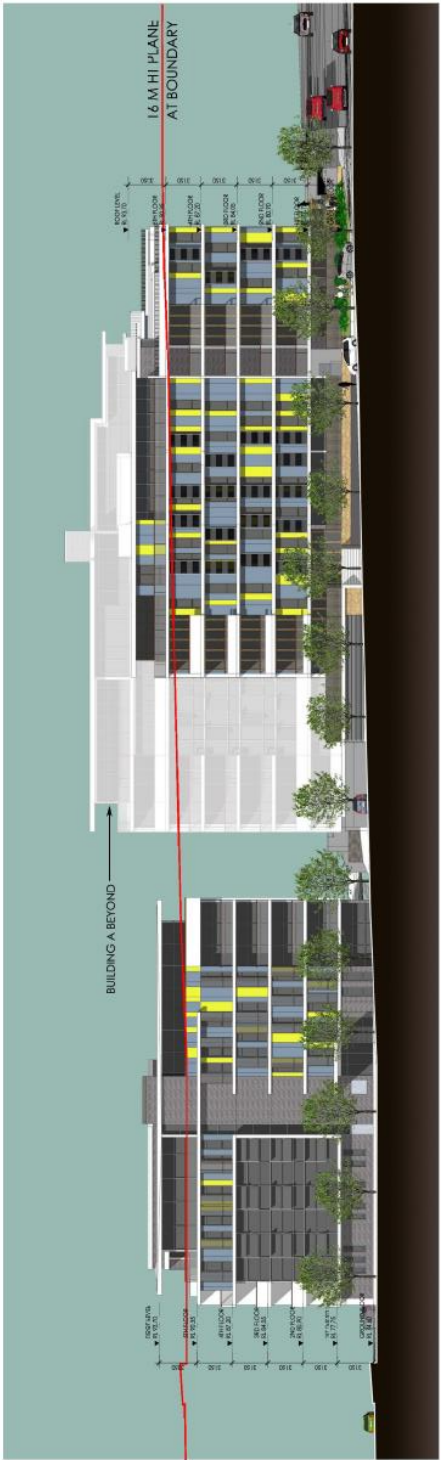
ATTACHMENT 9 – HEIGHT PLANE PLAN



ATTACHMENT 10 – HEIGHT PLAN



EAST ELEVATION



WEST ELEVATION

ATTACHMENT 11 – LANDSCAPE WORKS WITHIN E4 ENVIRONMENT LIVING LAND



ATTACHMENT 12 - PHOTOMONTAGES



VIEW ON WITHERS RD TO EAST



VIEW ON WITHERS RD TO WEST



AERIAL VIEW FROM NORTH



VIEW ON SANDBANKS AVE TO EAST