

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

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| JRPP No | 2015SYW170 |
| DA Number | 576/2016/JP |
| Local Government Area | THE HILLS SHIRE COUNCIL |
| Proposed Development | THREE LOT SUBDIVISION, CONSTRUCTION OF YORK ROAD AND ALESSANDRA DRIVE AND CONSTRUCTION OF THREE RESIDENTIAL FLAT BUILDINGS (311 DWELLINGS) ON PROPOSED LOTS 1 AND 2 AND A CHILD CARE CENTRE (100 PLACES) ON PROPOSED LOT 3. |
| Street Address | LOT 12 DP 1169214 YORK ROAD, KELLYVILLE |
| Applicant/Owner | NAMUL PTY LTD |
| Number of Submissions | FORTY-SEVEN |
| Regional Development Criteria (Schedule 4A of the Act) | GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION |
| List of All Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy Infrastructure 2008 - State Environmental Planning Policy No 55 – Remediation of Land - The Hills Local Environment Plan 2012 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - DCP 2012 Part B Section 5 - Residential Flat Building - DCP 2012 Part C Section 1 – Parking - DCP 2012 Part C Section 3 – Landscaping - DCP 2012 Part D Section 5 – Kellyville Rouse Hill Release Area • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> - Nil |

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| | <ul style="list-style-type: none"> List any coastal zone management plan: s79C(1)(a)(v) - Nil List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - Environmental Planning and Assessment Act Regulation 2000 |
| Does the DA require Special Infrastructure Contributions conditions (s94EF)? | No |
| List all documents submitted with this report for the panel's consideration | Submissions |
| Recommendation | Refusal |
| Report by | Development Assessment Co-ordinator Robert Buckham |
| Report date | 19 May 2016 |

EXECUTIVE SUMMARY

The development application as amended, is for a three lot subdivision, construction of York Road and Alessandra Drive and construction of three Residential Flat Buildings (311 dwellings), and a Child Care Centre (100 places). The application as originally lodged was for 340 units.

The subject site is zoned part R3 Medium Density and part R4 High Density Residential under The Hills Local Environmental Plan 2012 (refer Attachment 3).

Whilst the site is subject to the density controls contained within the Kellyville/ Rouse Hill section of the DCP, the multi dwelling housing and residential flat buildings sections of the DCP (which contain higher density entitlements) are considered to be more reflective of the zoning of the site. The density controls within the Kellyville/ Rouse Hill DCP are considered to be more responsive to low density residential development and associated land subdivision which was envisaged when the area was earmarked for greenfield release. Whilst the multiunit and residential flat building density controls are considered appropriate, in the absence of a floor space ratio control, compliance is imperative to provide a development compatible with adjoining low density development.

The application relies on the use of Clause 5.3 of the LEP (Development near zone boundaries) to allow a portion of the residential flat building component of the application within the R3 Medium Density Zone. The clause allows a development allowed in an adjoining zone to be permitted for up to a distance up to 20 metres. The application of the clause is considered reasonable in one respect but it is considered inappropriate to use this clause to achieve a higher density over that part of the site (20 metre wide portion of the site zoned R3 Medium Density with an area of 4,020m²). The uplift in density is further exasperated due to the utilisation by the applicant of the land area of the child care centre lot (2,187m²) for the purposes of density calculations.

Further to this the application's actual density as assessed (based on unit layouts and their functionality) compared to the applicant's description of bedroom numbers leads to further density non-compliance. Based on the limited justification provided particularly in relation to limited public transport, services, employment and impact on existing infrastructure, the proposed density results in an overdevelopment and the application cannot be supported.

The application also includes a number of other variations to Council's DCP in relation to setbacks, building height, building length, built form and streetscape which are considered unsupportable in conjunction with the density proposed. The development proposal results in a development that is considered to have limited regard for the existing character of the locality and results in an unacceptable built form.

During the notification period 47 submissions were received. The issues raised in the submissions relate to traffic, overdevelopment, bulk and scale, streetscape, amenity impacts, construction impacts, impact of the child care on residential properties and impacts of the adjoining loading dock on children at the proposed child care centre.

The application is recommended for refusal.

It is noted that the Joint Regional Planning Panel previously approved Development Consent 854/2012/JP for 126 apartments and 34 integrated dwellings on the subject site (Refer Attachment 14).

In the absence of the JRPP process, this matter would be determined by the Development Assessment Unit.

BACKGROUND

MANDATORY REQUIREMENTS

| | | | |
|-----------------------|---|----|--|
| Owner: | Namul Pty Ltd. | 1. | LEP 2012 – Unsatisfactory. |
| Zoning: | R4 High Density Residential and R3 Medium Density Residential | 2. | The Hills DCP 2012 – Unsatisfactory |
| Area: | 3.59Ha | 3. | Section 79C (EP&A Act) – Unsatisfactory, see Report. |
| Existing Development: | Vacant | 4. | SEPP Building Sustainability Index BASIX 2004 – Satisfactory. |
| | | 5. | SEPP 55 – Remediation of Land – Satisfactory. |
| | | 6. | SEPP 65 Design Quality of Residential Flat Buildings – Unsatisfactory. |
| | | 7. | SEPP Infrastructure 2007 – Satisfactory. |
| | | 8. | Section 94 Contribution – Unable to be determined based on unresolved bedroom numbers. |

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

| | | | |
|--------------------------|--------------|----|--|
| 1. Exhibition: | Yes, 14 days | 1. | Capital Investment Value (CIV) exceeds \$20 million (\$124,000,000). |
| 2. Notice Adj Owners: | Yes, 14 days | | |
| 3. Number Advised: | 85 | | |
| 4. Submissions Received: | 47 | | |

HISTORY

20/12/2012

Joint Regional Planning Panel approved Development Consent 854/2012/JP for 126 apartments and 34 integrated dwellings on the subject site.

08/10/2015

Subject Development Application Lodged.

| | |
|-------------------|---|
| 26/11/2015 | Briefing of Joint Regional Planning Panel. |
| 30/11/2015 | Conciliation Conference held. |
| 17/12/2015 | Letter sent to the applicant identifying issues in relation to Density, Unit Mix, Setbacks, Building Length, Driveway locations, Interface (western boundary), Engineering and Acoustic matters. |
| 25/02/2016 | <p>Additional information submitted in relation to correspondence dated 17 December 2012.</p> <p>The applicant has provided the following list of amendments.</p> <ul style="list-style-type: none"> • <i>The total number of apartments proposed has been reduced from 340 to 311.</i> • <i>The proportion of one bedroom apartments proposed has been reduced from 38% to 29% (91 of 311 apartments).</i> • <i>Amendments have been made to the design of the 'one bedroom + study apartment type', removing the enclosing walls and doors and thus creating a 'study nook' rather than an enclosable room.</i> • <i>Setbacks have been increased to 10 metres on York Road and Alessandra Drive, increasing the provision of landscaping along the front boundary.</i> • <i>The scale of the development along the eastern boundary has been significantly improved to articulate and increase the separation of Buildings 1A and 1B. Two units have been removed from levels 3 and 4 on Building 1B in order to increase the separation between these buildings resulting in a reduction the overall building mass and length.</i> • <i>Basement ramps have been moved away from the east and west boundaries to within the building envelope, increasing the provision of landscaping along the east and west boundaries.</i> • <i>Nine units have been removed from the western portion of Building 2 at level four in order to reduce the building bulk along the western boundary.</i> • <i>A light low-impact fence has been incorporated along the front boundary, allowing a visual connection through the linear park whilst limiting access to residents only.</i> • <i>Basement plans now incorporate dimensions for the spaces, aisles, circulation roadways/ramps and driveways. Numbers have also been assigned to each parking space.</i> • <i>Additional plant species including shrubs and small trees have been incorporated to assist with screening.</i> |
| 29/03/2016 | Letter sent to applicant advising that the application could not be supported as the proposal was considered an overdevelopment primarily relating to issues raised in relation to density and road dedication. The applicant subsequently requested that the application be determined based on the information lodged. |
| 04/04/2016 | Request from applicant to defer assessment of application to provide further justification relating to the proposed density. |

21/04/2016

Further briefing of the Joint Regional Planning Panel.

27/04/2016

Additional information lodged by the applicant relating to further justification of the proposed density.

PROPOSAL

The development application is for a three lot subdivision, construction of York Road and Alessandra Drive and construction of three Residential Flat Buildings (311 dwellings), as amended, and a Child Care Centre (100 places).

Civil Works and Subdivision

The application includes the creation of three lots, separated by proposed roads including the completion of York Road and Alessandra Drive which are to be extended to dissect the site creating access to the site from the east, south and west.

The applicant has identified that the dedication at no cost to Council of the York Road and Alessandra Drive extensions is only agreed to on the basis the revised scheme of no less than 311 apartments is approved to support the associated construction costs.

The proposed lots comprise;

Proposed Lot 1 – 23,308m² – Residential Flat Building;
Proposed Lot 2 – 6124.4m² – Residential Flat Building; and
Proposed Lot 3 – 2186.3m² – Child Care Centre.

Residential Flat Buildings

The residential component of the development as amended contains 311 units, reduced from 340 units originally proposed. The residential development comprises three buildings part three and five storey, two located on the northern portion of the site over a common basement (Proposed Lot 1) and a building located on south western corner of the site (Proposed Lot 2).

The applicant describes the development as being 91 x 1 bedroom units (29%), 189 x 2 bedroom units (61%) and 31 x 3 bedroom units (10%). However, the proposal has been assessed (based on unit layout and probable function) as having 80 x 1 bedroom units, 181 x 2 bedroom units, 37 x 3 bedroom units, 12 x 4 bedroom units. It is considered that if a room is of a size and design that could be used as a bedroom, and will therefore likely be used as a bedroom then it is reasonable to consider it as a bedroom for the purposes of the assessment and contribution calculations. These calculations would mean the proposal would comply with the Council mix requirements, however and the application would not meet the Council DCP unit size requirements.

Parking is provided for 656 vehicles with 3 access driveways, two onto York Road and one onto Alessandra Drive.

Child Care Centre

A child care centre is proposed to be located on Lot 3. The child care centre is two-storey and will accommodate 100 children aged 0-6 years, including:

0 -2 years – 16 children,
2 -3 years -24 children,
3-6 years - 60 children.

The centre will employ 16 staff members.

The facility provides 361m² of indoor play space and 707m² of outdoor play space, Vehicle access is provided off Alessandra Drive, and a total of 33 car parking spaces (16 staff parking spaces, and 17 visitor spaces) are provided within a single level basement (30 spaces) and at grade parking area (3 spaces).

Summary of Amendments

The latest amendments to the application in response to Council staff concerns and issues raised by residents at the Conciliation Conference were not notified to residents given the application remained unsupportable.

The applicant provided the following list of amendments.

- *The total number of apartments proposed has been reduced from 340 to 311.*
- *The proportion of one bedroom apartments proposed has been reduced from 38% to 29% (91 of 311 apartments).*
- *Amendments have been made to the design of the 'one bedroom + study apartment type', removing the enclosing walls and doors and thus creating a 'study nook' rather than an enclosable room.*
- *Setbacks have been increased to 10 metres on York Road and Alessandra Drive, increasing the provision of landscaping along the front boundary.*
- *The scale of the development along the eastern boundary has been significantly improved to articulate and increase the separation of Buildings 1A and 1B. Two units have been removed from levels 3 and 4 on Building 1B in order to increase the separation between these buildings resulting in a reduction the overall building mass and length.*
- *Basement ramps have been moved away from the east and west boundaries to within the building envelope, increasing the provision of landscaping along the east and west boundaries.*
- *Nine units have been removed from the western portion of Building 2 at level four in order to reduce the building bulk along the western boundary.*
- *A light low-impact fence has been incorporated along the front boundary, allowing a visual connection through the linear park whilst limiting access to residents only.*
- *Basement plans now incorporate dimensions for the spaces, aisles, circulation roadways/ramps and driveways. Numbers have also been assigned to each parking space.*
- *Additional plant species including shrubs and small trees have been incorporated to assist with screening.*

CONCILIATION CONFERENCE

A Conciliation Conference was held on 30 November 2015. Issues discussed at the Conference include:

- Traffic Impacts;
- Bulk and scale;
- Streetscape Impacts
- Overshadowing;
- Building Interface; and
- Amenity Impacts

The following outcomes were achieved:

- Council staff will consider the issues raised during the Conference and this will help inform their assessment.
- Council staff may require further information from the applicant.
- Council's Traffic Team will undertake their own assessment.

As identified above, the amended plans and information were not notified to residents given the application remained unsupportable.

ISSUES FOR CONSIDERATION

1. Compliance with The Hills Local Environmental Plan 2012

i. Permissibility

The development site is zoned part R4 High Density Residential and part R3 Medium Density Residential as shown in Attachment 3. Under Part 2 of LEP 2012 a Residential Flat Building is permissible with consent on land zoned R4 High Density Residential. The applicant is reliant on Clause 5.3 of LEP 2012 to enable a portion of the proposed flat building to be located on land zoned R3 Medium Density Residential.

Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

A child care centre is permissible on land zoned R4 High Density Residential.

Child Care Centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:
 - (c) a building or place used for home-based child care, or
 - (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
 - (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

ii. Development Near Zone Boundaries

The applicant is reliant on Clause 5.3 of LEP 2012 to enable a portion of the proposed flat building to be located on land zoned R3 Medium Density Residential.

Clause 5.3 of the LEP 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 in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone 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 Plan relating to the purposes for which development may be carried out, development 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) *This clause does not prescribe a development standard that may be varied under this Plan."*

The LEP provides flexibility to undertake a use permissible in an adjoining zone for a distance of no more than 20 metres provided it 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.

The proposal includes part of the residential flat building in the R3 Medium Density Residential zone but within 20 metres of the R4 High Density Residential Zone. Refer Attachment 6.

The applicant has provided the following justification:

As demonstrated within the Statement of Environmental Effects, the proposed development is entirely consistent with the objectives of both the R3 Medium Density Residential and R4 High Density Residential zones. Specifically:

- The proposal provides for the housing needs of the community in a predominantly medium density residential environment;*
- The proposal provides a variety of housing types, with varying layouts and sizes, which will accommodate a diversity of households and meet a range of needs;*
- The proposal incorporates a separate child care centre, an extension to York Road and Alessandra Drive, and a significant amount of communal open space, which will provide public benefits for the local neighbourhood, future residents, and broader stakeholders; and*
- The proposal provides a high quality residential development in an area accessible to public transport, community facilities, open space, healthcare services, and education and employment opportunities.*

Furthermore, the proposal achieves a better urban design and built form outcome for the site and results in an improved outcome for neighbouring residential properties for the following reasons:

- *The proposal represents a more site responsive and logical approach to a unique situation of infilling a large site surrounded by lower scale housing.*
- *The proposal facilitates a substantially increased setback of development from the rear of the existing residential properties fronting President Road. This significant 34 metre setback also provides the opportunity to create communal open space within a parkland setting, which far exceeds Council's requirements.*
- *The portion of the residential flat buildings that will extend into the R3 Medium Density Residential zone are very minor and importantly, are only three-storeys in height which is consistent with the maximum height of buildings permitted in the R3 Medium Density Residential zone.*
- *Furthermore, from a land use typology perspective, residential flat buildings are permitted in R3 Medium Density Residential zones in the nearby North Kellyville Precinct, so this form of housing is not an inconsistent form in comparable zones nearby.*

It is considered that in this instance it is inappropriate to utilise Clause 5.3 of LEP 2012 to permit a residential flat building in the R3 zone as the development proposal is an overdevelopment on this basis. The applicant has applied a density of 175 persons per hectare (R4 High Density zone density) to the land zoned R3 which is provided with a maximum density of 95 persons per hectare across the Shire, this approach is not supported based on the limited justification provided particularly in relation to limited public transport, services, employment and impact on existing infrastructure. In addition to the density proposed by the applicant, the proposal in relation to unit layouts and actual numbers of bedrooms (being rooms of a size capable of being bedrooms) provides a density close to 175 person per hectare for the entire site not just for the area of 20m of R3 zoned land adjacent to the R4 zoned land.

Although it is considered that the development is not necessarily inconsistent with the objectives for development in both zones (listed below), it is considered that the carrying out of the development as proposed is undesirable due to the over development of the site as a whole and limitations in relation to road dedication proposed by the applicant.

The design of the development, primarily its underutilisation of the R3 zoned portion of the site, and the addition of a child care centre use on a portion of the site zoned R4 result in a development on the remainder of the site that is considered excessive in terms of character, bulk, scale, streetscape, and will have unreasonable amenity impacts on neighbouring properties.

As such the application of Clause 5.3 of the LEP in this instance is not supported.

iii. Zone Objectives

The following objectives of the R3 Medium Density Residential and R4 High Density Residential zones are detailed below:

Objectives of Zone R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density residential development in locations that are close to population centres and public transport routes.*

Objectives of Zone R4 High Density Residential

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

Comment:

It is considered that the proposed development is not necessarily inconsistent with the zone objectives however concern is raised that the proposal does not meet the intent of the R3 Medium Density Zone given the density proposed.

(iv) The Hills LEP 2012 - Development Standards

The following addresses the principal development standards of the LEP relevant to the subject proposal:

| CLAUSE | REQUIRED | PROVIDED | COMPLIES |
|--|---|-------------------------------|----------|
| 4.1A Minimum lot size for residential development in certain residential zones | R4 High Density Residential - Residential Flat Building - 4,000m ² | Minimum 6,124.4m ² | Yes |
| 4.3 Height of buildings | 16 metres | 16m | Yes |

(v) Other LEP Provisions

The proposal has been considered against the relevant provision of the SEPP. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation;
- 6.2 Public utility infrastructure; and
- 7.2 Earthworks

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

2. Compliance with The Hills Development Control Plan 2012

The proposal has been against the following provisions of The Hills Development Control Plan 2012 with variations identified in the table proceeding:

- Part B Section 4 – Multi Dwelling Housing;
- Part B Section 5 – Residential Flat Buildings;
- Part B Section 6 – Business;
- Part C Section 1 – Parking;
- Part C Section 3 – Landscaping; and
- Part D Section 5 – Kellyville/Rouse Hill Release Area;

| DEVELOPMENT CONTROL | DCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|--|--|---|------------|
| Density | | | |
| Part B Section 4 Multi Dwelling Housing - Clause 3.5(a) | The maximum population density permitted is 95 persons per hectare based upon the occupancy rates: 1 bed - 1.3 persons; 2 bed - 2.1 persons; 3 bed - 2.7 persons; and 4 bed - 3.5 persons | The site is able to accommodate 553.3 persons based on the DCP densities and zone boundaries. The applicant has provided an amended development with a density of 599 persons based on their unit bedroom calculations. Council staff had reviewed the proposal and recalculating the unit mix based on rooms that could easily be converted or used as bedrooms the proposed density would actually be 626 persons (174.56pph), a variation of 72.7 persons. | No |
| Part B Section 5 Residential Flat Buildings - Clause 3.10(a) | The maximum population density permitted is 175 persons per hectare with a desirable range between 150-175 persons per hectare based upon the occupancy rates: 1 bed - 1.3 persons; 2 bed - 2.1 persons; 3 bed - 2.7 persons; and 4 bed - 3.5 persons | | |
| Part D Section 5 Kellyville / Rouse Hill - Clause 2.2(a) | Residential development shall achieve the densities within the range of the applicable density types shown in Table 1 of the DCP. Local Centre: 15-20 dwelling/net hectare Town Centre: 30-35 dwelling/net hectare | Dwellings permitted: 111.3 dwellings Dwellings proposed: 311 | No |
| Setbacks | | | |
| Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a) | Front Setback - 10m | Setback to Residential Flat Building on the southern side of York Road | No |
| Building Height | | | |
| Part B Section 5 Residential Flat Buildings - Clause 3.4(c) | No building shall contain more than 4 storeys above natural ground level. | Five storeys proposed. | No |

| Building Length | | | |
|---|--|---|----|
| Part B Section 5 Residential Flat Buildings - Clause 3.7(a) | The maximum linear length of any residential flat building is to be 50 metres. | Building 1A - 109m proposed | No |
| Building Design and Streetscape | | | |
| Part B Section 5 Residential Flat Buildings - Clause 3.8(b) | Buildings shall be in harmony in terms of form, mass, colour, and structure with the existing and likely future development in the street. | The proposal has limited regard to the form, mass and structure with existing neighbouring properties. | No |
| Unit Layout and Design | | | |
| Part B Section 5 Residential Flat Buildings - Clause 3.11 | Residential Flat Buildings, which require that no more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments and no less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms. | The applicant proposes 91 x 1 bedroom units (29%), 189 x 2 bedroom units (61%) and 31 x 3 bedroom units (10%). It should be noted that the amended proposal has been assessed by Council staff as having 80 x 1 bedroom units, 181 x 2 bedroom units, 37 x 3 bedroom units, 12 x 4 bedroom units. These calculations would mean the proposal would comply with the Council mix requirements, however and the application would not meet the Council DCP unit size requirements. A detailed assessment against this criteria has not been completed. | No |

a) Density

DCP Part B Section 4 Multi Dwelling Housing and Section 5 Residential Flat Buildings

The densities of the Residential Flat Building and Multi Dwelling Housing Sections of the DCP are identified at 175 persons per hectare and 95 persons per hectare respectively.

DCP Part D Section 5 Kellyville / Rouse Hill

Clause 2.2 of DCP 2012 Part D Section 5 – Kellyville/Rouse Hill Release Area identifies two density controls across the site – Local Centre Density (15-20 dwellings/ha), and Town Centre Density (30-35 dwellings/ha) (Refer to Attachment 4).

Clause 2.2 of DCP 2012 Part D Section 5 – Kellyville/Rouse Hill Release Area provides the following definitions for the applicable density types:

Local Centre Density areas typically occur within close proximity to community and/or commercial facilities and are similar to cluster density areas, however, the density range is between 15 to 20 dwelling per net hectare; and

Town Centre Density areas are in close proximity to either the Regional Centre or the Kellyville District Centre. The density range for these areas is 30 to 35 dwellings per net hectare. Due to the high density requirement, it is envisaged that a major form of housing will take the form of multi-unit housing.

The Local Centre Density (LCD) part of the site (9,491.9m²) can accommodate a maximum of 18.9 dwellings under this control. The Town Centre Density (TCD) part of the site (26,407.9m²) can accommodate a maximum of 92.4 dwellings under this control. A total of 111.3 dwellings.

The development proposes 311 apartments for the site and results in a variation of 179.4% (199.7 dwellings) to the maximum density control.

Clause 2.2(a) of DCP 2012 Part D Section 5 – Kellyville/Rouse Hill Release Area is based on the following objectives:

- (i) To facilitate a range of lot sizes and housing types within the release area to meet changing demographic profiles and housing requirements.
- (ii) To locate smaller lots and multi-unit housing types within close proximity to community facilities, open space, public transport and commercial centres.

The applicant has submitted the following written justification to the applicable density controls:

DCP Part B Section 4 Multi Dwelling Housing and Section 5 Residential Flat Buildings

"The proposed development seeks consent for the construction of three residential flat buildings, defined as "a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing" under The Hills Local Environmental Plan (LEP) 2012. The proposed residential flat buildings are located primarily within the R4 High Density Residential zone, with a small portion of Building 1A and 1C located within the adjoining R3 Medium Density Residential zone.

In accordance with the EPA and Hills LEP, the subject site does not have a density or floor space ratio control. We re-inforce the merits of the revised master plan that further supports a considered superior outcome for both Council, the community and our Client."

DCP Part D Section 5 Kellyville / Rouse Hill

"The applicable 'Town Centre Density' type specifies a range of 30 to 35 dwellings per net hectare, and is derived from an expectation that the predominant building typology would be 'multi-unit housing' based on density studies carried out in the 1990's prior to major rezonings and infrastructure such as the north west rail line. This is inconsistent with the LEP R4 High Density Residential land use zoning adopted in 2012. In fact, the LEP more accurately reflects the strategic context of the site, and Council's Local Strategy for town centres, which all encourage high density development around town centres and transport nodes, where access to existing infrastructure, facilities and services can be leveraged in order to accommodate future growth.

Since adoption of the Hills LEP 2012, the above mentioned Kellyville/Rouse Hill Release Area' (Part D Section 5 density provision has not been updated. Subsequently, there is now precedent of Council and the Sydney West Joint Regional Planning Panel accepting this position on this and other sites, which in effect means that Part D Section 5 of the DCP is redundant and now no longer a relevant policy consideration for this site in relation to density. Thus, in our opinion, the proposed density for 'residential flat buildings' of 175 persons per hectare is the only available guideline that may be applicable as it is somewhat consistent with the future desired character of the area as identified through the R4 High Density Residential zoning under The Hills LEP."

Comment:

When considering the appropriateness of the density which is being proposed, consideration should be afforded to the type of development envisaged at the time that the existing controls were established, and the broader change in the expectation of higher density development around town centres and transport nodes. Through this strategic planning policy, Council has generally maintained a planned approach to managing urban growth within the Shire, which makes use of existing infrastructure and extends the lifestyle opportunities of its residents. This approach focuses high density development in precincts that show capacity to accommodate further growth, with the result being increased population around town centres and major transport nodes.

The subject site was formerly zoned Residential 2(a) under Baulkham Hills Local Environmental Plan 1991 and The Hills Local Environmental Plan 2005. A key objective of this zone was to provide development for medium-density housing forms (including apartment buildings, town-houses, villas and the like) in locations close to the main activity centres of the local government area). This zone was a highly flexible zone which permitted most forms of residential development including apartment buildings, dual occupancies and environmentally integrated housing.

Within the former Development Control Plan No. 200 and the subsequent Baulkham Hills Development Control Plan for the Kellyville/ Rouse Hill Release Area, controls were applied to broadly guide the density of development within the release area and to ensure that higher density development was located closer to the activity centres. With a specific focus on the subject site, the Kellyville/Rouse Hill DCP identified the 'Town Centre Density' (30-35 dwellings per hectare) and 'Local Centre Density' (15-20 dwellings per hectare) for this location.

Whilst the density ranges are now considered to be significantly lower than what would ordinarily be expected for a high density residential area within close proximity to public transport and other services, the areas with these density types were always intended to provide for highest density outcomes within the release area. It was previously envisaged that the above density types would accommodate small lots, medium density, integrated and attached housing. This is not to say that higher density forms of development were not desired at this location. Rather, at the time the control was established these forms of development were considered to be the most likely to be developed.

As part of the preparation of LEP 2012 the density controls were used to establish a hierarchy of zones for the Kellyville/Rouse Hill Release Area. Land with a 'Town Centre Density' type was zoned R4 High Density Residential and land with a 'Local Centre Density' type was zoned R3 Medium Density Residential. The outcome of this approach was to establish a transition of zones consistent with Council's other centres where high density development (typically comprising residential flat buildings) would be located within the central core, with medium and lower density development radiating away from the centre to reflect typical 5 and 10 minute walking distances. It is noted however that as part of this process the existing density controls for the Kellyville/ Rouse Hill Release Area were retained within the Kellyville/ Rouse Hill Release Area section of the DCP.

Whilst the site is subject to the density controls contained within the Kellyville/ Rouse Hill section of the DCP, the multi dwelling housing and residential flat buildings sections of the DCP are considered to be more reflective of the zoning of the site as they anticipate and guide the desired future character of the area which includes both residential flat buildings and multi dwelling housing as permissible forms of development. The density controls within the Kellyville/ Rouse Hill DCP are considered to be more responsive to low density residential development and associated land subdivision which was envisaged when the area was earmarked for greenfield release.

Under Part B Section 4 – Multi Dwelling Housing and Part B Section 5 – Residential Flat Buildings of the DCP separate density controls are provided. These density controls are applied to development within Council's other high and medium density areas and are considered to result in appropriate development within areas where higher density outcome are being sought.

It is noted that the Joint Regional Planning Panel has previously varied the Kellyville/ Rouse Hill Release Area DCP density control for the previous Development Consent applying to the land, DA 854/2012/JP (Refer Attachment 14) which approved 126 apartments and 34 integrated dwellings at No. 75-95 President Road, Kellyville. The development included a variation of 82% to the Kellyville Rouse Hill density control. Additionally, variations to the Kellyville Rouse Hill density controls have been sought and approved under other applications in the precinct.

Under the density controls established within these sections of the DCP, the site is able to accommodate 553.3 persons based on the DCP densities and zone boundaries. The applicant has provided an amended development with a density of 599 persons based on their unit bedroom calculations. Council staff had reviewed the proposal and recalculating the unit mix based on rooms that could easily be converted or used as bedrooms the proposed density would actually be 626 persons (174.56pph), a variation of 72.7 persons or the equivalent of 34.6 x 2 bedroom units.

The applicant has provided a document on 27 April 2016 (refer Attachment 13) which has sought to provide further justification as to why the variation should be supported in this instance. The justification relies on the proximity to the local centre and under developed nature of land in the R4 zone. It is acknowledged that parts of the locality are under developed based on the current controls however it is not appropriate to determine that these remaining sites will effectively never be redeveloped. If the applicant's position was agreed to it is considered that this would create an undesirable outcome and precedent which has not been appropriately planned for.

According the proposed is considered and over development of the site and warrants refusal.

b) Assessment of Remainder of Variations

The remainder of the variations identified in the table above cannot be supported given they primarily relate to the overdevelopment of the site and relate to the application of the density controls by the applicant.

3. Relationship to Strategic Planning Framework

The application has been reviewed against the objectives, goals and actions contained within the applicable regional or sub-regional strategy. Discussion in relation to these policies is provided below.

A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this

time. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

The Hills Shire Council is located within the Central West Subregion. The priorities relevant to the Local Government Area identified for the subregion primarily relate to land included within the North West Rail Link Corridor Strategy. The subject site is not within these precincts. The Strategy seeks to provide additional capacity around the future Norwest and Bella Vista train stations for offices, retail, services and housing. Key to this approach is the associated provision of associated infrastructure improvement

Local Strategy

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. Part of the Strategy included the Residential Direction adopted by Council on 10 June 2008.

Residential Direction

The Residential Direction adopted by Council on 10 June 2008 which provided, the community and developers with a clear strategy for the future planning and management of residential development and growth to 2031. The Direction reviews progress in achieving additional dwellings and demonstrates the capacity to accommodate State Government dwelling targets into the future. It also addresses key housing issues such as special needs housing, affordability, sustainability, streetscape and residential character. The Kellyville Rouse Hill area was not identified as an area for future urban growth. It was simply identified as an area where the existing densities within the DCP were to guide the Standard Instrument zonings. The zonings of R3 Medium Density and R4 High Density replaced the previous 2(a) General Residential zone. The subject proposal exceeds these planned densities however does not address the implications of density uplift.

Local Infrastructure – Section 94 Contributions

The site is currently subject to Contributions Plan No.8 – Kellyville Rouse Hill Release Area. The contributions plan was primarily based on the Kellyville Rouse Hill DCP Densities. The number of dwellings proposed were not originally envisaged on the site and as such have not been accounted for in the planning of local infrastructure or catered for by the facilities to be delivered under this plan. While the additional density resulting from this proposal may not, in isolation, create the need for new local infrastructure facilities, it is critical to consider the cumulative impact of incremental uplift and growth on local infrastructure provision.

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

A Design Verification Statement has been prepared. This statement has addressed the nine (9) matters for consideration under SEPP 65 and the Apartment Design Guidelines. Concern is raised that the proposal fails to appropriately consider the following Principles of SEPP 65

- Principle No. 1 – Context and Neighbourhood Character;
- Principle No. 2 – Built Form and Scale;
- Principle No. 3 – Density; and
- Principle No. 6 – Amenity

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

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

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

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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

Comment:

The proposal does not provide a development that responds to the desired future context and character of the locality. The development seeks to provide a built form that is on some parts of the site considered excessive. The site will be unable to sustain the proposed population due to limited infrastructure, public transport and access to local services. The proposal will result in poor amenity for residents being located within the site and for existing residents adjacent to the site.

5. Dedication of York Road and Alessandra Drive

The applicant has identified that the dedication at no cost to Council of the York Road and Alessandra Drive extensions is only agreed to on the basis the revised scheme of no less than 311 apartments is approved to support the associated construction costs.

The subject roads are not identified within the relevant Contributions Plan (CP No. 8) as being roads funded by developer contributions and therefore the developer is subject to full width construction and subsequent dedication of the roads.

6. Issues Raised in Submissions

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|-------------------------|
| <p>The development will generate a substantial increase in traffic to the residential streets in the immediate local area, particularly during morning and afternoon peak traffic hours prior to and after school.</p> | <p>It is acknowledged that the locality does experience traffic congestion during peak periods.</p> <p>When having regard to Council traffic data, the overall increase in the traffic volume being dispersed to the surrounding road network, assuming an equal split north and south to both President Road and Wrights Road is not significant when taking into account the substantial traffic loadings currently imposed on these two major collector roads.</p> <p>As a result of the existing capacity issues in both Wrights Road and President Road certain improvements including the signalisation of the Windsor Road and Wrights Road intersection along with the upgrade of Memorial Avenue and Windsor Road have been identified and are expected to occur in the near future.</p> | <p>Issue addressed.</p> |
| <p>Traffic departing Woolworths, Coles and Aldi is gridlocked and queued into the centre. Use of York Road as a traffic thoroughfare will further impact this.</p> | <p>The York Road extension will provide an alternative route to the south of the local centre.</p> | <p>Issue addressed.</p> |
| <p>York Road should not be a thoroughfare between President and Wrights Roads. A stop sign should be installed at the intersection of York Road and Alessandra Drive so that Alessandra Drive traffic has right of way.</p> | <p>The Alessandra Drive and York Road extensions have always been planned and will provide permeability through the locality. They are required to be provided by the developer.</p> | <p>Issue addressed.</p> |
| <p>The use of the driveway off Alessandra Drive to access the 1B basement parking will result in further traffic congestion to Alessandra Drive that must then safely exit to York Road which becomes a thoroughfare. Relocating the basement</p> | <p>The additional traffic distributed to Alessandra Drive may appear significant when compared to the low existing volumes however the overall traffic outcome compared to environmental capacity is relatively minor.</p> | <p>Issue addressed.</p> |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|---------------------|
| roadway access from Alessandra Drive to York Road at the point between Buildings 1B and 1C would be prudent and avoid Alessandra Drive becoming a congestion point. | | |
| How will Council ensure that commercial traffic will not use York Road as a truck access way to the Kellyville Village Shops? | York Road is a Collector Road and commercial traffic travelling to the local centre will not be restricted from Travelling on the portion of York Road between President Road and Wrights Road. | Issue addressed. |
| The opening of this section of York Road has the potential to make this area a 'rat run' as vehicles attempt to negotiate the various congestion points. Traffic lights at the intersection of Windsor Road and Wrights Road aren't going to ease congestion. | York Road is intended to function as a collector road to improve traffic flow within the immediate locality. Traffic Lights at the Wrights Road, Windsor Road intersection along with improvements to the Windsor Road, President Road intersection and upgrade of Memorial Avenue will improve existing bottlenecks in the locality. | Issue addressed. |
| The proposal does not meet or match the streetscape of existing development in Alessandra Drive, Hutchinson Avenue or York Road which comprise one and two storey homes. | It is agreed that the proposal has limited regard to existing streetscapes. | Reason for refusal. |
| The development should be consistent with surrounding properties and should therefore be reduced to two storeys. | It is considered that the current proposal is an overdevelopment and should be reduced in scale. | Reason for refusal. |
| The size and scale of the proposed application is a substantial departure from other neighbouring developments. | It is considered that the current proposal is an overdevelopment and should be reduced in scale. | Reason for refusal. |
| The former approved application for this site was of a density and scale far lower than this application. | The Joint Regional Planning Panel has previously approved Development Consent 854/2012/JP for 126 apartments and 34 integrated dwellings on the subject site. The applicant is entitled to lodge a new application however the current proposal is considered excessive. | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|--|---------------------|
| Two years ago when my block came onto the market the land in question was to have 160 dwellings. | Addressed above. | Issue addressed. |
| The development should be reduced by at least one storey. | Although the development complies with the LEP 2012 height limit of 16m, DCP 2012 limits development to four storeys. The subject proposal is up to five storeys high. Given the issues raised in this report in relation to density the variation to the number of storeys cannot be supported. | Reason for refusal. |
| The development will create privacy impacts on neighbours. | Elements of the proposal are considered excessive and contribute to privacy impacts on neighbours. | Reason for refusal. |
| The development will result in detrimental overshadowing impacts. | The proposal complies with the required solar access controls of Council's DCP. Given the orientation of the site, shadowing will not fall on adjoining sites either before or after midday (Refer Attachment 11). | Issue addressed. |
| The height of the development is further exaggerated by being located at the highest point of the ridge. Other tall developments are located in low lying land rather than the highest point. | The height of the development is measured from natural ground level. The development complies with the applicable LEP heights of 16m and 9m. | Issue addressed. |
| The applicant has depicted and described public spaces which are not public spaces but are open space for private use. | It is noted that all open space areas proposed are for private use. | Issue addressed. |
| Walkways that lead from behind building 1B onto Alessandra Drive appear to have no purpose other than acting to disturb neighbours. Direct access along York Road to the shops appears logical. | The proposed pathways are intended to provide access to residents to common open space area. No objection is raised to their location given the likely low use of these areas by residents. | Issue addressed. |

| | | |
|--|---|---------------------|
| The site appears to rely upon secure underground parking without any allowance for visitor parking spaces. Visitors would be unable to access the underground parking and there is not available local street parking other than in the surrounding streets. | Visitor parking that complies with Council's parking rates is provided within the basements. No gates are proposed. | Issue addressed. |
| Concern raised regarding unit mix and lack of 3 bedroom units. The applicant submits that its non-compliance is justifiable to address issues of affordability. We submit that there are many alternatives that the Applicant could adopt and bear to address issues of affordability. | Issues relating to unit mix remain unresolved. | Reason for refusal. |
| Loss of view of the Blue Mountains from our front garden due to the height of the buildings. | It is considered that the current proposal is an overdevelopment and should be reduced in scale. | Reason for refusal. |
| Noise pollution and disturbance caused by children and traffic every day, when we have lived peacefully without a noisy child care centre. | The use is permissible in the zone and has been assessed in relation to acoustic impacts and considered acceptable. | Issue addressed. |
| Existing delivery trucks will be driving up and down to Kellyville Village next to the child care centre and the pollution could impact young children's health, so it may be better to have regular housing there rather than a child care centre. | Council staff have requested a health assessment in relation to this issue. The applicant has requested that this be required by condition of consent which is not supported. | Issue unresolved. |
| Trucks entering the loading docks will result in potential safety impacts on children playing and the centre. | Refer above. | Issue unresolved. |
| The nature of a child care centre is that it will function for approximately twelve hours per week day (from the time of the first staff arrival to the last leaving of staff and children). The noise impacts will diminish the quality of life for those who reside closest to the centre. | The use is permissible in the zone and has been assessed in relation to acoustic impacts and considered acceptable. | Issue addressed. |

| | | |
|--|---|------------------|
| Objection is raised to the closure of the current temporary access road linking Hutchison Avenue to President Road. | The closure of the "temporary" access road linking Hutchison Avenue and President Road was always intended once the pre-planned road layout including Alessandra Drive and York Road on the subject site were completed. | Issue addressed. |
| The application contains aspects of false and misleading material including depiction of large scale mature trees that depict lush forestry, water courses, public signage from Star City casino and other material intended to mislead. | Council staff provide an independent assessment of the submitted information. | Issue addressed. |
| There is a dry creek running along my rear boundary. This is not acceptable as my insurance will not cover me for flooding. | The proposed creek bed is only a landscaping feature. It does not form part of the stormwater system for the subject proposal. | Issue addressed. |
| The applicant's plans do not depict the detailed drawings indicating use of balconies, windows and air conditioning units. | The floor plans submitted have not been shown as part of the plans publicly available due to privacy issues. | Issue addressed. |
| During construction there will be constant noise and dust pollution as well as potential damage to adjoining properties from vibrations caused by heavy machinery working 5 – 7 days a week. | Any application would be controlled via standard conditions of consent in relation to construction. | Issue addressed |
| The application should have been notified to more residents in the locality. | Eighty-five residents were directly notified. In addition the application was advertised development which entails a sign being placed at the site, three were placed in this instance, and an advert placed in local papers. | Issue addressed. |
| The Development Application is fraudulent because Namul Pty Ltd is not the rightful owner of the property. | The owner recorded by Council is Namul Pty Ltd. and appropriate owner's consent has been provided. | Issue addressed. |

SUBDIVISION ENGINEERING COMMENTS

The applicant has identified that the dedication at no cost to Council of the York Road and Alessandra Drive extensions is only agreed to on the basis the revised scheme of no less than 311 apartments is approved to support the associated construction costs.

The applicant has provided this consent but only on the basis of a set unit yield. This condition is contrary to the Development Control Plan and Contributions Plan which require these roads to be constructed and dedicated to the public at their expense.

Matters relating stormwater and vehicular access could be conditioned if the application was to be supported.

TRAFFIC MANAGEMENT COMMENTS

This application includes the construction of the remaining section of York Road that will complete a link in the local collector road network in accordance with the Development Control Plan. This network provides access to the nearest sub-arterial route which is Green Road, and to the nearest arterial route which is Windsor Road.

As a result of the existing capacity issues in both Wrights Road and President Road certain improvements including the signalisation of the Windsor Road and Wrights Road intersection along with the upgrade of Memorial Avenue and Windsor Road have been identified and are expected to occur in the near future.

These controlled access points and upgrading combine to adequately accommodate the existing traffic volumes, and the traffic generation of the proposed residential development will not affect performance at these intersections.

President Road and Wrights Road have already been treated with Local Area Traffic Management (LATM) devices in the form of mini-roundabouts and pedestrian refuge islands, and these routes perform their planned functions as major collectors for the local area. These roads, together with York Road, have concrete footpath on at least one side, and in many areas on both sides to adequately cater for pedestrian safety.

Traffic volumes in President Road are comparatively high at present, however the new signals to be built at Wrights Road will balance the traffic demand from this are between the two accesses out onto Windsor Road within the next five years. The completion of the York Road extension will provide a planned connection between the two major collector routes that will assist in the balance of traffic volumes. However, traffic along York Road will still remain within its environmental capacity and no further LATM devices are needed in this area.

TREE MANAGEMENT COMMENTS

Following a review of the amended Landscape Plans prepared by Arcadia Landscape Architecture, dated February 2016, the following amendments are still required to be made to the Landscape Plans:

- Numerous street trees are still located in inappropriate locations. Street trees are to be removed where they are too close to road corners and driveways. For further guidance please refer to Figure 2 & 3 *Planting Guidelines for Street Trees on Local Roads* in Part C Section 3: *Landscaping of The Hills Development Control Plan 2012*.
- Substation shall be suitably screened. Existing surrounding turf to be replaced with mass planting.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The applicant has requested that the Environmental Health Assessment be undertaken prior to the issue of a construction certificate. The request further states that Council condition the Child Care Centre approval with a condition to the effect that requires the satisfaction of both Council and a Certifier prior to the commencement of construction of air quality and safety matters as stated by Council.

The purpose of an Environmental Health Assessment is to provide certainty and verification that a site proposed for a childcare centre is suitable for use as a childcare centre with regards to risks identified in the assessment.

This being the case, providing a condition of consent regarding the undertaking of an Environmental Health Assessment after approval is not appropriate.

Environmental Health Assessment

The child play area shares a common boundary with the loading dock for Kellyville Plaza. An Environmental Health Assessment is required to address any potential Health impacts on the children from the loading dock. This includes air quality, noise and safety from vehicle crush. This report must specifically address the shared boundary between the play area and the loading dock and provide advice on barrier requirements to ensure that a truck (semi-Trailer) within the loading dock cannot enter the child's play area in the event of an accident.

The Environmental Health Assessment is to be undertaken by a suitably qualified person in accordance with the requirements of the Hills DCP and submitted to Council to allow further assessment of this application.

WASTE MANAGEMENT COMMENTS.

The current arrangements for truck access appear restrictive and there may be potential dangers given collectors are required to go down driveways that are shared with passenger vehicles. This is of concern as most of the driveways are bending and collectors appear to require considerable amounts of available space to negotiate the required bends and turns. Ideally, a separate dedicated driveway leading to a waste loading area should be provided. Waste collection must be able to be undertaken without potential conflicts to general access to, from or within the site.

Future pedestrian access to all garbage rooms must be clear of the space designated for truck manoeuvring and loading. Compliance with this must be demonstrated on amended plans. Consideration must also be given to travel distances between all units and respective garbage rooms. The maximum distance typically allowed is 75m.

ROADS & TRAFFIC AUTHORITY COMMENTS

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

NSW POLICE

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected.

CONCLUSION

The application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered unsatisfactory.

The proposed development is considered to be inconsistent with the objectives of the zone and is considered an overdevelopment of the site.

Accordingly, the application is recommended for refusal

IMPACTS:

Financial

Costs will be incurred if the applicant lodges an appeal with the NSW Land and Environment Court.

The Hills Future - Community Strategic Plan

The social and environmental impacts have been identified and addressed in the report. The proposal conflicts with the development objectives of the LEP and DCP. It is considered unsatisfactory with regard to The Hills Future Community Strategic Plan.

RECOMMENDATION

The Development Application be refused on the following grounds:

1. The reliance on Clause 5.3 of The Hills Local Environmental Plan 2012 - Development Near Zone Boundaries to justify a higher density of development across the entire site is inappropriate and provides a more intense development than permitted.
(Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979).
2. The proposed development does not comply with the following Development Controls and results in an overdevelopment of the site which is incompatible with adjoining residences and neighbourhood character.
 - Density
 - Part B Section 4 Multi Dwelling Housing - Clause 3.5(a)
 - Part B Section 5 Residential Flat Buildings - Clause 3.10(a)
 - Part D Section 5 Kellyville / Rouse Hill - Clause 2.2(a)
 - Setbacks
 - Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a)
 - Building Height
 - Part B Section 5 Residential Flat Buildings - Clause 3.4(c)
 - Building Length
 - Part B Section 5 Residential Flat Buildings - Clause 3.7(a)
 - Building Design and Streetscape
 - Part B Section 5 Residential Flat Buildings - Clause 3.8(b)(Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).
3. The proposal does not comply with the Design Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development in terms of:
 - Principle No. 1 – Context and Neighbourhood Character;
 - Principle No. 2 – Built Form and Scale;
 - Principle No. 3 – Density; and
 - Principle No. 6 – Amenity(Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979).
4. The proposed development is contrary to the provisions of Clause 50 of the NSW Environmental Planning and Assessment Regulations 2000, which requires the applicant to provide all the necessary and requested information to Council to allow for a proper assessment of the application, including the submission of information including engineering matters, landscaping, acoustics, health assessments and unit layout and design.
(Section 79C 1(a)(iv) of the NSW Environmental Planning and Assessment Act, 1979).
5. The non dedication of York Road and Alessandra Drive will impact on the orderly development of the locality and provision of Council's planned public road system.
(Section 79C 1(b) of the NSW Environmental Planning and Assessment Act 1979).

6. The impacts on and built environment in the locality are unacceptable in terms of bulk and scale of the proposed building which is not compatible with the surrounding development and the overall streetscape.
(Section 79C 1(b) of the NSW Environmental Planning and Assessment Act 1979).
7. The development is not considered to be suitable for the site as it is an overdevelopment in terms of scale and intensity and results in unacceptable amenity impacts on neighbours.
(Section 79C 1(c) of the NSW Environmental Planning and Assessment Act 1979).
8. The development is considered not to be in the public interest.
(Section 79C 1(e) of the NSW Environmental Planning and Assessment Act 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map and DCP Roads
4. DCP Map Sheet Extract
5. Ground Floor Plan
6. Level 4 Plan with Zone Boundary
7. Site Elevations
8. Site Sections
9. Setback Plan
10. Landscape Plan
11. Shadow Diagrams
12. Applicant's Covering Letter – Additional Information 25 February 2016
13. Applicant's Additional Justification 27 April 2016
14. Previous Report to JRPP 854/2012/JP

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

**NOTE : FOUR SUBMISSIONS RECEIVED
OFF THE SCOPE OF THIS MAP**

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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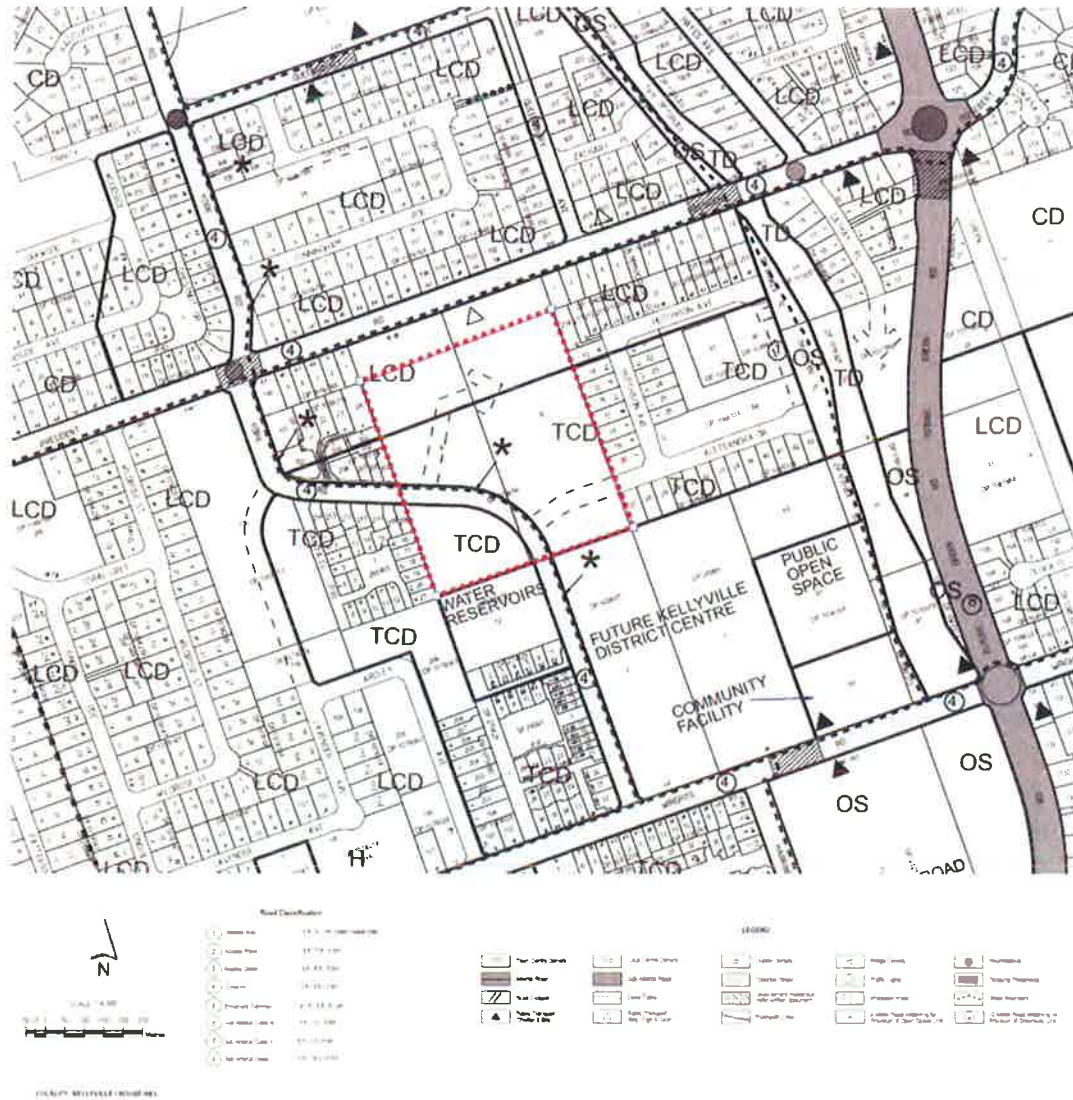
ATTACHMENT 2 – AERIAL PHOTOGRAPH



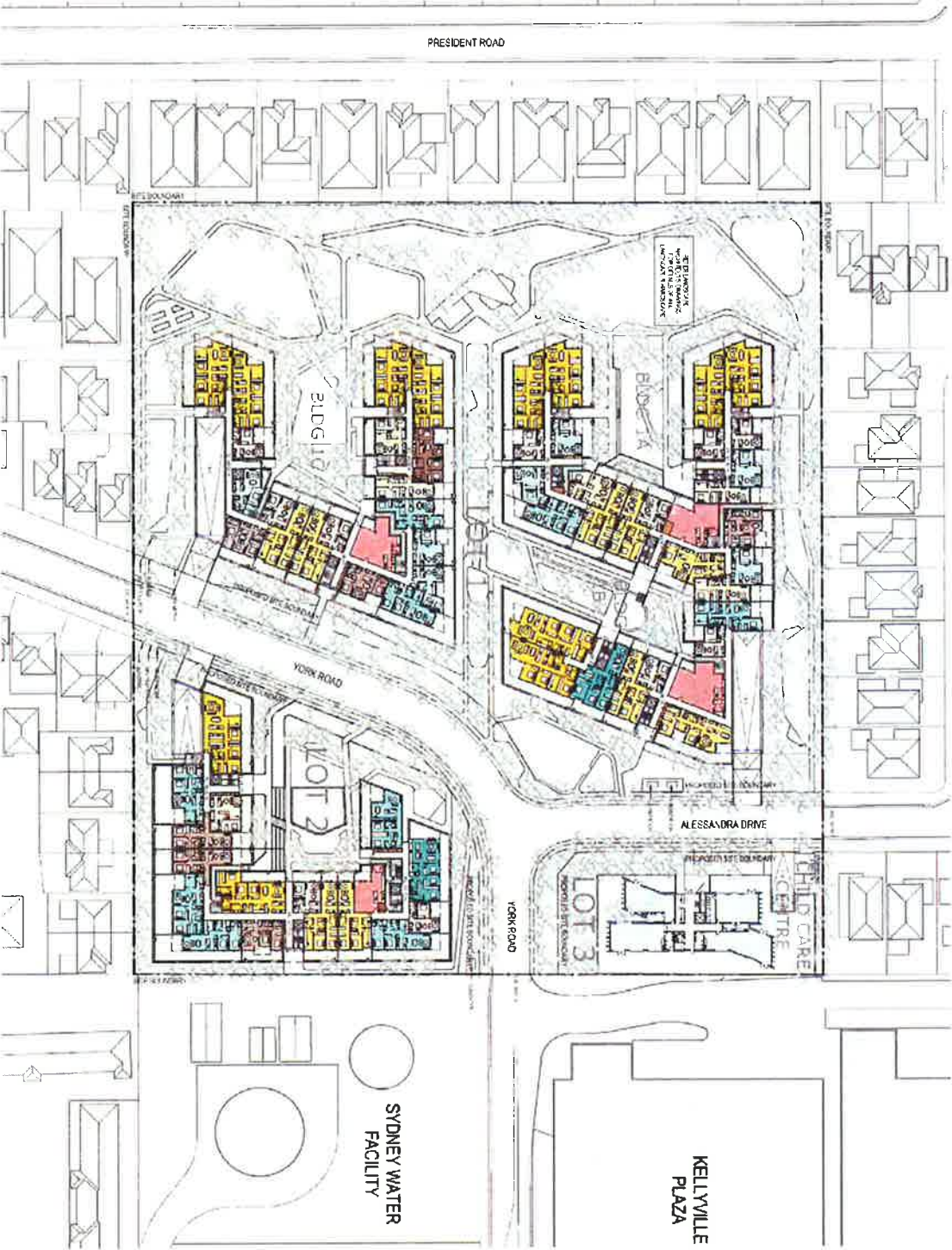
Page 29



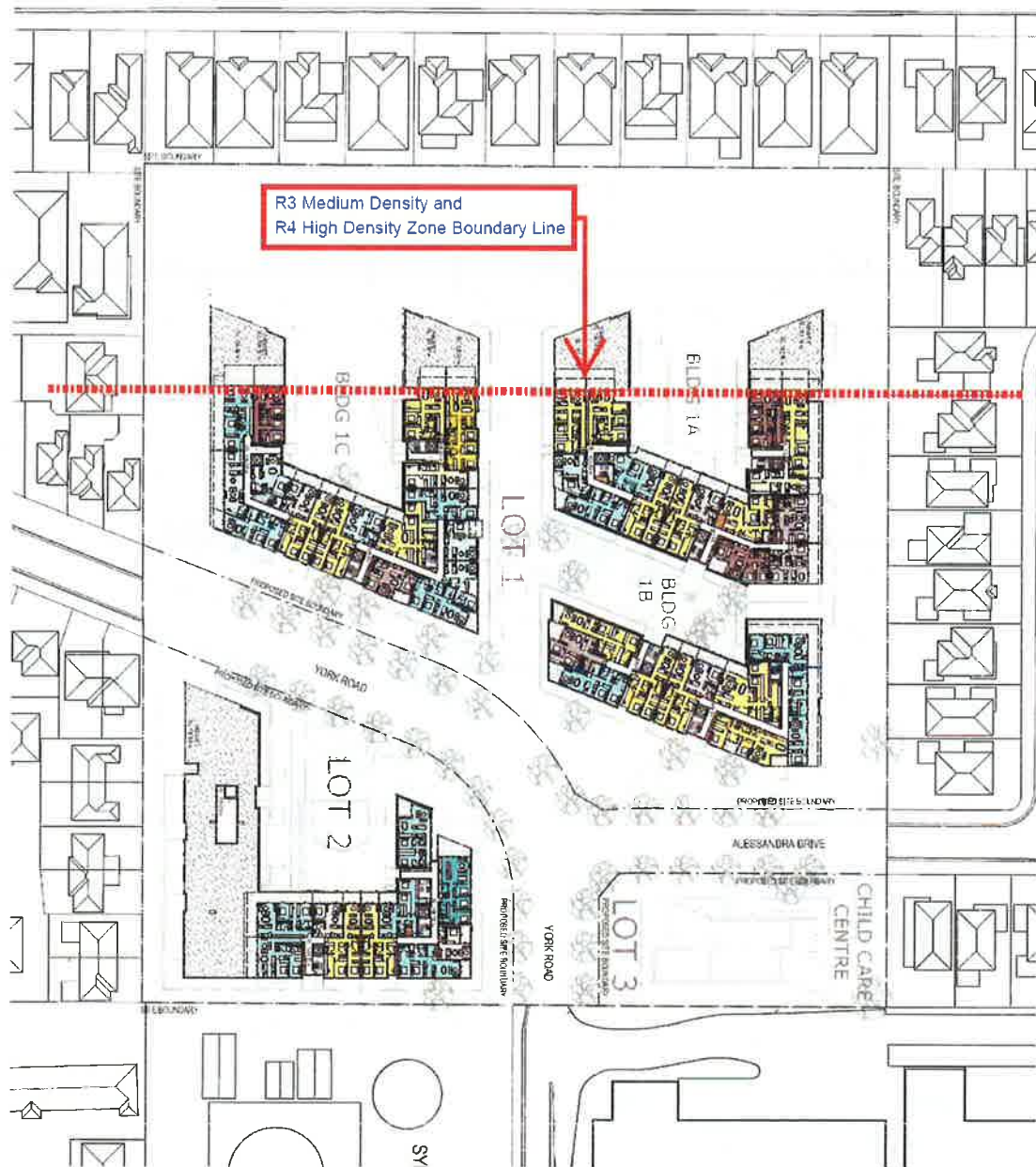
ATTACHMENT 4 – DCP MAP SHEET EXTRACT



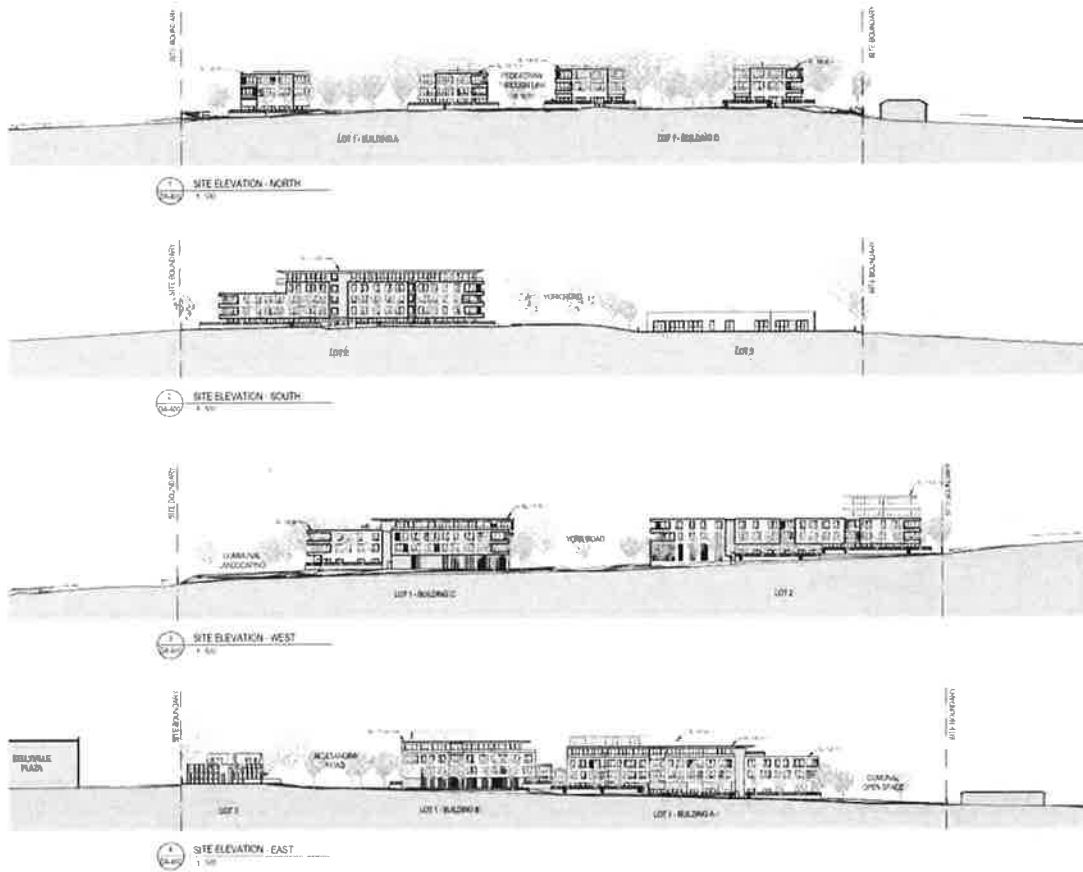
ATTACHMENT 5 – GROUND FLOOR PLAN



ATTACHMENT 6 – LEVEL 4 PLAN WITH ZONE BOUNDARY



ATTACHMENT 7 – SITE ELEVATIONS



ATTACHMENT 8 – SITE SECTIONS



ATTACHMENT 9 – SETBACK PLAN



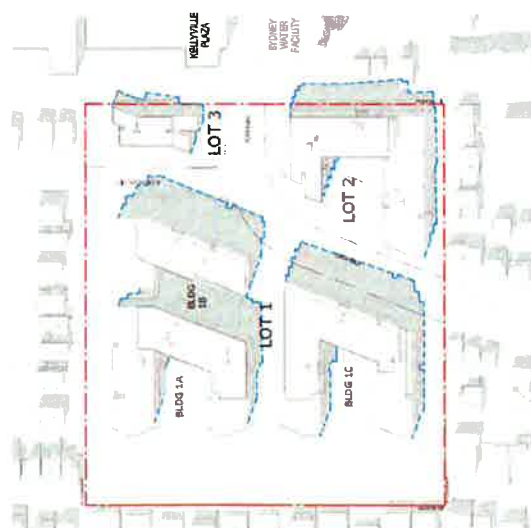
ATTACHMENT 10 – LANDSCAPE PLAN



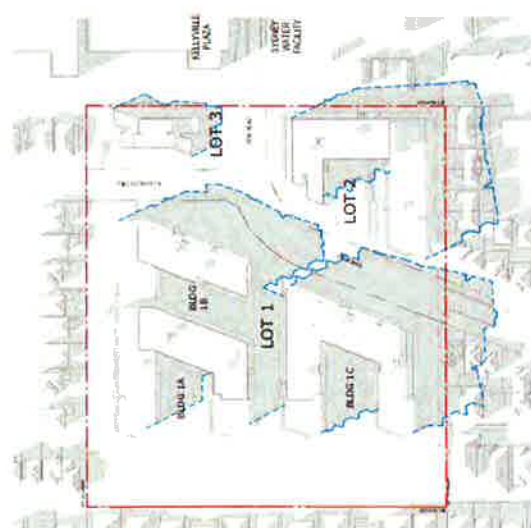
ATTACHMENT 11 – SHADOW DIAGRAMS – 21ST JUNE



3:00 PM, 21ST OF JUNE



12:00 PM, 21ST OF JUNE



9:00 AM, 21ST OF JUNE

ATTACHMENT 12 - APPLICANT'S LETTER 25 FEBRUARY 2016



25 February 2016

Robert Buckham
Development Assessment Officer
The Hills Shire Council
3 Columbia Court
BAULKHAM HILLS NSW 2153

Dear Robert,

Application No. 576/2016/JP: York Road and Alessandra Drive, Kellyville

We write on behalf of *Namul Pty Ltd* (Client) in relation to Development Application No. 576/2016/JP, lodged with The Hills Shire Council in October 2015. The application seeks consent for three lot subdivision, construction of York Road and Alessandra Drive, and construction of three Residential Flat Buildings (340 dwellings) on proposed Lots 1 and 2 and a Child Care Centre (100 places) on proposed Lot 3.


This submission provides an application summary and response to the Hills Shire Council letter dated 17 December 2015 inclusive of changes made following the Conciliation Conference held with residents at Council's Chambers on 30 November 2015.

1 Background

We are advised that our Client presented at its initial Pre-DA meetings a scheme of 401 dwellings with full compliance to the LEP and DCP, noting a sole exception to Council's DCP density guidelines. Our Client has always sought to present a Development Application (DA) with respect to the Local Environmental Plan (LEP) controls and use of the Hills Development Control Plan (DCP) guidelines where justified merit has resulted in a high quality masterplan outcome.

It was clearly apparent in the first scheme of 401 dwellings that the Hills' DCP density guidelines are inconsistent and incompatible in this case with the applicable statutory LEP controls for the subject site. This is further evident when Council's DCP guidelines are compared with the prevailing SEPP 65 Apartment Design Guide (ADG) controls.

We note that there is no density control under the LEP for the subject site. Notwithstanding this and in an attempt to meet Council's procedural preference, our Client lodged a reduced scheme of 340 dwellings also compliant to the legally prevailing controls, the Environmental Protection Act (EPA) and Hills LEP. The scheme is also compliant to the Hills B5 DCP density guidelines. The amended masterplan lodged, clearly reduced the potential density with a generous distribution of dwellings across the site, unit sizes in accordance with or larger than the Hills DCP, full compliance with the Hills DCP car park controls, increased open space, inclusion of a child care centre and new roads which is all of significant community benefit.

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IMP LETTER - CONCIATION MEETING 2015

Strict application of the Hills DCP results in a vast underutilisation of the site in seeking to meet and validly maximise the LEP R4 High Density Residential zoning objectives. The conclusion must be drawn that the Hills' DCP and specially its density guidelines are inappropriate. Therefore, initial assessment of the LEP legal compliance is paramount, coupled with assessment of the urban design merit and appropriate DCP guidelines. It is with these principles we request consideration be given for this development application and ultimately recommendation for approval.

2 Legislative Context

The current Hills DCP 2012 has a number of built form and density guidelines that are inconsistent with the Hills LEP and SEPP 65 ADG. It should be noted that where there is an inconsistency between a DCP control and the SEPP 65 ADG design criteria, the ADG generally prevails.

The ADG states: *"Objectives, design criteria and design guidance in Parts 3 and 4 of this Apartment Design Guide that are referred to in SEPP 65 will prevail over any inconsistent DCP control"*.

Parts 3 and 4 of the ADG set out objectives, design criteria and design guidance for the siting, design and amenity of residential apartment development. It includes controls relating to minimum apartment size, car parking and solar access. The ADG does not stipulate a minimum or maximum density control.

Recent amendments to SEPP 65 also clarify the weight that should be given to the ADG with the introduction of Clause 6A. This Clause states that if a DCP contains provisions that are inconsistent with the ADG concerning the following matters, that the provisions of the DCP have no effect:

- (a) *visual privacy,*
- (b) *solar and daylight access,*
- (c) *common circulation and spaces,*
- (d) *apartment size and layout,*
- (e) *ceiling heights,*
- (f) *private open space and balconies,*
- (g) *natural ventilation,*
- (h) *storage.*

Clause 30 of SEPP 65 also specifies grounds which cannot be used to refuse development consent. These include:

- (a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) *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,*
- (c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

Consideration also needs to be given to the statutory weight of DCP's as a planning instrument. DCP's are intended to be a guiding document only, and do not contain statutory controls.

Section 74BA of the Environmental Planning and Assessment Act 1979 refers to the purpose and status of a DCP, which is outlined as follows:

(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:

(a) giving effect to the aims of any environmental planning instrument that applies to the development,

(b) facilitating development that is permissible under any such instrument,

(c) achieving the objectives of land zones under any such instrument. The provisions of a development control plan made for that purpose are not statutory requirements.

The purpose and status of a DCP is further supported by the Department of Planning Circular PS 13-003 issued on 18 March 2013 which explains that DCP's are intended to be "flexible guidelines which complement the controls provided by a Local Environmental Plan (LEP)".

We provide the following summary of the proposed design in context of the legislative framework:

| KEY CONSIDERATIONS | HILLS DCP | SEPP 65 ADG | MASTERPLAN DESIGN OUTCOME |
|--|---|---|--|
| (a) visual privacy | Compliant | Compliant | Sympathetic masterplan within local context |
| (b) solar and daylight access | Master plan exceeds significantly relevant controls | Master plan exceeds significantly relevant controls | Master plan provides design excellence and superior outcome to minimum standards |
| (c) common circulation and spaces | Compliant | Compliant | Masterplan and building design provides good design outcomes |
| (d) apartment size and layout | Building design meets and exceeds controls | Exceeds controls significantly | Improved liveability and diversity in unit offerings |

| KEY CONSIDERATIONS | HILLS DCP | SEPP 65 ADG | MASTERPLAN DESIGN OUTCOME |
|---|---|--|---|
| (e) apartment mix | Minor non-compliance (+4%) to 1 bedroom apartment mix | <p>The ADG does not specify a percentage mix, however states: The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres the current market demands and projected future demographic trends the demand for social and affordable housing different cultural and socioeconomic groups | The masterplan and building design provides a diverse range of apartments all above the ADG minimum internal area and further compliant or larger oversized apartments in relation to the Hills DCP. The minor departure from the Hills DCP is reasonable and acceptable. |
| (f) ceiling heights | Compliant | Compliant | Masterplan and building design provides good design outcomes |
| (g) private open space and balconies | Master plan exceeds significantly relevant controls | Master plan exceeds significantly relevant controls | Master plan provides design excellence and superior outcome to minimum standards |
| (h) natural ventilation | Compliant | Compliant | Masterplan and building design provides good design outcomes |
| (i) storage | Compliant | Compliant | Masterplan and building design provides good design outcomes |
| (j) density | Compliant | No maximum population density stated | Density is suitability appropriate in context of the Hills LEP and zoning objectives |

The high level of compliance to the DCP guidelines and SEPP 65 ADG is clearly evident coupled by a master plan outcome that is of design excellence. Therefore, notwithstanding the minor departures from some DCP guidelines, we recommend this application be considered for approval.



3 Legal Precedent

To support our Client's proposal, we refer to the legal precedent in The Hills Shire which supports variation to the strict DCP guidelines. In the case of *Universal Property Group Pty Limited v The Hills Shire* development consent was granted by the Land and Environment Court with a significant variation to Council's dwelling mix guidelines. The approved development comprised of the following:

- 57.95% 1 bedroom units;
- 36.55% 2 bedroom units;
- 5.50% 3 bedroom units.

This approved unit mix demonstrates a shift away from Council's DCP guidelines which require no more than 25% of the dwelling yield to comprise of studio or one bedroom apartments and no less than 10% comprising apartments with three or more bedrooms.

Other cases include *Botany Development Pty Ltd v Council of the City of Botany Bay (No.3)* that relates to Section 30A of the SEPP 65 and minimum apartment sizes. We note that Section 30A has now been repealed and replaced with Section 6A which states in respect to certain amenities, DCP guidelines that are contrary to the ADG have no effect. Further certainty in relation to apartment size is provided by Clause 30(1)(b) of the SEPP which disallows the refusal of a DA on the grounds of 'apartment area' if the proposed apartments satisfy the recommended internal areas in Part 4 of the ADG. The ADG recommends the following minimum apartment sizes:

- Studio - 35m
- 1 bedroom - 50m
- 2 bedroom - 70m
- 3 bedroom - 95m

We draw your attention to the fact our Client has embraced the Hills Council vision for larger apartments to accommodate the diverse offerings to meet the needs of individuals through to families. The following table outlines the apartment sizes adopted by our Client:

| POSSIBLE ADG APARTMENT SIZE (MIN) | PROPOSED RANGE OF APARTMENT SIZES |
|--------------------------------------|--------------------------------------|
| 50m ² | 50m ² – 75m ² |
| 70m ² | 70m ² – 110m ² |
| 95m ² | 95m ² - 163m ² |



4 Revised Scheme - Summary

This submission provides a response to the thirteen (13) items identified by The Hills Shire Council outlined in the request for additional information letter, dated 17 December 2015. The submission also outlines the changes made following the Conciliation Conference held with residents at Council's Chambers on 30 November 2015.

Following the recent advice from Council and community feedback, our Client has elected to undertake some further substantial changes to the current proposal under assessment that positively respond to items raised in Council's letter. As such, the following information is submitted for review:

- **Architectural Drawings**, prepared by SHED*;
- **Landscape Report and Drawings**, prepared by Arcadia;
- **Letter including Acoustic Report**, prepared by Wood and Grieve Engineers;

The amended scheme now provides a reduced yield of 311 residential apartments, across three residential flat buildings ranging in height from three to five-storeys. The proposal now incorporates 91 (29%) one bedroom, 189 (61%) two bedroom, and 31 (10%) three bedroom apartments.

Broadly speaking, the reduction of 29 units has been determined through consideration of the following key items raised:

| ITEM RAISED | ACTION TAKEN | STATUS | NET EFFECT |
|--|---|--|---|
| Setbacks | Buildings reduced to be within the 10m setback to York Road and Alessandra Ave. | Amended as per Council's request | Reduction of 10 apartments |
| Building Length (Building 1A and 1B) | Deletion of 2 units at levels 3 and 4 to introduce articulation and greater separation of Buildings 1A and 1B | Building mass reduced and separation of buildings included | Reduction of 2 apartments |
| Driveway Locations (Buildings 1A, 1B, 1C) | Driveways moved to more central location within the building envelope | Driveways moved further away from adjoining properties | Reduction of 8 apartments |
| Western Boundary (Building 2) | Building height reduced from four levels to three levels | Built form reduced as requested | Reduction of 9 apartments |
| | | | Total reduction of 29 apartments |

The provision of landscaping and communal open space has increased as a result of the relocation of driveway entry / egress ramps and increases to building setbacks. The proposal now incorporates 19,691m² of landscaped area and 15,875m² of communal open space, of which approximately 68% receives a minimum of four hours solar access.

The amended scheme achieves a high level of residential amenity and compliance with the Apartment Design Guide. In particular, 75% (234 of 311) of apartments receive a minimum of two hours solar access between 9am and 3pm on the winter solstice and 60% (187 of 311) of apartments are naturally cross ventilated.

In summary, the following amendments have been made to the proposal:

- The total number of apartments proposed has been reduced from 340 to 311.
- The proportion of one bedroom apartments proposed has been reduced from 38% to 29% (91 of 311 apartments).
- Amendments have been made to the design of the 'one bedroom + study apartment type', removing the enclosing walls and doors and thus creating a 'study nook' rather than an enclosable room.
- Setbacks have been increased to 10 metres on York Road and Alessandra Drive, increasing the provision of landscaping along the front boundary.
- The scale of the development along the eastern boundary has been significantly improved to articulate and increase the separation of Buildings 1A and 1B. Two units have been removed from levels 3 and 4 on Building 1B in order to increase the separation between these buildings resulting in a reduction the overall building mass and length.
- Basement ramps have been moved away from the east and west boundaries to within the building envelope, increasing the provision of landscaping along the east and west boundaries.
- Nine units have been removed from the western portion of Building 2 at level four in order to reduce the building bulk along the western boundary.
- A light low-impact fence has been incorporated along the front boundary, allowing a visual connection through the linear park whilst limiting access to residents only.
- Basement plans now incorporate dimensions for the spaces, aisles, circulation roadways/ramps and driveways. Numbers have also been assigned to each parking space.
- Additional plant species including shrubs and small trees have been incorporated to assist with screening.

5 Detailed Response to Council's Request for Additional Information

This section responds in detail to the thirteen (13) items identified by The Hills Shire Council outlined in the request for additional information letter, dated 17 December 2015:

5.1 DENSITY

Council's letter states three key points and we respond to each in turn:

- (i) ***As you are aware the site is affected by two density controls. Your application proposes a significant variation to the density controls of the Kellyville Rouse Hill Section of the DCP. The justification provided to the variation of this control should be embellished.***

As stated within the Statement of Environmental Effects, the 'Kellyville/Rouse Hill Release Area' (Part D Section 5) is subject to further density targets, based on defined 'density types'. The applicable 'Town Centre Density' type specifies a range of 30 to 35 dwellings per net hectare, and is derived from an expectation that the predominant building typology would be 'multi-unit housing' based on density studies carried out in the 1990's prior to major rezonings and infrastructure such as the north west rail line. This is inconsistent with the LEP R4 High Density Residential land use zoning adopted in 2012. In fact, the LEP more accurately reflects the strategic context of the site, and Council's Local Strategy for town centres, which all encourage high density development around town centres and transport nodes, where access to existing infrastructure, facilities and services can be leveraged in order to accommodate future growth.

Since adoption of the Hills LEP 2012, the above mentioned Kellyville/Rouse Hill Release Area' (Part D Section 5 density provision has not been updated. Subsequently, there is now precedent of Council and the Sydney West Joint Regional Planning Panel accepting this position on this and other sites, which in effect means that Part D Section 5 of the DCP is redundant and now no longer a relevant policy consideration for this site in relation to density. Thus, in our opinion, the proposed density for 'residential flat buildings' of 175 persons per hectare is the only available guideline that may be applicable as it is somewhat consistent with the future desired character of the area as identified through the R4 High Density Residential zoning under The Hills LEP.

- (ii) ***The application of the densities of the Residential Flat Building and Multi Dwelling Housing Sections of the DCP will be considered on the merits of the application and justification of the variation mentioned above; however the application proposes a density of 175 persons per hectare across the entire site which is not supported. The northern portion of the site is zoned R3 Medium Density. Application of Council's Multi Dwelling housing controls would permit a maximum of 95 persons per hectare for this portion of the site. The application should be amended accordingly.***

We note Council's consideration of the application of density guidelines, however our position on the applicability remains unchanged. The proposed development seeks consent for the construction of three residential flat buildings, defined as "a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing" under The Hills Local Environmental Plan (LEP) 2012. The proposed residential flat buildings are located primarily within the R4 High Density Residential zone, with a small portion of Building 1A and 1C located within the adjoining R3 Medium Density Residential zone.

In accordance with the EPA and Hills LEP, the subject site does not have a density or floor space ratio control. We re-inforce the merits of the revised master plan that further supports a considered superior outcome for both Council, the community and our Client.

Residential flat buildings are permissible with consent within the R4 High Density Residential zone. However, they are not permissible within the R3 Medium Density Residential zone. Accordingly, the development application seeks to utilise Clause 5.3 of The Hills LEP, which allows minor incursions of land uses into neighbouring zones "...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".

In determining whether to grant development consent, Clause 5.3 of LEP 2012 states, the consent authority must be satisfied that:

- "...the development is not inconsistent with the objectives for development in both zones, and
- 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 demonstrated within the Statement of Environmental Effects, the proposed development is entirely consistent with the objectives of both the R3 Medium Density Residential and R4 High Density Residential zones. Specifically:

- The proposal provides for the housing needs of the community in a predominantly medium density residential environment;
- The proposal provides a variety of housing types, with varying layouts and sizes, which will accommodate a diversity of households and meet a range of needs;
- The proposal incorporates a separate child care centre, an extension to York Road and Alessandra Drive, and a significant amount of communal open space, which will provide public benefits for the local neighbourhood, future residents, and broader stakeholders; and
- The proposal provides a high quality residential development in an area accessible to public transport, community facilities, open space, healthcare services, and education and employment opportunities.

Furthermore, the proposal achieves a better urban design and built form outcome for the site and results in an improved outcome for neighbouring residential properties for the following reasons:

- The proposal represents a more site responsive and logical approach to a unique situation of infilling a large site surrounded by lower scale housing.
- The proposal facilitates a substantially increased setback of development from the rear of the existing residential properties fronting President Road. This significant 34 metre setback also provides the opportunity to create communal open space within a parkland setting, which far exceeds Council's requirements.
- The portion of the residential flat buildings that will extend into the R3 Medium Density Residential zone are very minor and importantly, are only three-storeys in height which is consistent with the maximum height of buildings permitted in the R3 Medium Density Residential zone.
- Furthermore, from a land use typology perspective, residential flat buildings are permitted in R3 Medium Density Residential zones in the nearby North Kellyville Precinct, so this form of housing is not an inconsistent form in comparable zones nearby.



As there are no maximum Floor Space Ratio development standards outlined within The Hills LEP, the total gross floor area permitted is determined by the maximum Height of Buildings development standard and the built form based guidelines outlined in The Hills Development Control Plan 2012 which aim to achieve the desired future character of the locality.

The Hills DCP is structured to provide built form guidelines applicable to permissible uses identified within The Hills LEP. Specifically, Part B Section 5 of The Hills DCP states:

"This Section of the DCP applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) 2012, residential flat buildings are a permissible use."

Whereas, Part B Section 4 states:

"This Section of the DCP applies to land where multi dwelling housing is permissible, pursuant to The Hills LEP 2012."

As the proposal utilises Clause 5.3 of The Hills LEP, thus having the effect of extending the R4 High Density Residential zone, and consequently proposes residential flat buildings, it is therefore our opinion that the applicable section of the Hills DCP is Part B Section 5 as the only relevant guideline that could be considered. Accordingly, the applicable DCP density guideline is 175 persons per hectare.

As the proposal does not include multi dwelling housing, it is our opinion that it is not reasonable or appropriate to apply the reduced density guideline of 95 persons per hectare, as provided in Part B Section 4 of The Hills DCP. It is noted that the majority of R3 zone has no built form and is open space complementing the residential flat buildings proposed. This offsetting merit provides a superior design outcome.

Based on the applicable density guideline of 175 persons per hectare for the entire site, the proposed development could accommodate a total of 629.7 persons or 340 dwellings. The amended Architectural Drawings provide a reduced development yield of 311 dwellings, including 91 (29%) one bedroom, 189 (61%) two bedroom, and 31 (10%) three bedroom apartments. This represents a total population of 599 persons. This is a reduction of 30 people which is within the desirable population density range specified.

We are advised that our Client attended a meeting at Council with its planning officers and management team, "Without Prejudice", on Wednesday 8 July 2015 where Council noted a supportable density of 585 persons. Any increase to 585 persons on the subject site would need to be justified. We consider the reduced proposal of 599 persons, being 14 persons above Council's supportable position as justified and acceptable.

The minor increase in population density associated with the extension to the R4 High Density Residential Zone and proposed residential flat buildings is considered negligible and will not create any demonstrable additional impacts on existing services, local road network traffic or on adjacent properties. Furthermore, it has been demonstrated within the Statement of Environmental Effects and the supporting documentation that the scale of the proposed development is compatible with the existing surrounding development.



- (iii) ***In addition, a number of units include studies that could be utilised as bedrooms. Given the design they will be considered a bedroom for the purpose of density calculations, unit size calculations and for the purpose of Section 94 Contributions.***

Amendments have been made to the design of the one bedroom + study apartment type, removing the enclosing walls and doors and thus creating a 'study nook' rather than an enclosable room. The applicable Section 94 Contributions should be at the rate of 1 bedroom for these apartments and not the 2 bedroom rate as raised by Council.

The two and three bedroom + study apartment types have been retained. It is our opinion that the studies provided within these apartment types cannot reasonably be converted or used as an additional bedroom due to the size of the rooms provided and the inclusion of fixed furniture and storage units.

To further address Council's concerns regarding additional density, a condition of consent limiting the number of adults per room could be applied. For example, the following condition is applied to development consents within the City of Sydney Local Government Area:

NUMBER OF ADULTS PER ROOM

(a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.

(b) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.

The Proponent would be willing to accept a condition of this nature.

S.2 CONSIDERATION OF LOCAL AND COMMUNITY INFRASTRUCTURE

The following analysis is provided to provide some evidence to justify that the density proposed of 311 units will not have an impact greater impact on local amenity than expected, both physically and financially:

| CATEGORY | CONSIDERATION | KEY DEVELOPMENT OUTCOMES | NET RESULT |
|------------|---|--|--|
| Open Space | Allocation of open space for recreation | Development provides in excess of 150% more open space than required | The development outcome enhances open space available to residents reducing the burden on community open space |



| CATEGORY | CONSIDERATION | KEY DEVELOPMENT OUTCOMES | NET RESULT |
|--|--|---|---|
| Educational Infrastructure | Adequate capacity of local educational offerings | <p>The development will not have an immaterial effect on local school capacities. It is noted that the area is well serviced by local and secondary public and private schools.</p> <p>The development provides a child care centre which will be of use and community benefit.</p> | <p>The development will not impact schools and contributes to community infrastructure (ie Child Care Centre) at no cost to Council.</p> <p>The Child Care Centre also provides greater employment for the local area.</p> |
| Transport Facilities | Impact on local road and transport facilities | <p>The development meets both Council and RMS guidelines, including 100% Hills DCP compliance with onsite parking.</p> <p>The development provides a key link road to complete the York Rd network at no cost to Council.</p> <p>The York Rd will complete the available bus route to service these high density areas and town centre.</p> | <p>The development does not overburden the road network and further provides the extension of York Rd and Alessandra Ave at no cost to Council.</p> <p>The local bus operator can consider a bus stop on or about York Rd as a result of this development completing York Rd.</p> |
| Water Management (Stormwater Infrastructure) | Impact on Council stormwater infrastructure | <p>The development meets Councils ESD objectives onsite.</p> | <p>The development does not impact on Council's existing stormwater infrastructure.</p> |

5.3 UNIT MIX

The number of one-bedroom apartments proposed will represent 38% of the 340 apartments intended to be built, exceeding the maximum allowance of 25% by 13% outlined in Council's Development Control Plan. The application should be amended accordingly.

The Architectural Drawings have been amended to reduce the proportion of one bedroom apartments from 38% to 29% (91 of 311 apartments).

The diversity of apartment sizes has been driven by our Clients research into the local demographic demands and accordingly has provided both apartment sizing in accordance with the Hills DCP minimum sizes and also oversized units across 1, 2 and 3 bedroom offerings. The 4% variation of 1 bedroom apartments includes the 1 bedroom units that are at the minimum size, oversized and also with an open study nook.



There are three category types within the 1 bedroom classification. This further contributes to the diversity of 1 bedroom apartment types and supports the purposes of allocating 29% 1 bedroom apartments to meet market demands.

We consider the proposed 29% 1 bedroom unit mix as supportable when compared to the precedent result of *Universal Property Group Pty Limited v The Hills Shire* of 57.95% of 1 bedrooms as previously mentioned. This determination within an area of equally comparable LEP zoning controls provides further evidence to endorse the proposed 29% 1 bedroom unit mix.

While the amended proposal slightly exceeds Council's DCP (only by 4% overall), the magnitude of departure is minor and considered reasonable and acceptable in the context of the overall development that achieves a high level of policy compliance.

5.4 APPLICATION OF LEGAL PRECEDENT CASES

We have considered application of the ADG including the reduction in unit sizes and application of mixes as per the legal precedents *Universal Property Group Pty Limited v The Hills Shire* and *Botany Development Pty Ltd v Council of the City of Botany Bay (No.3)*. While our Client does not support the application of density guidelines as advised by Council in its letter dated 17 December 2015, we wish to highlight the result of applying the two above cases on the subject site following Council's interpretation:

| ZONE | LAND SIZE | HILLS DCP DENSITY | TOTAL PERSONS |
|--------------|----------------------------|-------------------------|----------------------|
| R3 | 9,548m ² | 95 persons per hectare | 90.7 persons |
| R4 | 26,437m ² | 175 persons per hectare | 462.6 persons |
| TOTAL | 35,985m² | | 553.3 persons |

| APARTMENT TYPE AND APPLICABLE PERSONS | APARTMENT MIX | TOTAL UNITS | TOTAL PERSONS | POSSIBLE ADG APARTMENT SIZE (MIN) | CURRENT RANGE OF APARTMENT SIZES |
|---------------------------------------|----------------|-------------|----------------------|-----------------------------------|--------------------------------------|
| 1 (1.3 persons) | 57.95% | 193 | 250.9 | 50m ² | 50m ² – 75m ² |
| 2 (2.1 persons) | 36.55% | 121 | 254.1 | 70m ² | 70m ² – 110m ² |
| 3 (2.7 persons) | 5.50% | 18 | 48.6 | 95m ² | 95m ² – 163m ² |
| TOTAL | 100.00% | 332 | 553.6 persons | | |

We highlight to Council that the above analysis in fact produces 332 units on the subject site. Such a case is possible but would likely produce a far inferior development outcome and not be consistent with Council's vision to accommodate families of the Hills District with diverse and larger apartments. This approach would also be of a significantly lower cost to a developer. Notwithstanding this, our Client has elected to provide design excellence, liveable and diverse apartment offerings in a setting of vast open space. We strongly re-inforce the merits of the 311 apartment masterplan and would seek Council's leadership in supporting a quality development opposed to what evidently is "legally achievable" to maximise the number of units possible that would result in a poor development defeating its own vision.

If such an example as above is supportable by the precedent available, this would encourage poor development when compared to that proposed by this application for the subject site.

5.5 SETBACKS

The submitted Statement of Environmental Effects identifies that the proposed setbacks are compliant. The submitted plans show buildings fronting York Road and Alessandra Drive within the required 10m setback area. Given the scale of the proposal the application should be amended to comply.

The Architectural Drawings have been amended in order to provide the required 10 metre setback to York Road and Alessandra Drive. This has allowed for a further increase in the provision of landscaping along the front boundary resulting in reduced building bulk and scale.

5.6 BUILDING LENGTH

Given the scale of the development concern is raised with the length of Building 1A and 1B adjacent to the eastern boundary. Council's DCP provides for a maximum building length of 50m.

Amendments have been made to Building 1B, removing two units from level three and four adjacent to the eastern boundary in order to increase the separation between Buildings 1A and 1B. This allows the building to be read as two-separate pavilions when viewed from the east, reduces the overall building length, and reduces the building bulk adjacent to neighbouring residential properties.

5.7 DRIVEWAY LOCATIONS

The locations of the northern buildings driveway entrances are considered to be inappropriately located and should be moved to a more central location away from adjoining properties.

The Building 1B and Building 1C basement entry / egress ramps have been moved away from the east and west boundaries and neighbouring properties to within the building envelope. This has increased the setback to the neighbouring residential properties and allowed for additional landscaping and communal open space within these zones and resolved a key concern of the affected residents as identified at the Conciliation Meeting.

5.8 BUILDING 2 – WESTERN BOUNDARY INTERFACE

It is noted that consideration has been given to the interface of Building 2 along the western boundary; however the built form in this location is still considered excessive and should be reduced.

We acknowledge the precedent set by Council's approval in 2014 of DA 428/2014/HB (55 – 61 President Road, Kellyville) where 4 storeys were approved on the fringe of the same town centre with common neighbouring residences.

Notwithstanding the above mentioned approval, nine units have been removed from the western portion of Building 2 at level four. The removal of these units allows the building to be read as three-storeys from the west, which will reduce the visual building bulk in this location and improves solar access, visual and acoustic privacy to the adjacent properties. This again positively responds to council concerns that have been raised.

5.9 FENCING

The plans do not identify any front boundary fencing. As such some of the open space areas fronting the public domain would become accessible to the public. Consideration should be given to providing fencing or considering the implications of public access to private areas of the development.

The Landscape Plans have been amended to incorporate a light low-impact fence along the front boundary. The fence will allow a visual connection through the linear park and allow pedestrian access to residents and their visitors only. The amended scheme therefore now provides a clear delineation of public and private space.

5.10 ROAD VERGE WORKS

You are advised that the landscape plan incorporates the footpath verges in York Road and Alessandra Drive, proposing a level of treatment/ planting/ finish (including footpath connections) well beyond what would be expected (and importantly, maintained) along a public road. The public/ private interface here needs to be made clear and the treatment of the footpath verges amended to reflect the DCP (namely street trees, turf, footpath/ cycleway and services only). This can be conditioned.

Noted. To be incorporated a condition of consent.

5.11 DEDICATION OF ROAD TO COUNCIL AT NO COST

The subdivision plan needs to be amended to include road widths for York Road and Alessandra Drive, along with a statement/ note confirming it is your intention to construct and dedicate these roads as part of your application and at no expense to Council, as required by the DCP.

We acknowledge the draft plan of subdivision provided does use Council's standards of road widths as designed in accordance with The Hills Development Control Plan 2012. As updated survey plans have not been provided with noted road widths, we request Council to condition the consent with the requirement of such roads to be constructed in accordance with the Hills DCP 2012.

The proposed extension to York Road and Alessandra Drive will be constructed by the Proponent and dedicated to The Hills Shire Council at no cost to Council on the basis the revised scheme of no less than 311 apartments is approved to support the associated construction costs.

5.12 ENGINEERING MATTERS

The architectural plans must be amended to include dimensions for the car parking areas. This includes spaces, aisles, circulation roadways/ ramps and driveways. Ideally, the spaces need to be individually numbered on the plans.

The Architectural Drawings have been amended to incorporate dimensions for the spaces, aisles, circulation roadways/ramps and driveways. Numbers have also been assigned to each parking space.

5.13 LANDSCAPING PLAN

The submitted landscape concept should be embellished to provide additional planting information including:

- ***Planting schedule to be provided which indicated plant pot sizes and planting spacing.***
- ***Additional plant species are to be added to the planting palette. In particular shrubs and small trees that will assist with screening.***
- ***Tree species to be identified on plan.***

The Landscape Plans have been amended to incorporate a planting schedule, additional plant species including shrubs and small trees, and all tree species have been identified on the plans.

5.14 ENVIRONMENTAL HEALTH ASSESSMENT

The child play area shares a common boundary with the loading dock for Kellyville Plaza. An Environmental Health Assessment is required to address any potential Health impacts on the children from the loading dock. This includes air quality, noise and safety from vehicle crush. This report must specifically address the shared boundary between the play area and the loading dock and provide advice on barrier requirements to ensure that a truck (semi-Trailer) within the loading dock cannot enter the child's play area in the event of an accident.

The Environmental Health Assessment is to be undertaken by a suitably qualified person in accordance with the requirements of the Hills DCP and submitted to Council to allow further assessment of this application.

The Client has made attempts to contact the operator of the shopping centre to gain the relevant data required to make such an assessment, but has been unsuccessful. The Environmental Health Assessment can be undertaken by a suitably qualified person prior to the issue of a Construction Certificate. We request that Council condition the Child Care Centre approval with a condition to the effect that requires our Client to satisfy both Council and a Certifier prior to the commencement of construction of air quality and safety matters as stated by Council.

The acoustic matters are addressed in item 13 below.

5.15 ACOUSTIC REQUIREMENTS

A review has been undertaken of the Acoustic Report prepared by Wood & Grieve Engineers and submitted with the application. The following issues are required to be addressed by the Acoustic Consultant and should be submitted to Council in the form of an updated / amended acoustic report. The following comments are provided by Council staff:

- **Provide the methodology (including height, numbers of children, spacing in the play area) that was used to come to the conclusion that the noise level from the children playing complies with the project specific noise level of 41dB at the nearest neighbouring residential premises. I have tried to check the workings of the findings and even with a 2.5m lapped and capped timber fence I cannot come to the same conclusion unless the numbers of children within the play area are significantly reduced.**
- **Address the noise impact from children playing in the play area at the 2nd story window of the nearest residential receiver. Provide projected noise levels and discuss impacts.**
- **The report has not addressed noise impact at the nearest residential receivers within the site. Noise impact is to be assessed within the development site from all noise generating uses on all receivers.**
- **Provide details of the potential impact of the loading dock noise on the required internal noise levels for the childcare centre. No details are provided regarding these noise levels nor are any acoustic treatments recommended to ensure that the internal noise levels comply.**
- **Provide details of all noise attenuation required for the outdoor play area to ensure that noise from semi-trailers / waste vehicles in the loading dock does not cause a noise nuisance on the children within the play area and complies with the requirements of the AAAC – Guideline for Childcare Centre Acoustic Assessment, 2013.**
- **Provide details of the barrier that is proposed between the play area and Woolworths the loading dock.**
- **Provide details of the plant and equipment required for ventilation for the basement parking and all of the acoustic treatment that is required to ensure that the plant noise does not impact the nearest residences (within or external to the development depending on which is closest).**
- **Provide details of construction noise management, include details and practical measures outlining works to be undertaken to ensure that the noise complies with the criteria.**
- **Provide a more thorough description of the locations that require acoustic glazing as per the requirements of table 24. A detailed site plan showing sides / buildings (including the childcare centre) that require glazing and a breakdown of bedrooms and living rooms is required. Provide within this request details of the projected noise level of the loading dock that was used in determining the required glazing for the buildings.**

Wood and Grieve Engineers have provided a cover letter dated 17 February 2016 with an updated Acoustic Report (as attached) to provide response to the above items requested by Council.

The revised Acoustic Report specifically addresses matters in Section 6.3, the Childcare Noise Assessment. This includes the methodology, calculation inputs and data that establishes the noise assessment outputs. The revised Acoustic Report is to be read in conjunction with cover letter provided.



6 Conclusion

The revised masterplan for a three lot subdivision, construction of York Road and Alessandra Drive, and construction of three Residential Flat Buildings (311 dwellings) on proposed Lots 1 and 2 and a Child Care Centre (100 places) on proposed Lot 3 is permissible with support of Council and consent of the JRRP.

It is evident by the comprehensive analysis in this letter, detailed planning and design analysis that the revised master plan is sympathetic to the local environment while meeting the LEP objectives. The master plan responds to the constraints of the site to ensure the site design, building layout and orientation, coupled with a high quality landscape design, both achieves and supersedes the development envisaged for this area. The masterplan embodies the Hills vision for increased open space and diversity in unit sizes, providing compliance to its three type unit categories plus oversized options for family living. The merits of this development positively contribute to the community by providing road connections, a child care centre and fundamentally will leave behind a development of design excellence.

The application has achieved compliance with the LEP controls and embraced where reasonably justified the Hills DCP guidelines. The analysis and various working examples as contained in this submission clearly prove that the Hills DCP density guideline is inappropriate and inconsistent with the LEP zoning and its objectives. Given the site has no density or floor space ratio controls, the prevailing LEP controls must take precedence while assessed on the strong merits designed into the application.

The proposed development has been favourably assessed against the relevant provisions of Section 79C of the Environmental Planning and Assessment Act 1979, including consideration against the State Environmental Planning Policy No. 65 (Apartment Design Guide) and Hills LEP. The adherence to both legislative and legal requirements has closely formulated the application since the initial Pre-DA scheme of 401 dwellings. Notwithstanding the reduction to 311 dwellings as proposed, the legislative and legal requirements have equally been applied and tested to present a robust position to be able to endorse this development application be given a recommendation for approval to the JRPP.

We trust this information satisfactorily responds to Council's concerns. The amended proposal in our opinion achieves a high level of planning compliance and will deliver a high quality apartments set with a very generous landscaped setting. We believe this accords with Council's vision for apartment design and site planning.

Should you have any questions or require further information please do not hesitate to contact the undersigned on (02) 8233 9955.

Yours sincerely,

Stephen White
Director

ATTACHMENT 13 - APPLICANT'S ADDITIONAL JUSTIFICATION 27 APRIL 2016



Strategic Consideration of the Proposed Density: York Road & Alessandra Drive, Kellyville
(Development Application No. 576/2016/J/P)

Prepared by Urbis Pty Ltd

27 April 2016

1. Introduction and Purpose

Urbis has been engaged by Namul Pty Ltd (Client) to look at the strategic justification for the provision of 311 new dwellings at York Road and Alessandra Drive, Kellyville. This letter forms part of the documentation for Development Application No. 576/2016/J/P, lodged with The Hills Shire Council in October 2015.

This document is provided in response to Council's letter dated 29 March 2016, which states: "Given the issues raised in Council staffs original assessment and the response provided, primarily in relation to density and position in relation to road dedication, the application is unable to be supported. A report will be prepared for the JRPB accordingly"

The Purpose of this document is to provide The Hills Shire Council with supplementary information, which further addresses the issue of density on the subject site, prior to the finalisation of Council's assessment report to the Sydney West Joint Regional Planning Panel. The study specifically researches the R4 High Density Residential zone, where residential flat buildings are permissible, as the subject proposal only seeks to utilise the R4 Zone (with a 20m zone boundary extension via Hills LEP Clause 5.3). This document focuses on the strategic planning directions and existing land use conditions in order to demonstrate why we believe the proposed density is appropriate.

2. Summary of Justification for proposed density

This document outlines in detail the factors supporting our opinion that the proposed density is appropriate and entirely reasonable on the site and for its surrounding context. In summary the reasons are:

- The proposed density is consistent with Council's long held strategic direction for the Town Centre and is actually less than other comparable areas nearby.
The Kellyville Town Centre is a 3rd order Centre within Council's strategy document entitled "Centres Direction - Planning, Protection and Management of The Shire's Centres 2009" (the Centres Direction). The subject proposal seeks approval for a total population density of 166 people/hectare. The nearby Hazelton Road Village Centre is a 4th Order Centre and has a recent approval (DA 799/2015/IP) for a total population density of 331 people / hectare.
The subject proposal is also located in a high order Centre location (being a 3rd order centre) and therefore the proposed density is considered reasonable and appropriate for approval.
- There is a significant undersupply of development to cater for the existing population versus the anticipated population from Council's planning controls in the R4 High density residential zone, where residential flat buildings are permissible, surrounding the Town Centre. There will be a shortfall of housing to accommodate 800 people in the high density residential zone, even when accounting for the proposed development on the site (currently vacant). The shortfall of housing for 800 people is 34% under the potential supply.
- The site is the last parcel of undeveloped land in the Wrights Road Town Centre, as all other sites have now been developed. Accordingly, increased density is appropriate to in part achieve Council's planned residential density for the area where other development opportunities are limited in the short term.
- There is a low likelihood of re-development of existing housing stock to take up allowable additional floor space within the R4 High density residential zone to meet the population density planned by Council. The reasons being:
 - i. The land is highly fragmented;
 - ii. The land configurations are not ideal;
 - iii. The relatively young age of stock - circa 10 years; and
 - iv. The high value of existing dwellings - i.e. would require a substantial change to uplift planning controls for developers to acquire and redevelop.

3. Strategic Policy Considerations

This Section provides an assessment of NSW State Government and The Hills Shire Council strategic planning policy as it applies to the site

3.1 Centres Direction - Planning, Protection and Management of The Shire's Centres 2009 (the Centres Direction)

Wright's Road Town Centre

The Centres Direction was prepared by Council in 2009 and established a Centres Hierarchy for The Hills Shire. The Centres Hierarchy provides a framework for the scale, location and objectives of centres. This approach ensures that the population has access to centres that meet their needs. A centres hierarchy is important for the achievement of orderly and sustainable development throughout The Hills Shire, and the development of centres that are appropriate in scale and design for their location. It aims to achieve centres that are vibrant, viable and diverse, with minimal impacts on surrounding land uses.

within The Hills Shire. These include the Norwest Business Park, and the Castle Hill and Rouse Hill Major Centres. There are also many smaller lower-order Centres known as Village, Neighbourhood, and Rural Centres.

The Centres Direction outlines the development typology and associated LEP objectives / zone criteria required for the Wrights Road Town Centre to ensure the Centre is viable. The Wrights Road Town Centre is expected to provide a range of retail, business, and commercial uses to service the needs to residents, workers and visitors, and allow for higher density housing.



The subject site is located within the Wright's Road Town Centre. The Town Centre is identified in the Centres Hierarchy as a 3rd order Centre, along with Baulkham Hills, Carlingford, North Rocks, and Round Corner. There are three identified higher order Centres

Figure 1 below is an excerpt of the Centres Urban Structure Plan and shows the Wrights Road Town Centre at the southern end of the 'Release Area Sector'.

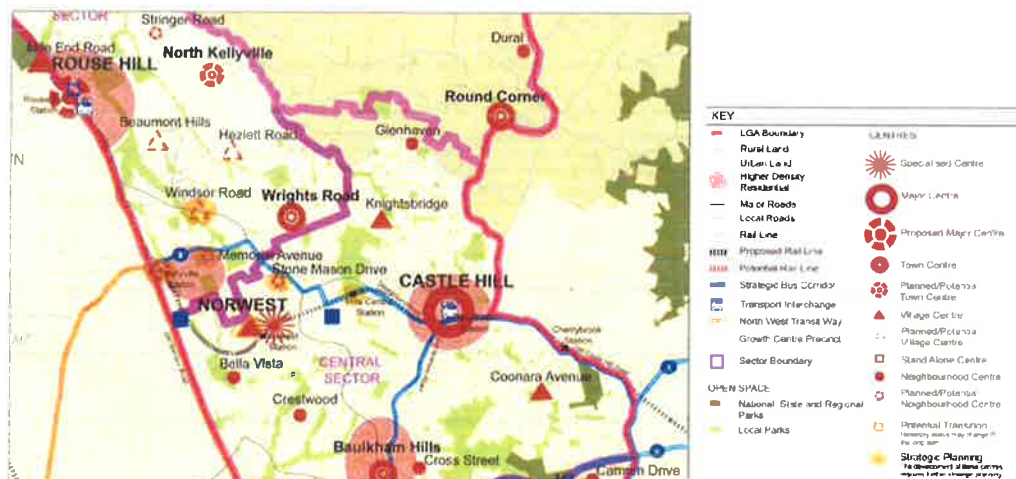


Figure 1 – Centres Urban Structure Plan, Centres Direction 2009

The Wrights Road Town Centre currently has over 15,000m² of retail floor space, comprising two full-scale supermarkets (Woolworths and Coles), a small supermarket (Aldi), a mini-major (The Reject Shop) and specialty shops.

As shown in Figure 2 below, the subject site has an area of 3.6 hectares and is the only site within the Wrights Road Town Centre that has the potential for development. Furthermore the site is located within a 5 minute walk (400 metre radii) of the existing shops, as well as bus stops at Wrights Road and President Road.



Figure 2 – Aerial Photo The subject site and the Wrights Road Town Centre, 2016

KEY FINDING: As an Identified **Town Centre**, the area allows for the provision of higher densities to encourage larger populations to have access to shops, services and public transport. The area, as well as the subject site, should be encouraged to provide a level of density commensurate with the status of the centre within which it sits and its proximity to services and transport.

The Hezlett Road Village Centre

The Hezlett Road Village Centre was also identified in the in the *Centres Direction (2009)*. The Centre is located at the intersection of Hezlett Road and Samantha Ryley Drive, approximately only 1.7km to the north west of the Wright Road Town Centre. Under the *Centres Hierarchy*, a Village Centre is a lower order (4th) Centre to a Town Centre. Village Centres are identified to provide a range of retail and other uses to meet the weekly convenience shopping needs of residents, and allow *medium density housing such as town houses*. Accordingly, from a strategic planning perspective the Wrights Road Town Centre is identified to have more importance and be able to support a higher density than the Hezlett Road Village Centre.

Having regard to this identified Centres Hierarchy, we note a recent Sydney West JRPP development approval (799/2015/IP) in the Hezlett Road Village Centre for three *six-storey* mixed-use buildings comprising 209 residential units, 3,498m² of retail floor space, and parking for 493 vehicles. The site had an area of 12,147.7m². Applying Council's density controls to this approved development results in a total population density of *331 people / hectare*. This is considerably greater than the *166 people / hectare* proposed at York Road and Alessandra Drive, Kellyville.

Consistent with the Centres Hierarchy, the site is zoned B1 Neighbourhood Centre under SEPP (Sydney Region Growth Centres) 2006. The objectives of the zone are to "provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood... and residential development that contributes to the economic and social vitality of the neighbourhood centre". The Hezlett Road Village Centre zone prohibits 'residential flat buildings' unless they are provided as a component of a mixed use development.

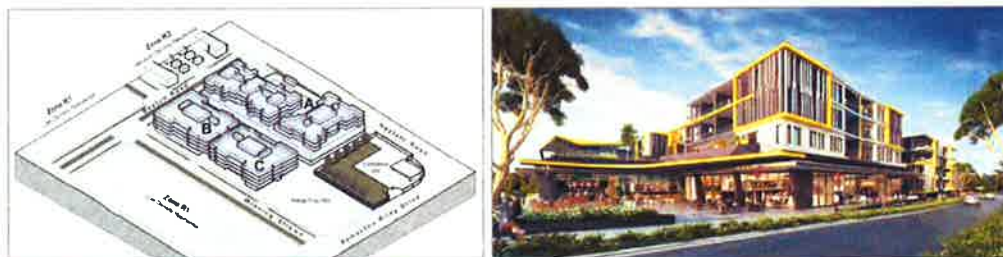


Figure 3 – Approved mixed-use development – Hezlett Road Village Centre

KEY FINDING: The Centres Hierarchy sets a clear framework for the scale, location and objectives of centres to allow for orderly and sustainable development throughout The Hills Shire. The Wrights Road Town Centre is identified as a higher order centre than the Hezlett Road Village Centre. It is therefore reasonable to expect that the Wrights Road Town Centre would accommodate higher densities commensurate to the status of the Centre and the proximity to facilities and services.

3.2 Sydney Metro Northwest

Sydney Metro Northwest is the first stage of the Sydney Metro, Australia's first fully-automated metro rail system. The track is expected to open in the first half of 2019 and will deliver eight new railway stations and 4,000 commuter car parking spaces to the North West. Trains will operate every four minutes in the peak with at least 15 trains an hour.



Figure 4 – Sydney Metro Northwest – Station Map

The subject site is located within 2.5km of two Northwest Metro stations, Showground Station and Kellyville Station. Showground Station is to incorporate 600 commuter car parking spaces, parking and storage for 40 bicycles, and a bus interchange. Kellyville Station is one of two stations located on the sky-train route, and will have 1,200 commuter car parking spaces and parking and storage for 45 bicycles.

The NSW State Government and the Hills Shire Council are proposing higher residential densities in the vicinity of Showground Station and Kellyville Station to support patronage and encourage the use of public transport. Increased densities are being proposed throughout the catchment of each of the stations. The subject application includes the construction and linkage of York Road, which when complete, will provide an opportunity to serve a key bus-route to connect the local community to both the Wrights Road Town Centre and the new Showground and Kellyville Stations.

KEY FINDING: The subject site is located within close proximity to new public transport infrastructure, as well as associated facilities and services. It is therefore reasonable to expect that the subject site would accommodate higher densities in order to promote the use of alternative and sustainable modes of travels.

4. Existing Residential Density Assessment

The Hills Local Environmental Plan (LEP) 2012 establishes a clear gradation of land use zones and associated residential densities around the Wrights Road Town Centre, as shown in Figure 5 below. The more distant areas have an R2 Low Density zone, which transitions to a R3 Medium Density zone roughly within 400m from the shopping centre. Immediately surrounding the centre, where the subject site is located, the land is zoned R4-High Density Residential.

As identified in Figure 6, the area of the R4-High Density Residential equates to approximately 13.52 hectares.



Figure 5 – Land Use Zoning Plan (LEP 2012)



Figure 6 – Area of land zoned R4 – High Density Residential

The R4 High Density Residential zone with The Hills LEP 2012 has the following objectives:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in locations that are close to population centres and public transport routes. (emphasis added)

We have considered the existing land uses in the R4 zone. The land within the R4-High Density residential has been developed with a mix of apartments, multi-unit dwellings and detached dwellings. The breakdown on the dwelling mix is currently:

| Dwelling Type | Number | Percentage |
|-------------------------------|------------|-------------|
| Apartments | 75 | 27% |
| Multi-unit dwelling | 121 | 44% |
| Self-detached dwelling | 43 | 16% |
| Detached dwelling | 17 | 13% |
| Total | 276 | 100% |

The residential density over 10.52 Hectares, which excludes the subject site (attributable 3.0 hectares) is 26 dwellings / hectare. This density is within the range of 25-35 dwellings / hectare, which is considered Medium Density Residential in new release areas such as in the Box Hill / Box Hill Industrial Precinct (also within the Hill Shire).

The nature of lower densities is a response to the market conditions at the time when apartments were not viable. The current nature of the residential market is different as apartments are now the only affordable option for young people, families or empty nesters. Further, new transport infrastructure in the area makes this location more desirable and apartment living more appropriate. Additionally, government policy has dictated that more compact dwellings are needed in metropolitan Sydney to address housing undersupply.

Figure 7 provides an analysis of the distribution of dwelling types listed previously within the R4 High Density Residential zone. The analysis demonstrates that:

1. The subject site is the only remaining undeveloped land parcel in the R4 High Density Residential zone and the Wrights Road Town Centre
2. The existing land use pattern is dominated by medium density apartment buildings and multi-unit dwellings, as well as semi detached and detached dwellings.
3. The land within the R4 High Density Residential zone is now so fragmented and dwelling prices are so high, that the opportunity for redevelopment to capitalise on the permitted higher density outcome is unviable. Specifically, an FSR in excess of 2:1 would be required to encourage site amalgamation and therefore the proposed development presents the last opportunity to meet any undersupply within the Wrights Road Town Centre

KEY FINDING: The Wrights Road Town Centre is underdeveloped in terms of residential density. The subject site provides the only remaining opportunity to provide residential apartment building that accord with the zone objectives and supports the strategic intention of the Town Centre.



Figure 7 – Existing Dwelling Mix

1.1 Population Density – analysis of existing situation

Using the areas identified in Figure 7 above, and assuming an average of 3.5 people per dwelling, we have carried out a calculation of the total persons residing in the centre to establish whether the density of the centre matches the desired outcome of Council's planning controls.

Table 1 – Analysis of Existing Dwelling Mix and Population Density

| Area | Current Building Typology | No. Dwellings | Adoption of Average Person per Existing Dwelling (as per Hills DCP) | Total Persons |
|------------------------|---------------------------|---------------|---|---------------|
| A | Apartment | 43 | 3.5 | 150 |
| B | Multi-unit dwelling | 26 | 3.5 | 91 |
| C | Detached dwelling | 2 | 3.5 | 7 |
| D | Multi-unit dwelling | 16 | 3.5 | 56 |
| E | Detached dwelling | 8 | 3.5 | 28 |
| F | Multi-unit dwelling | 47 | 3.5 | 165 |
| G | Semi-detached dwelling | 15 | 3.5 | 53 |
| H | Multi-unit dwelling | 32 | 3.5 | 112 |
| I | Semi-detached dwelling | 18 | 3.5 | 56 |
| J | Detached dwelling | 8 | 3.5 | 28 |
| K | Detached dwelling | 6 | 3.5 | 21 |
| L | Apartment | 32 | 3.5 | 112 |
| M | Semi-detached dwelling | 12 | 3.5 | 42 |
| N | Detached dwelling | 13 | 3.5 | 46 |
| Current RM Zone | | 276 | | 967 |

The Hills Development Control Plan (DCP) indicates that land where residential apartment buildings are permissible should have a maximum density of 150-175 people per hectare. The total population for the relevant land should therefore be 2,366 people based on an area of 13.52 Hectares. As shown in the table below, the addition of 599 people within the proposed development will only result in 1,567 people, which is 800 people below the capacity of the area under the DCP.

Furthermore, the undersupply of capacity supports the subject application seeking to utilise Clause 5.3 of The Hills LEP, which allows minor incursions of land uses into neighbouring zones. "...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". It is apparent that supporting the use of Clause 5.3 to extend the R4 boundary to permit residential flat buildings is entirely consistent with the objectives of both the R3 Medium Density Residential and R4 High Density Residential zones.

Table 2 – Analysis of Population Density in an area where RFBs are permissible

| Zone | Current Building Typology | No. Dwellings | Adoption of Average Person as per Development Application | Total Persons |
|--------------------------------|---------------------------------------|---------------|---|---------------|
| Subject site (Q) | Residential Flat Building (Apartment) | 311 | 1.925 | 599 |
| R4 Zone Total with DA 576/2016 | | 311 | | 1566 |

Table 3 – Analysis of Undersupply of Population Density in an area where RFBs are permissible

| Zone | Approximate Area (Hectares) | DCP Maximum Suggested Density per Hectare | Total Supply of Potential Persons | Total Supply of Potential Persons (%) |
|--------------------------|-----------------------------|---|-----------------------------------|---------------------------------------|
| R4 Land Potential Supply | 13.52 | 175 | 2,366 | |
| Variance (Under Supply) | | | -800 | -34% |

KEY FINDING: The proposed development of 311 dwellings within the site will not have any impact on the projected population for the Wrights Road Town Centre. The project does not represent overdevelopment of the site and would go some way to addressing an undersupply of people within the area.

5. Environmental Planning Assessment

The proposed development has been considered under the provisions of Section 79 C (1) of the *Environmental Planning and Assessment Act*. The proposal is considered acceptable and worthy of approval for the following reasons:

- ❑ **The proposal is consistent with State and subregional strategic planning objectives.** The proposal will deliver a high-quality residential development in an area accessible to public transport, shops, community facilities, and employment. It will contribute a number of jobs through the construction phase of the development, as well as on-going maintenance employment opportunities and operation of the child care centre.
- ❑ **The proposal satisfies the applicable local and state planning policies.** The proposal achieves a high level of consistency with Council's key planning controls. Where the proposal does not fully comply with a numeric provision, it is considered that the objectives and intent of the numeric provision has been met and therefore achieves compliance.
- ❑ **The proposal achieves a high level of residential amenity.** The proposed development has been designed in accordance with SEPP 65 and the Apartment Design Guide. The proposed development provides a minimum of 2 hours solar access to 72% of apartments, while 62% of apartments are cross ventilated.
- ❑ **The design responds positively to the site conditions and the surrounding urban environment.** The design has been formulated having close regard to the existing site conditions and the desired future built form character of the Kellyville neighbourhood centre.
- ❑ **The proposal is in the public interest.** The proposal will enhance the amenity and environment of the local area through the delivery of an extension to York Road and Alessandra Drive, generous landscape setbacks with deep soil tree planting, and publically accessible through site links and landscaped parklands. Further, the project will maximise the use of existing public transport, cycling and walking by locating residents and workers in an accessible location, particularly given the planned development of the Showground Road and Kellyville metro stations.

KEY FINDING: Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds Council's vision for the Wrights Road Town Centre and wider Hills Shire region. The proposal therefore is considered well-worthy of Council and Sydney West Joint Regional Planning Panel support and ultimately approval.



6. Conclusion

The population density of 166 people / hectare proposed at York Road and Alessandra Drive, Kellyville is considered entirely appropriate and reasonable in the context of the site and its surrounds. Specifically:

- o The proposed density is consistent with Council's long held strategic direction for the Town Centre and is actually less than other comparable areas nearby
- o There is a significant undersupply of existing population versus the anticipated population under the DCP in the R4 High Density Residential zone where residential flat buildings are permissible, which surrounds the Town Centre. When accounting for the proposed development on the site (currently vacant) the undersupply is still in the order of 800 people.
- o The site represents the last opportunity of undeveloped land in the centre as all other sites have now been developed
- o There is a low likelihood of re-development of existing housing stock to take up allowable additional floor space within the R4 High Density Residential zone to meet the population density planned by Council. The reasons being:
 - i. The land is highly fragmented;
 - ii. The land configurations are not ideal;
 - iii. The relatively young age of stock - circa 10 years; and
 - iv. The high value of existing dwellings - i.e. would require a substantial change to uplift planning controls for developers to acquire and redevelop.

FURTHER REPORT

JRPP PLANNING REPORT

| | |
|------------------------------|--|
| JRPP NO: | 2012SYW029 |
| DA NO: | 854/2012/JP |
| PROPOSED DEVELOPMENT: | RESIDENTIAL DEVELOPMENT COMPRISING 126 APARTMENTS AND 34 INTEGRATED HOUSING DWELLINGS. |
| SUBJECT SITE: | PROPOSED LOT 12 IN APPROVED SUBDIVISION OF LOTS A & B DP 379959 (DA NO. 1639/2011/ZA) - No.'s 75-95 PRESIDENT ROAD, KELLYVILLE |
| APPLICANT: | NAMUL PTY LTD |
| LODGEMENT DATE: | 13 FEBRUARY 2012 |
| REPORT BY: | SENIOR TOWN PLANNER SOPHIA CHIN |
| RECOMMENDATION: | APPROVAL |

HISTORY

15/11/2012

JRPP meeting held. Matter deferred by the JRPP with the following resolution;

The Panel unanimously agrees to resolve to defer this application owing to administrative difficulties with notification letters to submitters. To ensure relevant persons are notified of the panel meeting, another meeting will be scheduled at a later date.

Potential amenity impacts and interface issues were raised by the Joint Regional Planning Panel in respect to the part four and part three storey high Apartment Block D (located to the south western corner of the subject site) on the adjoining properties in Saliba Close. These concerns were conveyed to the applicant.

20/11/2012

Amended plans were received from the applicant deleting the third storey of Apartment Block D.

REPORT

At the Joint Regional Planning Panel meeting on 15 November 2012:

The Panel unanimously agrees to resolve to defer this application owing to administrative difficulties with notification letters to submitters. To ensure relevant persons are notified of the panel meeting, another meeting will be scheduled at a later date.

The panel raised concerns relating to potential amenity impacts and interface issues in respect to the part four and part three storey high Apartment Block D (located to the south western corner of the subject site) on the adjoining properties in Saliba Close. These concerns were conveyed to the applicant by Council staff, the applicant has submitted amended plans on 20 November 2012 amending the design of this apartment block. Apartment Block D has now been reduced to two storeys in height and maintains a side setback of 9.5 metres to the south-western boundary.

AMENDED PROPOSAL

The amended proposal is for a residential development comprising five Residential Flat Buildings (126 apartments), 34 integrated dwellings, associated parking, landscaping and communal facilities, a neighbourhood shop, and the Community Title and Strata Title subdivision of the site to be constructed in seven stages.

The amended development reduces Apartment Block D to two storeys in height and now provides 126 apartments across the site compared to the previous proposal with 133 apartments. The amended residential flat building components of the development include the following:

- 22 x four bedroom apartments;
- 72 x three bedroom apartments; and
- 32 x two bedroom apartments.

As a result of the changes, the development proposes 142 dwellings for the TCD part of the site and results in a variation of 82% (64 dwellings) to the maximum density control. The previous proposal sought a variation of 91% (71 dwellings) to the maximum density control.

Parking for the apartment residents and visitors in the basement for Apartment Block's D and E has been reduced by six spaces (from 81 car spaces to 75 car spaces).

The 34 integrated dwellings, and Apartment Block's A, B, C and E, landscaping, communal facilities and a neighbourhood shop remain as previously reported to the JRPP.

The proposed condition related to Section 94 Contributions has been amended to reflect the reduction in units.

ISSUES FOR CONSIDERATION

1. Amended Plans

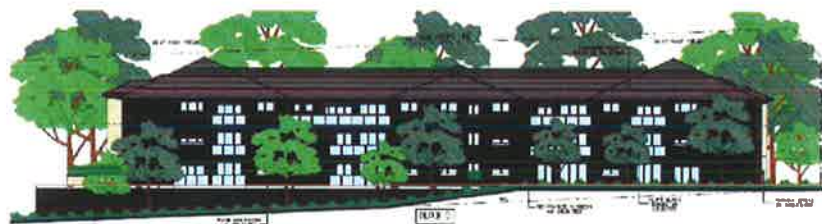
A comparative analysis of the previous and now amended eastern and western elevations of Apartment Block D is provided below:



Previous Eastern Elevation



Proposed Amended Eastern Elevation



Previous Western Elevation



Proposed Amended Western Elevation

The proposed amended development results in a two storey interface when viewed from neighbouring dwellings to the south-west. A side setback of 9.5 metres to the south-western boundary is maintained (in excess of the 6 metre DCP requirement). This amendment provides improved integration with the surrounding low density character of the area whilst enabling a higher built form to be accommodated to the centre of the site.

It is considered that the amended development demonstrates an improved transition and visual interface to the neighbouring residential properties to the south-western corner of the site and is considered satisfactory.

2. Compliance with The Hills DCP 2011 Part D Section 5 – Kellyville/Rouse Hill Release Area

The proposed amended development has been re-assessed against the relevant development standards of The Hills Development Control Plan 2011.

The specific developments standards applicable to the proposed amendments have been reconsidered resulting in reassessment of density compliance as detailed below:-

| DEVELOPMENT STANDARD | DCP 2011 REQUIREMENTS | PROPOSED AMENDED DEVELOPMENT | COMPLIANCE |
|-----------------------------|--|---|--|
| Density | <p>Local Centre Density - 15-20 dwg/net ha Required = 13.9 – 18.6 dwellings for 0.932ha</p> <p>Town Centre Density - 30-35 dwg/net ha Required = 66.8 – 78 dwellings for 2.229ha</p> | <p>Local Centre Density - 19 dwellings for 0.932ha</p> <p>Town Centre Density - 142 dwellings for 2.229ha</p> | No – however the proposal is an improvement on the previous development providing a reduced variation from that previously proposed. |

2.1 Density

Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area identifies two density controls – Local Centre Density (15 – 20 dwellings/ha), and Town Centre Density (30 – 35 dwellings/ha).

The Town Centre Density (TCD) part of the site (2.229ha) can accommodate a maximum of 78 dwellings under this control. The amended development provides a reduction of proposed dwellings for the TCD part of the site to 142 dwellings and results in a variation of 82% (64 dwellings) to the maximum density control (original proposal resulted in a variation of 91% (71 dwellings) to the maximum density control.

The density objectives of Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area states:

- “(i) To facilitate a range of lot sizes and housing types within the release area to meet changing demographic profiles and housing requirements.
- (ii) To locate smaller lots and multi unit housing types within close proximity to community facilities, open space, public transport, and commercial centres.”

As previously discussed within the original report to the JRPP, it is considered that whilst the proposal does not result in numerical compliance with the density requirements, it satisfies the above objectives in an effective manner. The development will result in the provision of various housing types that will address the changing demographic profiles and housing requirements of the Kellyville area. The development will provide housing types that are more affordable and may be suitable for rental accommodation which will result in improving the diversity of housing choice for the population in the area.

The development adjoins an existing shopping complex to the south consisting of Woolworths, Coles and Kellyville Plaza, and is in close proximity to community facilities and open space areas. Further the development is nearby bus stops (servicing the City, Parramatta, Rouse Hill, Castle Hill etc) located on Wrights Road and Green Road.

The amended plans provide improved integration with the surrounding low density character of the area whilst enabling the bulk of the development to be accommodated to the centre of the site.

As a result, the retained variation to the DCP for density is considered satisfactory.

3. Compliance with The Hills DCP 2011 Part C Section 1 – Parking

The amended proposal has altered the resulting bedroom / parking requirements as per the DCP. As a result a reassessment has been undertaken as detailed below:-

| APT BEDROOM NO. | NO. OF UNITS | DCP PARKING RATE | REQUIRED |
|---|------------------|--|------------|
| 2 bedroom | 32 X 2 bed units | 2 parking spaces per 2 bed unit | 64 spaces |
| 3 bedroom | 72 x 3 bed units | 2 parking spaces per 3 bed unit | 144 spaces |
| 4 bedroom | 22 x 4 bed units | No rate specified per 3 bed unit – to adopt 3 bedroom rate – 2 parking spaces per unit | 44 spaces |
| Visitor Parking | 126 Units | 2 spaces per 5 dwellings | 51 spaces |
| INTEGRATED HOUSING | NO. OF DWELLINGS | DCP PARKING RATE (Cl. 4.9 BHDCP Part D Section 5 – Kellyville/Rouse Hill Release Area) | REQUIRED |
| - | 34 dwellings | 2 spaces per dwelling | 68 spaces |
| TOTAL PARKING REQUIRED: 303 spaces (apartments) plus 68 spaces (integrated housing) = 371 spaces | | TOTAL RESIDENTIAL PARKING PROPOSED: 314 (apartments) + 68 (integrated housing) = 382 spaces | |

In view of the above, the amended car parking numbers comply.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2011, State Environmental Planning Policy (State and Regional Development) 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory.

The proposed amended development provides an improved interface between the residential flat buildings and the adjacent two storey residential dwellings. The amendments result in a two storey interface for Apartment Block D (as viewed from the neighbouring dwellings) with the 9.5 metre side setback in excess of the DCP requirements.

In addition, the proposed development has been amended to reduce the variation with the DCP requirements concerning density.

It is recommended that the subject Development Application be approved subject to conditions.

RECOMMENDATION

The Development Application No. 854/2012/JP be approved subject to the following conditions:

CONDITIONS RELATING TO ALL STAGES

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. 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

The amendments in red include: -

- Site Analysis Plan amended in red as per Condition No. 29 regarding the relocation and addition of bin bay storage areas;
- Stage 5 Subdivision Plan amended in red to reflect the revised subdivision layout for the integrated dwellings at the corner of Alessandra Drive and York Road illustrated in Site Analysis Plan;
- Acoustic screen at the southern boundary adjacent Apartment Block B amended in red as per Condition No. 35 to provide a 1.8m high acoustic screen with a 2m landscape setback.

REFERENCED PLANS

| DRAWING NO | DESCRIPTION | SHEET | REVISION | DATE |
|------------|---|-------|----------|-------------------|
| A16972-DA | Staging Plan | 1 | A | 10 September 2012 |
| A16972-DA | Approved proposed street and unit numbers plan (11 pages) | - | - | - |
| A16972-DA | Site Analysis Plan | 1 | F | 6 June 2012 |
| A16972_DA | Part Basement Carpark | 2 | E | 13 June 2012 |
| A16972_DA | Part Basement Carpark | 3 | D | 3 May 2012 |
| A16972_DA | Part Basement Carpark | 4 | D | 3 May 2012 |
| A16972_DA | Part Basement Carpark | 5 | G | 19 November 2012 |
| A16972_DA | Part Ground Floor Plan | 6 | E | 13 June 2012 |
| A16972_DA | Part Ground Floor Plan | 7 | D | 3 May 2012 |
| A16972_DA | Part Ground Floor Plan | 8 | D | 3 May 2012 |
| A16972_DA | Part Ground Floor Plan | 9 | D | 3 May 2012 |
| A16972_DA | Part First Floor Plan | 10 | E | 13 June 2012 |

| | | | | |
|-------------|--|----|---|------------------|
| A16972_DA | Part First Floor Plan | 11 | D | 3 May 2012 |
| A16972_DA | Part First Floor Plan | 12 | D | 3 May 2012 |
| A16972_DA | Part First Floor Plan | 13 | D | 19 November 2012 |
| A16972_DA | Part Second Floor Plan | 14 | D | 3 May 2012 |
| A16972_DA | Part Second Floor Plan | 15 | D | 3 May 2012 |
| A16972_DA | Part Second Floor Plan | 16 | D | 3 May 2012 |
| A16972_DA | Part Second Floor Plan | 17 | G | 19 November 2012 |
| A16972_DA | Part Third Floor Plan | 18 | D | 3 May 2012 |
| A16972_DA | Part Third Floor Plan | 19 | D | 3 May 2012 |
| A16972_DA | Streetscape Elevations | 20 | D | 3 May 2012 |
| A16972_DA | Streetscape Elevations | 21 | G | 19 November 2012 |
| A16972_DA | Streetscape Elevations | 22 | E | 13 June 2012 |
| A16972_DA | Streetscape Elevations | 23 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 1 Facade A | 28 | E | 13 June 2012 |
| A16972_DA | Typical Plans/Elevations - Type 2 Facade A | 29 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 2 Facade B | 30 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 3 Facade A | 31 | E | 13 June 2012 |
| A16972_DA | Typical Plans/Elevations - Type 4 Facade A | 32 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 4 Facade B | 33 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 5 Facade A | 34 | D | 3 May 2012 |
| A16972_DA | Block D Cross Sections | 34 | G | 19 November 2012 |
| A16972-DA | Apartment Block Sections | 35 | G | 19 November 2012 |
| A16972_DA | BASIX Commitments | 36 | D | 3 May 2012 |
| 31207 / COM | Stage 1 Subdivision | 1 | - | 31 January 2012 |
| 31207 / COM | Stage 2 Subdivision | 2 | - | 31 January 2012 |
| 31207 / COM | Stage 3 Subdivision | 3 | - | 31 January 2012 |
| 31207 / COM | Stage 4 Subdivision | 4 | - | 31 January 2012 |
| 31207 / COM | Stage 5 Subdivision | 5 | - | 31 January 2012 |
| 31207 / COM | Staging Plan | 6 | - | 31 January 2012 |

| | | | | |
|------------------------|--|---|---|-----------------|
| - | Waste Management Plan | - | - | 9 May 2012 |
| - | Access Review prepared by Morris-Goding Accessibility Consulting | - | - | 10 May 2012 |
| 20111170.2/0207A/RO/GW | Acoustic Review Letter prepared by Acoustic Logic | - | - | 2 July 2012 |
| - | Colour Schedule | - | - | - |
| 412684M | BASIX Certificate – Block A | - | - | 27 January 2012 |
| 413085M | BASIX Certificate – Block B | - | - | 27 January 2012 |
| 413188M | BASIX Certificate – Block C | - | - | 27 January 2012 |
| 413037M_02 | BASIX Certificate – Block D | - | - | 3 December 2012 |
| 413190M | BASIX Certificate – Block E | - | - | 27 January 2012 |
| 412446S | BASIX Certificate – D2 | - | - | 24 January 2012 |
| 412448S | BASIX Certificate – D3 | - | - | 24 January 2012 |
| 412449S | BASIX Certificate – D4 | - | - | 24 January 2012 |
| 412546S | BASIX Certificate – D5 | - | - | 24 January 2012 |
| 412548S | BASIX Certificate – D6 | - | - | 24 January 2012 |
| 412550S | BASIX Certificate – D7 | - | - | 24 January 2012 |
| 412553S | BASIX Certificate – D8 | - | - | 24 January 2012 |
| 412557S | BASIX Certificate – D9 | - | - | 24 January 2012 |
| 412558S | BASIX Certificate – D10 | - | - | 24 January 2012 |
| 412560S | BASIX Certificate – D11 | - | - | 24 January 2012 |
| 412565S | BASIX Certificate – D12 | - | - | 24 January 2012 |
| 412594S | BASIX Certificate – D13 | - | - | 24 January 2012 |
| 412595S | BASIX Certificate – D14 | - | - | 24 January 2012 |
| 412596S | BASIX Certificate – D15 | - | - | 24 January 2012 |
| 412597S | BASIX Certificate – D16 | - | - | 24 January 2012 |
| 412598S | BASIX Certificate – D17 | - | - | 24 January 2012 |
| 412599S | BASIX Certificate – D18 | - | - | 24 January 2012 |
| 412600S | BASIX Certificate – D19 | - | - | 24 January 2012 |
| 412601S | BASIX Certificate – D20 | - | - | 24 January 2012 |
| 412608S | BASIX Certificate – D21 | - | - | 24 January 2012 |
| 412609S | BASIX Certificate – D22 | - | - | 24 January 2012 |
| 412610S | BASIX Certificate – D23 | - | - | 24 January 2012 |
| 412611S | BASIX Certificate – D24 | - | - | 24 January 2012 |
| 412612S | BASIX Certificate – D25 | - | - | 24 January 2012 |
| 412613S | BASIX Certificate – D26 | - | - | 24 January 2012 |

| | | | | |
|---------|-------------------------|---|---|-----------------|
| 412614S | BASIX Certificate - D27 | - | - | 24 January 2012 |
| 412615S | BASIX Certificate - D28 | - | - | 24 January 2012 |
| 412616S | BASIX Certificate - D29 | - | - | 24 January 2012 |
| 412617S | BASIX Certificate - D30 | - | - | 24 January 2012 |
| 412618S | BASIX Certificate - D31 | - | - | 24 January 2012 |
| 412619S | BASIX Certificate - D32 | - | - | 24 January 2012 |
| 412620S | BASIX Certificate - D33 | - | - | 24 January 2012 |
| 412621S | BASIX Certificate - D34 | - | - | 24 January 2012 |
| 412622S | BASIX Certificate - D34 | - | - | 24 January 2012 |

2. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is as listed below and per numbered plans.

UNIT BUILDINGS

BLOCK A

Lift 1 Units 1 – 16 / 103 York Road Kellyville

Lift 2 Units 17 – 32 / 103 York Road Kellyville

BLOCK B

Lift 3 Units 33 – 47 / 1 'Proposed Road' Kellyville

Lift 4 Units 48 – 62 / 1 'Proposed Road' Kellyville

BLOCK C

Lift 5 Units 63 – 77 / 1 'Proposed Road' Kellyville

Lift 6 Units 78 – 92 / 1 'Proposed Road' Kellyville

Subject to Block D & E sub-strata

BLOCK D

Lift 7 Units 1 – 8 / York Road Kellyville (street number to be advised)

Lift 8 Units 9 – 14 / York Road Kellyville (street number to be advised)

BLOCK E

Lift 9 Units 15 – 24 / York Road Kellyville (street number to be advised)

Unit numbers to Blocks D & E will recommence from unit number 1 subject to these two blocks being a sub strata. If not sub strata, unit numbers will continue on from unit number 93.

INTEGRATED HOUSING

Street numbers:

2 to 52 'Proposed Road' Kellyville

2-4 Alessandra Drive Kellyville

1-11 Alessandra Drive Kellyville

PROPOSED SHOP

105 York Road Kellyville

The unit numbers, as issued, are to be displayed on each unit door. Applicable unit numbers are also to be clearly listed on all lift, stairwell, lobby and basement entrances.

A diagrammatic plan of the complex must be positioned at both site entry points, showing relevant blocks and the units contained therein.

Street numbers allocated to the integrated housing must be clearly displayed at the front entrance of each property.

Future development is required along York Road to determine the correct street number for Block D & Block E. At this time you will be advised of the approved street number.

The proposed private road is to be named and approved by Council's Subdivision Section.

Two banks of mail boxes are to be located at the entrance to the visitors parking located off York Road for Block A. Each bank of mailboxes is to clearly identify relevant unit numbers and the approved street number.

A plan for positioning of letterboxes outside the security gate is to be submitted to Australia Post for approval prior to erection in order to comply with Australia Post Standards regarding positioning for safe delivery of mail.

Clear and accurate external directional signage is to be erected throughout and on all buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

3. 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.

4. 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.

5. Use of Neighbourhood Shop

A separate application is to be submitted to, and approved by, Council for the use of the Neighbourhood Shop.

6. External Finishes

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

7. Acoustic Wall Construction

The proposed Acoustic Wall located along the boundary with the shopping centre (No. 88 Wrights Road) shall be constructed of Masonry and is to be connected to the existing Acoustic Wall in a manner that ensures that the noise levels as outlined in the Acoustic Report prepared by Acoustic Logic, dated July 2012 are complied with.

8. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Environmental Noise Assessment Residential Development, Lots A & B, President Road, Kellyville dated 2 July 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 9 – Recommendation

9.1 Acoustic Screen

An acoustic screen is required along the southern boundary of the project site to mitigate noise impact from Woolworths and Coles. Detailed acoustic screen requirements are outlined in the Acoustic Report.

9.2 Glazing Structure Requirements

The recommended glazing assemblies were specified as an attachment to the acoustic report and are required to be provided as recommended. The design of the window is to ensure the STC rating as provided in Table 15 of the acoustic report.

9.3 Roof/ Ceiling Constructions

The roof / ceiling construction for Block E and the integrated Housing Units adjacent to Woolworths & Coles is to comply with the standard shown in Figure 3 of the acoustic report as a minimum.

9.3.1 Plasterboard Corner details

The plasterboard corner details are to comply with either of the two options provided in Figure 4, Section 9.3.1 of the acoustic report.

9.4 Cafe

As recommended in the acoustic report, when more details of the proposed cafe development are known a detailed acoustic assessment is to be undertaken to determine the required acoustic control elements and management measures and the identified elements and measures are to be incorporated into the development.

9.5 Mechanical Services

The mechanical services are to be acoustically designed and located to ensure that they shall not either singularly or in total emit noise levels which exceed the noise limits specified in Table 14 of the acoustic report.

9. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report No E1349.1 AF, dated 20th June 2012 and submitted as part of the Development Application shall be implemented as part of this approval.

10. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

11. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

12. Street Naming

A written application for street naming must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

<http://www.gnb.nsw.gov.au/>

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

13. Street Trees

Street trees and tree guards must be provided for the sections of York Road and Alessandra Drive within the development site in accordance with the approved landscape

plans listed within Condition No. 1. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

14. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

15. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

16. 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 separate Engineering Construction Certificate required to be obtained by Council, as outlined elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

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 or not.

17. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Chadwick Cheng Consulting Surveyors Drawing 31207/COM dated 31/01/2012 except where amended by other conditions of consent.

18. Protection of Public Infrastructure

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

19. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

20. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D 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. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement 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.

21. Gutter and Footpath Crossing Application

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

22. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

23. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

24. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Note:

- Council's recycling service is fortnightly and not weekly therefore 67 bins are required to be allocated to the bin bays throughout the development.
- Council's bulk bins are 1.1 Litres in size not 1.5 Litres in size.

25. Waste Storage and Separation - Construction

The reuse and recycling of waste materials must be maximised during construction. The separation and recycling of the following waste materials is required:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

26. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

27. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895

28. Domestic Waste Management – Integrated Dwellings

Council will provide each unit with a minimum of one 140 litre garbage bin (emptied weekly), one 240 litre recycling bin (emptied fortnightly) and one 240 litre garden organics bin (emptied fortnightly). Allowance is to be made for:

- a. space for all garbage and recycling bins to be placed on the kerb for servicing on collection day.
- b. storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c. adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard; or storage compound so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*; and
- d. flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e. each bin to be clearly marked with individual unit numbers.

29. Domestic Waste Management – Apartment Building Units

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Bin Storage facility is to be provided for a minimum of 8 x 1100 Litre bulk garbage bin(s) and 67 x 240 Litre recycling bins.

An additional bin storage facility is to be provided at the York Road frontage between Neighbourhood Shop and Apartment Block A.

The Apartment Block B bin storage facility is to be relocated to the south western corner of Apartment Block B adjoining the internal road and walkway.

Detailed plans indicating the relocation of the bin storage facilities are to be submitted to the satisfaction of Council prior to issue of a Construction Certificate.

30. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water as follows:

(i) Water

The development does not front an available drinking water main and an extension will be necessary. The 150mm drinking water main in York Road is to be extended along York Road and is to be linked to the 100mm drinking water main in Alessandra Drive.

The accredited Water Servicing Coordinator/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(ii) Recycled Water

The development does not front an available recycled water main and an extension will be necessary. The 150mm recycled water main in York Road is to be extended along York Road and is to be linked to the 100mm recycled water main in Alessandra Drive.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed recycled water infrastructure for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(iii) Wastewater

The current wastewater system has sufficient capacity to service the proposed development. The proposed lots can be serviced by extending either the 150mm wastewater main located to the west of the site or the 150mm wastewater main to the east of the site. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

(iv) Trade Waste

In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.

31. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force – The Hills Local Area Command for the development to comply with recommendations under Crime Prevention Through Environmental Design (CPTED) including the following:

- (i) The car parking area in the basement is to be painted white;
- (ii) Bicycle parking areas are to be covered, lockable racks to secure bicycles;
- (iii) A CCTV system to monitor the common open spaces throughout the use of the development;
- (iv) The use of a CCTV system to monitor access/exit driveways of the underground car parks and entrances to the unit blocks; and
- (v) Separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building. A similar system should be in place to restrict access to the grounds of the development.

32. Compliance with RMS Requirements

Compliance with the requirements of the Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- (ii) Car parking provision to Council's satisfaction.
- (iii) All works associated with the proposal shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

33. Payment of Section 94 Contributions

Section 94 Contributions applicable to each stage of the development shall be paid in full in accordance with Condition No.'s 108, 119, 120, 121, 122, 123 and 124 prior to the issue of the Construction Certificate for the stage.

34. Acoustic Wall Details

A detailed design for the acoustic wall must be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate. The acoustic wall shall be constructed with Hebel panel and shall include decorative treatments.

35. Acoustic Screen

To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.

Amended plans reflecting the above is to be submitted to Council prior to the issue of a Construction Certificate.

36. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

37. Landscape Plan

A detailed Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. The plan should include:

- All existing trees clearly marked for retention or removal.
- Location of plant species and quantities clearly shown
- A schedule of proposed planting, including botanic name, common name, size at planting, quantities, staking requirements, expected mature height.
- Details indicating a minimum of 300mm of good quality garden mix to all garden beds
- Details showing good quality topsoil to all lawn areas
- All garden bed areas to be clearly defined by brick/stone edging with its edge finishing flush with the surface of adjacent grass areas.
- All garden bed areas to have drip irrigation.

38. Erosion & Sediment Control Plan

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

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

39. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.

or telephone 13 20 92.

40. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

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) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

42. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$78,300 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (190m) plus an additional 50m on either side (290m) and the width of the road measured from face of kerb on both sides (9m). The minimum bond amount is \$10,000.00.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

43. 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 must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

44. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 854/2012/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

45. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

PRIOR TO WORK COMMENCING ON THE SITE

46. Principal Certifying Authority

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

47. 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.

48. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

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.

49. 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.

50. 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).

51. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

52. Erosion & Sediment Control Plan Kept on Site

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

53. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

54. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

55. 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 (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:
 - The Hills Shire Council
 - PO Box 75
 - CASTLE HILL NSW 1765
 - Phone (02) 9843 0555

- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) 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.

56. 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.

57. 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.

58. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

59. 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 the BASIX Certificate's listed in Condition No. 1 be complied with. Any subsequent version of the BASIX Certificate(s) will supersede all previous versions of the certificate(s).

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

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

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

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

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

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

61. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

62. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

63. Dust Control

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

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

64. Internal Sleep Arousal Noise Criteria – Compliance

Option 2 of section 9.2 of the Acoustic Report prepared by Acoustic Logic dated 2nd July 2012 shall be complied with. Option 2 reads as follows;

As internal noise levels cannot be achieved with marked windows open it is required that an alternative outside air supply system or air conditioning unit be installed in accordance with AS 1668.2 requirements. The mechanical ventilation system that is installed should be designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

65. 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 seven (7) days of receiving notice from Council.

66. 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).

67. 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 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 for review prior to works recommencing on site.

68. 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.

69. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

70. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

71. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2007. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

72. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

73. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the relevant stage of the development is occupied.

74. Temporary Fencing of Pools

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

75. Standard of Works

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

76. Subdivision Earthworks – Allotment 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.

77. Documentation

A copy of the following documents must be kept on site and made available upon request:

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan
- d) Traffic Control Plan
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

79. Compliance Statement – Mechanical Plant

A Compliance statement from an appropriately qualified Acoustic Consultant is to be submitted prior to the issue of the Occupation Certificate. This compliance statement is to confirm that the Mechanical Plant as built complies with the below mentioned criteria.

| Noise Receiver | Time Period | Noise objective |
|--|-------------|----------------------------------|
| The boundary of the nearest residential receiver | Day | 41 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Evening | 42 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Night | 35 dB(A) leq 15min 45dB(A) L1 |

If the abovementioned criteria are not satisfied then the Acoustic Consultant is to provide recommended measures to achieve compliance. These measures are then to be implemented.

A copy of the Compliance Statement and any recommended compliance measures is to be submitted to Council.

80. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Environmental Noise Assessment – Residential Development, Lots A & B, President Road, Kellyville prepared by Acoustic Logic dated 2 July 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

81. Spa Pool Construction

The spa pool shall be constructed to comply with Australian Standard AS2610.2 – Private Spas. With respect to entrapment hazards, the spa pool shall:

- a) Be designed so pressure will be immediately released at a suction point from the spa pool if it becomes blocked;
- b) Each pump should have a minimum of two operative suction points connected by a common line;
- c) Suction points should be fitted as close as possible to the water surface as is practical without affecting the operation of the system;
- d) The suction points shall not be closer than 600mm;
- e) An emergency stop switch controlling all spa pool pumps, blowers and heaters shall be provided within three (3) metres of the spa pool and shall be visible at all times.

Certification of the above matters shall be provided from the spa manufacturer/installer to the PCA prior to the issue of any Occupation Certificate.

82. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

83. Construction of Swimming Pool Barrier

The required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings including the cabana, on the site prior to any occupation certificate (interim or final) being issued for the development.

84. Completion of Subdivision Works

A Subdivision Certificate must not be issued prior to the completion of all subdivision works covered by this consent, in accordance with this consent.

85. 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 engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

86. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

87. Final Subdivision Fees

All outstanding fees must be paid before a Subdivision Certificate can be issued. The final fees that remain outstanding will be assessed following the submission of written advice confirming all works have been completed.

88. Removal of Sediment and Erosion Control Measures

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

89. 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. A list can be found by following this link:

http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

90. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

91. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by Council or the relevant telecommunications carrier.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

92. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) The final plan and administration sheet, along with seven copies of both.
- b) The original plus one copy of the 88B Instrument.
- c) All certificates and supplementary information as required by this consent.
- d) A completed copy of the attached checklist confirming compliance with all conditions.
- e) An electronic copy of the final plan on disk in ".dwg" format.
- f) One copy of the strata or community titled subdivision plan that includes house/unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

Council will not accept a Subdivision Certificate application without all the items listed above.

93. Geotechnical Report (Lot Classification)

Submission of a lot classification report, prepared by a suitably qualified geotechnical engineer, following the completion of all subdivision works confirming that all residential allotments are compliant with AS2870 and are suitable for residential development. The

lot classification report must be accompanied by a separate table which clearly shows the classification of all lots created as part of the subdivision.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council the following information must be submitted to Council within seven days of the certificate being issued:

- a) A copy of the strata certificate.
- b) A soft copy of the final plan on disk in ".dwg" format.
- c) A copy of the 88B Instrument, where applicable.
- d) Copies of all service authority certificates.
- e) A letter from the certifier confirming all conditions have been complied with.

95. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Dedication of Public Roads

The proposed roads within the subdivision must be dedicated as public road at no cost to Council. All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with DCP Part C Section 3.

d) Restriction – Site Slope 6% or Greater

A restriction must be placed on the title of all lots with a grade of 6% or greater. Where there are no lots that fall into this category this restriction is not required, as determined by the works as executed drawings.

e) Restriction – Site Coverage (Kellyville/ Rouse Hill)

Restricting development of all residential lots to reinforce the maximum site coverage

f) Restriction – Bedroom Numbers

A restriction must be placed on the title of all proposed lots limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

g) Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

96. 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.

97. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

98. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

99. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

100. Lighting

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

101. Mechanical Services – Acoustic Compliance

Noise from the mechanical plant shall not exceed the criteria as outlined in the Acoustic Report dated 2/7/2012, prepared by Acoustic Logic. This criterion is as follows;

| Noise Receiver | Time Period | Noise objective |
|--|-------------|----------------------------------|
| The boundary of the nearest residential receiver | Day | 41 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Evening | 42 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Night | 35 dB(A) leq 15min 45dB(A) L1 |

Acoustical assessment of the mechanical services shall be undertaken during detail design phase of the development to ensure that they shall not singularly or in total emit noise levels exceeding the noise criteria above.

102. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

103. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles.

104. Collection of Bins

Integrated Housing

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Bin Bays Storage Facilities

All recycling/garden organic bins will need to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

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

110. 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.

111. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. 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.

Proposed roads must be constructed to the following requirements:

| Road Name: | Formation: (Footpath/ Carriageway/ Footpath) (m) | Traffic Loading: N(ESA) |
|------------------|---|-------------------------------|
| York Road | Road Type: Collector Road 5.3m/ 9.5m/ 5.3m (20.1m) | 1 x 10 ⁶ |
| Alessandra Drive | Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m) | 5 x 10 ⁵ |

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of York Road and northern side of Alessandra Drive in accordance with the DCP and the above documents.

iii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern/eastern side of York Road in accordance with the DCP and the above documents.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Gutter Crossings

Gutter crossings to each of the proposed new allotments are required.

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. Street Names Signs

Street name signs and posts are required, as approved by Council.

viii. Service Conduits

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

ix. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

Where OSD is required to be provided on each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

DURING CONSTRUCTION

112. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;

- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

PRIOR TO THE ISSUE OF A OCCUPATION / SUBDIVISION CERTIFICATE

113. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA 1639/2011/ZA unless the two are issued and registered concurrently.

114. Confirmation of Pipe Locations

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

115. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

116. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

117. Dedication of Public Road

An Occupation Certificate must not be issued until York Road and Alessandra Drive have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

118. 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.

STAGE 1A:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

119. Section 94 Contribution

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:-

| STAGE 1A | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | Sum of Units | Total Section 94 |
|--------------------------------|---------------------|---------------------|---------------------|----------------------|----------------------|----------------------|--------------|------------------|
| Open Space - Land | \$ 5,739.47 | \$ 7,379.32 | \$ 24,436.82 | \$ 177,103.68 | \$ 211,540.50 | \$ 211,540.50 | | |
| Open Space - Capital | \$ 2,360.62 | \$ 3,035.08 | \$ 14,163.72 | \$ 72,841.92 | \$ 87,005.64 | \$ 87,005.64 | | |
| Community Facilities - Land | \$ 123.88 | \$ 159.02 | \$ 742.08 | \$ 7,016.48 | \$ 4,550.56 | \$ 4,550.56 | | |
| Community Facilities - Capital | \$ 1,070.75 | \$ 1,376.67 | \$ 6,424.50 | \$ 33,040.08 | \$ 39,464.58 | \$ 39,464.58 | | |
| Studies and Administration | \$ 164.65 | \$ 211.70 | \$ 987.90 | \$ 5,000.00 | \$ 6,068.70 | \$ 6,068.70 | | |
| Roadworks - Land | \$ 945.66 | \$ 1,215.05 | \$ 5,673.96 | \$ 29,100.40 | \$ 14,054.36 | \$ 14,054.36 | | |
| Roadworks - Capital | \$ 2,248.29 | \$ 2,890.66 | \$ 13,469.74 | \$ 69,375.84 | \$ 82,065.58 | \$ 82,065.58 | | |
| Total | \$ 12,651.12 | \$ 16,768.30 | \$ 75,918.72 | \$ 390,439.20 | \$ 466,357.92 | \$ 466,357.92 | | |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

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.

STAGE 1B:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

120. Section 94 Contribution

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:-

| STAGE 1B | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | Sum of Units | Total Section 94 |
|--------------------------------|---------------------|---------------------|---------------------|----------------------|----------------------|----------------------|--------------|------------------|
| Open Space - Land | \$ 5,739.47 | \$ 7,379.32 | \$ 24,436.82 | \$ 177,103.68 | \$ 211,540.50 | \$ 211,540.50 | | |
| Open Space - Capital | \$ 2,360.62 | \$ 3,035.08 | \$ 14,163.72 | \$ 72,841.92 | \$ 87,005.64 | \$ 87,005.64 | | |
| Community Facilities - Land | \$ 123.88 | \$ 159.02 | \$ 742.08 | \$ 7,016.48 | \$ 4,550.56 | \$ 4,550.56 | | |
| Community Facilities - Capital | \$ 1,070.75 | \$ 1,376.67 | \$ 6,424.50 | \$ 33,040.08 | \$ 39,464.58 | \$ 39,464.58 | | |
| Studies and Administration | \$ 164.65 | \$ 211.70 | \$ 987.90 | \$ 5,000.00 | \$ 6,068.70 | \$ 6,068.70 | | |
| Roadworks - Land | \$ 945.66 | \$ 1,215.05 | \$ 5,673.96 | \$ 29,100.40 | \$ 14,054.36 | \$ 14,054.36 | | |
| Roadworks - Capital | \$ 2,248.29 | \$ 2,890.66 | \$ 13,469.74 | \$ 69,375.84 | \$ 82,065.58 | \$ 82,065.58 | | |
| Total | \$ 12,651.12 | \$ 16,768.30 | \$ 75,918.72 | \$ 390,439.20 | \$ 466,357.92 | \$ 466,357.92 | | |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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. 8. The CPI at time of consent was 180.4 Quarter 2, October-December 2012.

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.

STAGE 2:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

121. Section 94 Contribution

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:-

| STAGE 2 | Purpose | | 8 | | TOTAL |
|--------------------------------|-----------------------|-----------|-------------------|-----------|-------------------|
| | Per Small Lot(<450m2) | | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ | 65,594.00 | \$ | 65,594.00 |
| Open Space - Capital | \$ 3,372.32 | \$ | 26,978.56 | \$ | 26,978.56 |
| Community Facilities - Land | \$ 176.69 | \$ | 1,413.52 | \$ | 1,413.52 |
| Community Facilities - Capital | \$ 1,529.64 | \$ | 12,237.12 | \$ | 12,237.12 |
| Studies and Administration | \$ 235.22 | \$ | 1,881.76 | \$ | 1,881.76 |
| Roadworks - Land | \$ 1,350.94 | \$ | 10,807.52 | \$ | 10,807.52 |
| Roadworks - Capital | \$ 3,211.85 | \$ | 25,694.80 | \$ | 25,694.80 |
| Total | \$ 18,075.91 | \$ | 144,607.28 | \$ | 144,607.28 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 3:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

122. Section 94 Contribution

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:-

| STAGE 3 | Purpose | | 9 | | TOTAL |
|--------------------------------|-----------------------|-----------|-------------------|-----------|-------------------|
| | Per Small Lot(<450m2) | | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ | 73,793.25 | \$ | 73,793.25 |
| Open Space - Capital | \$ 3,372.32 | \$ | 30,350.88 | \$ | 30,350.88 |
| Community Facilities - Land | \$ 176.69 | \$ | 1,590.21 | \$ | 1,590.21 |
| Community Facilities - Capital | \$ 1,529.64 | \$ | 13,766.76 | \$ | 13,766.76 |
| Studies and Administration | \$ 235.22 | \$ | 2,116.98 | \$ | 2,116.98 |
| Roadworks - Land | \$ 1,350.94 | \$ | 12,158.46 | \$ | 12,158.46 |
| Roadworks - Capital | \$ 3,211.85 | \$ | 28,906.65 | \$ | 28,906.65 |
| Total | \$ 18,075.91 | \$ | 162,683.19 | \$ | 162,683.19 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 4:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

123. Section 94 Contribution

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:-

| STAGE 4 | Purpose | 11 | | TOTAL |
|--------------------------------|------------------------------------|----------------------|-----------|-------------------|
| | Per Small Lot(<450m ²) | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ 90,191.75 | \$ | 90,191.75 |
| Open Space - Capital | \$ 3,372.32 | \$ 37,095.52 | \$ | 37,095.52 |
| Community Facilities - Land | \$ 176.69 | \$ 1,943.59 | \$ | 1,943.59 |
| Community Facilities - Capital | \$ 1,529.64 | \$ 16,826.04 | \$ | 16,826.04 |
| Studies and Administration | \$ 235.22 | \$ 2,587.42 | \$ | 2,587.42 |
| Roadworks - Land | \$ 1,350.94 | \$ 14,860.34 | \$ | 14,860.34 |
| Roadworks - Capital | \$ 3,211.85 | \$ 35,330.35 | \$ | 35,330.35 |
| Total | \$ 18,075.91 | \$ 198,835.01 | \$ | 198,835.01 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 5:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

124. Section 94 Contribution

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:-

| STAGE 5 | Purpose | 6 | | TOTAL |
|--------------------------------|------------------------------------|----------------------|-----------|-------------------|
| | Per Small Lot(<450m ²) | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ 49,195.50 | \$ | 49,195.50 |
| Open Space - Capital | \$ 3,372.32 | \$ 20,233.92 | \$ | 20,233.92 |
| Community Facilities - Land | \$ 176.69 | \$ 1,060.14 | \$ | 1,060.14 |
| Community Facilities - Capital | \$ 1,529.64 | \$ 9,177.84 | \$ | 9,177.84 |
| Studies and Administration | \$ 235.22 | \$ 1,411.32 | \$ | 1,411.32 |
| Roadworks - Land | \$ 1,350.94 | \$ 8,105.64 | \$ | 8,105.64 |
| Roadworks - Capital | \$ 3,211.85 | \$ 19,271.10 | \$ | 19,271.10 |
| Total | \$ 18,075.91 | \$ 108,455.46 | \$ | 108,455.46 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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.

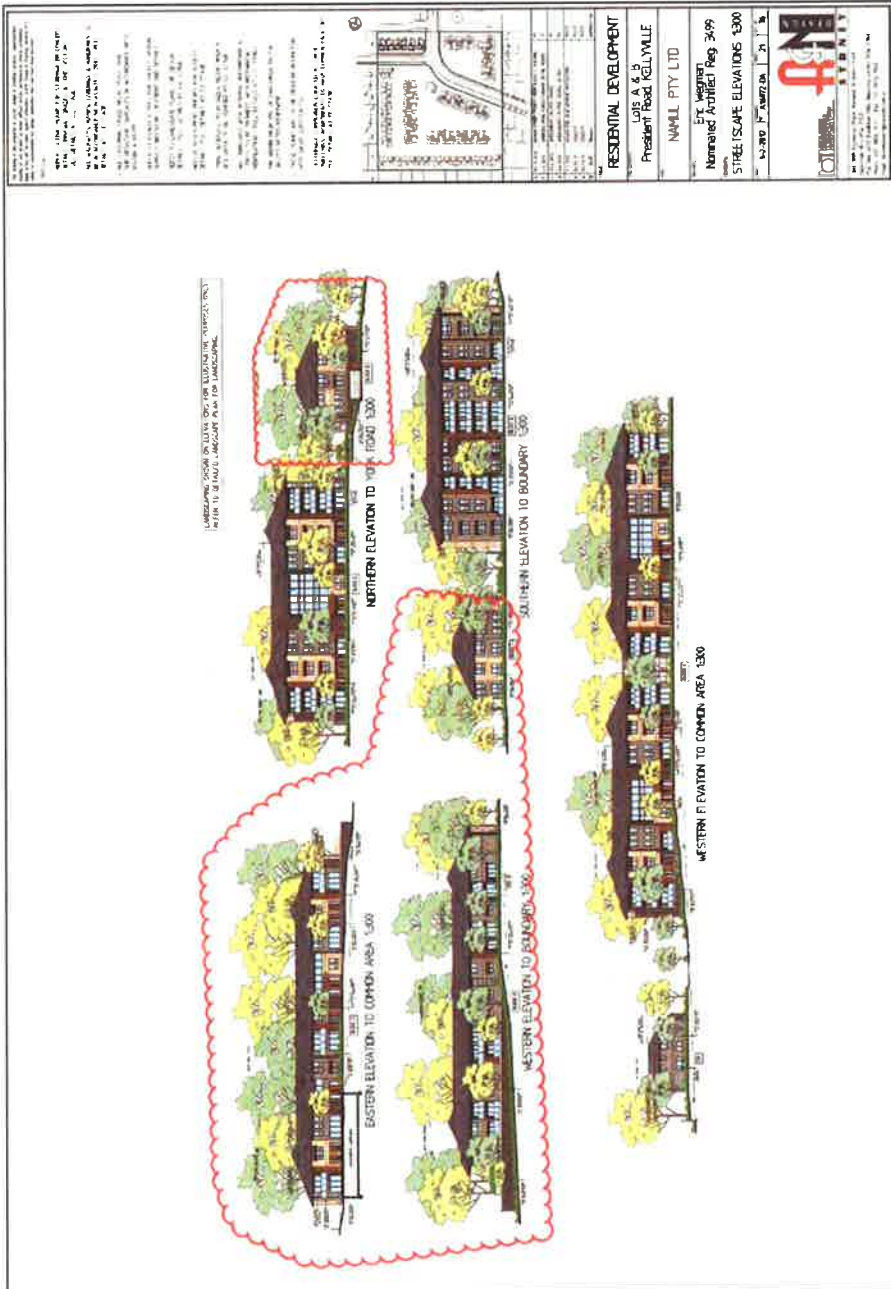
This condition has been imposed in accordance with Contributions Plan No 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

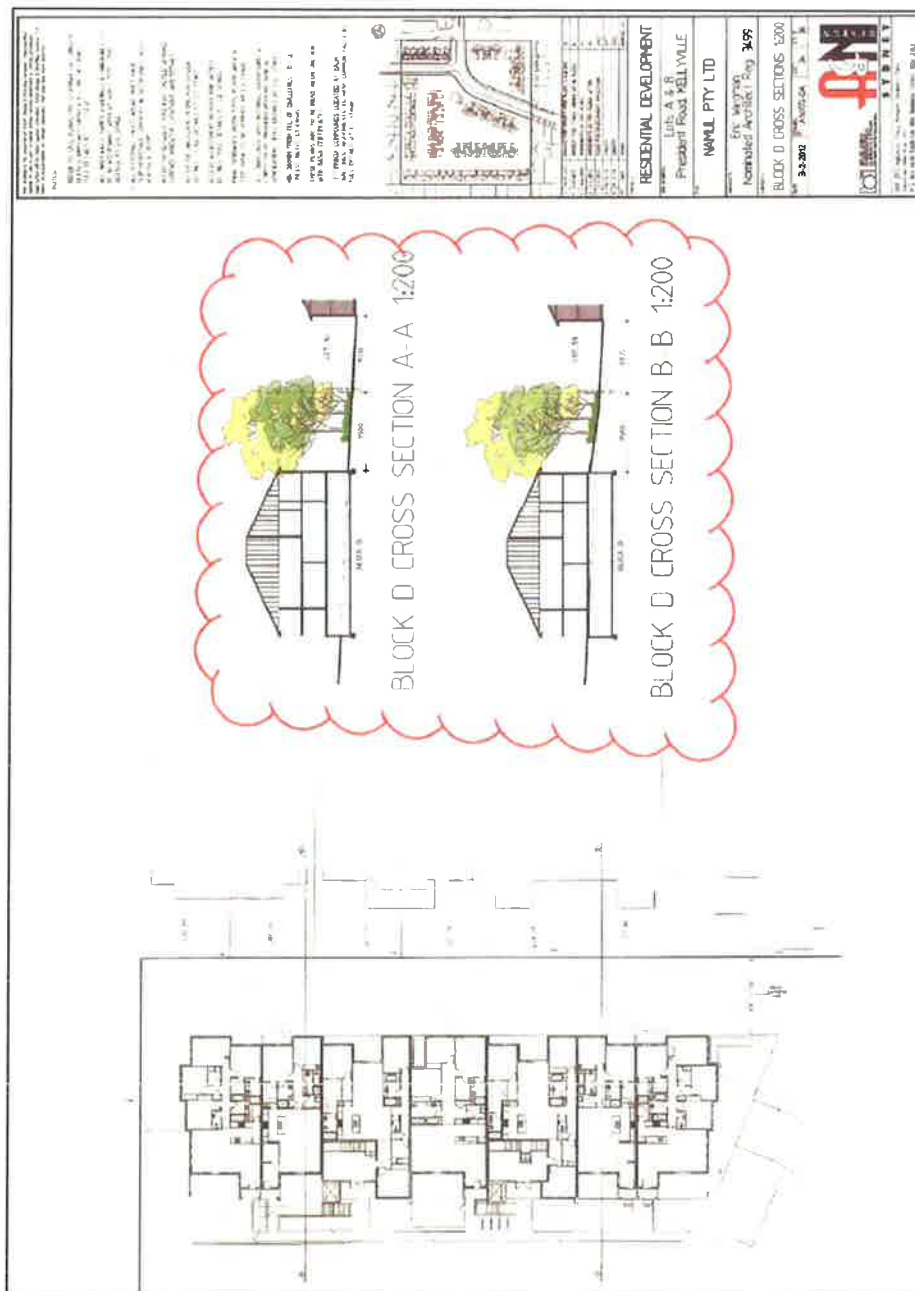
Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

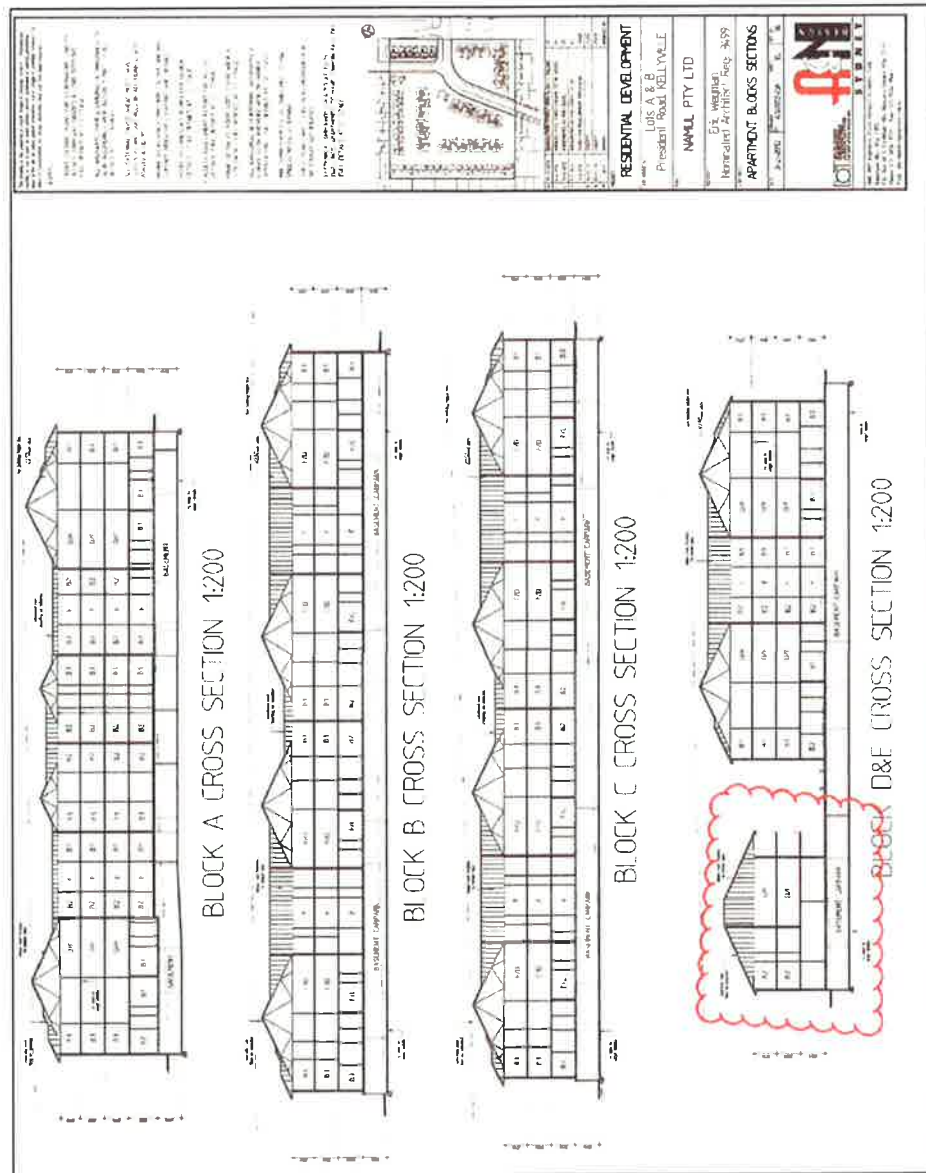
ATTACHMENTS

1. Amended Elevations and Cross Sections
2. Previous Report to JRPP 15 September 2012

ATTACHMENT 3 – AMENDED ELEVATIONS AND CROSS SECTIONS







ATTACHMENT 2 – PREVIOUS REPORT TO JRPP

JRPP PLANNING REPORT

| | |
|------------------------------|--|
| JRPP NO: | 2012SYW029 |
| DA NO: | 854/2012/JP |
| PROPOSED DEVELOPMENT: | RESIDENTIAL DEVELOPMENT COMPRISING 133 APARTMENTS AND 35 INTEGRATED HOUSING DWELLINGS, |
| SUBJECT SITE: | PROPOSED LOT 12 IN APPROVED SUBDIVISION OF LOTS A & B DP 379959 (DA NO. 1639/2011/ZA) – No.'s 75-95 PRESIDENT ROAD, KELLYVILLE |
| APPLICANT: | NAMUL PTY LTD |
| LODGE DATE: | 13 FEBRUARY 2012 |
| REPORT BY: | SENIOR TOWN PLANNER SOPHIA CHIN |
| RECOMMENDATION: | APPROVAL |

BACKGROUND

MANDATORY REQUIREMENTS

| | | | |
|------------------------------|---|-----|---|
| Owner: | Namul Pty Ltd | 1. | <u>LEP 2005 – Satisfactory</u> |
| Zoning: | LEP 2005 – Residential 2(a) LEP 2012 – R3 Medium Density Residential and R4 High Density Residential | 2. | <u>LEP 2012 – Satisfactory</u> |
| Area: | 31,617m ² (3.16 hectares) | 3. | <u>SEPP 65 – Design Quality of Residential Flat Development – Satisfactory.</u> |
| Existing Development: | Vacant | 4. | <u>DCP Part D Section 5 – Kellyville/Rouse Hill Release Area – Variation proposed – see report.</u> |
| | | 5. | <u>DCP Part B Section 5 – Residential Flat Buildings – variations proposed – see report.</u> |
| | | 6. | <u>DCP Part C Section 1 – Parking – Complies.</u> |
| | | 7. | <u>BHSC Multi Unit Housing Guidelines – Satisfactory</u> |
| | | 8. | <u>Section 79C (EP&A Act) – Satisfactory.</u> |
| | | 9. | <u>Section 94 Contribution – Currently \$2,658,361.38</u> |
| | | 10. | <u>Capital Investment Value: \$67,371,000</u> |

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

| | | |
|--------------------------|---|--|
| 1. Exhibition: | Yes - 14 days as Advertised Development | 1. Capital Investment Value in Excess of \$20 million. |
| 2. Notice Adj Owners: | Yes - 14 days | |
| 3. Number Advised: | 55 properties | |
| 4. Submissions Received: | 10 submissions received | |

HISTORY

- 17/06/2010** Development Application No. 1373/2010/HA approved under Delegated Authority for the demolition of a dwelling, outbuildings, filling of existing dam and removal of three trees.
- 30/08/2011** Development Application No. 1639/2011/ZA approved by Council's Development Assessment Unit for a subdivision creating 12 lots including a new road, the subject site being a residual lot accessible from York Road.
- 13/02/2012** Subject Development Application lodged.
- 13/04/2012** Letter sent to the applicant seeking additional information regarding density, apartment building height, neighbourhood shop/cafe permissibility, apartment building setbacks, apartment building length, building separation, staging of development, waste management, waste collection vehicles, solar access, access and adaptability, BASIX Certificate commitments, swimming pool compliance, notice of requirements, fencing details, driveways, site drainage, vehicular access and parking, landscape plan, noise, contamination, integrated housing site boundary setback, housing type plans, apartment building section plans, site coverage and landscaped area, privacy screens, basement car parking plan, storage, carwash bays, and plant room/equipment, and advice received from the Roads and Maritime Services.
- 03/05/2012** Meeting held with applicant regarding the proposal.
- 14/05/2012** Additional information received from the applicant.
- 17/05/2012** Briefing provided to the Joint Regional Planning Panel (JRPP).
- 17/05/2012** Amended landscape plans received from the applicant.
- 23/05/2012** Amended civil road and stormwater plans received from the applicant.
- 04/06/2012** Meeting held with applicant regarding the proposal and briefing meeting with JRPP.
- 19/06/2012** Further letter sent to the applicant seeking additional information regarding site drainage, vehicular access and drainage, carwash bays, acoustic design and assessment, landscape plan, waste management, and swimming pool compliance.

| | |
|-------------------|---|
| 28/06/2012 | Contamination report received from the applicant. |
| 23/07/2012 | Additional information received from the applicant including reducing the number of integrated dwellings from 35 to 34. |
| 07/08/2012 | Additional information received from the applicant indicating pool fence and cabana details. |
| 07/09/2012 | Email sent to the applicant requesting a detailed staging plan. |
| 11/09/2012 | Staging plan received from the applicant. |
| 05/10/2012 | Notification of The Hills Local Environmental Plan 2012. |

PROPOSAL

The Development Application seeks approval for a residential development comprising five Residential Flat Buildings (133 apartments), 34 integrated dwellings, associated parking, landscaping and communal facilities, a neighbourhood shop, and the Community Title and Strata Title subdivision of the site to be constructed in seven stages.

The development is to include Community Title subdivision for the integrated housing and residential flat building development lots, community property and internal access road, and strata titling for the residential flat buildings. Residents of the integrated dwellings and residential flat buildings are to have access to the communal facilities.

In general terms, the staging (as illustrated in Attachment 7) will occur as follows:

- Stage 1 - all public and private roads including the extension to York Road and Alessandra Drive, community lots and the construction of the two central northern and southern Apartment Blocks A and B;
- Stage 1A - central eastern Apartment Block C;
- Stage 1B - south western Apartment Blocks D and E;
- Stage 2 - integrated housing on Lot No.'s 7 to 14.
- Stage 3 - integrated housing on Lot No.'s 16 to 24.
- Stage 4 - integrated housing on Lot No.'s 26 to 36.
- Stage 5 - integrated housing on Lot No.'s 37 to 42.

The proposed residential flat buildings are three storeys (Blocks B and C) and four storeys (Blocks A, D and E) in height with a pitched roof and contain 22 x four bedroom apartments, 78 x three bedroom apartments, and 33 x two bedroom apartments. A total of 433 basement and at-grade resident and visitor car parking spaces are provided including 68 residential spaces and 34 visitor spaces for the integrated dwellings, 266 residential spaces for units and 54 visitor spaces within the residential flat buildings, and 11 visitor spaces for the neighbourhood shop.

The proposed integrated dwellings are two storeys high and contain a double garage, living areas on the ground floor and bedrooms and en-suites/bathrooms on the upper floor. The dwellings generally include four bedrooms. The integrated dwellings comprise of seven alternate dwelling types and within each dwelling type the design may have a flat, hipped or pitched roof.

It is recommended that the use of the neighbourhood shop be subject to a future development application which allows for further consideration of issues including waste storage and waste management depending on the use (refer to Condition No. 5).

York Road and Alessandra Drive (future public roads) are to be extended to dissect the site creating access to the site from the east, south and west.

Development Application 1639/2011/ZA for the subdivision of the site was approved at Council's Development Assessment Unit meeting on 30 August 2011. The approval included the subdivision of the existing lot into 12 lots, with 11 lots with a frontage to President Road, and the subject site being the residual lot accessible from York Road.

The development adjoins an existing shopping complex to the south-east consisting of Woolworths, Coles and Kellyville Plaza. Water towers adjoin the site to the south-west, and two storey dwellings adjoin the site to the east and west of the site.

The surrounding locality consists of single dwelling houses, a local shopping centre, town houses, residential flat buildings, schools, water storage facilities and community facilities.

The application was lodged prior to the gazettal of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if THLEP 2012 had not commenced. The application has been assessed under Baulkham Hills Local Environmental Plan 2005 that applied before the gazettal of The Hills LEP 2012.

ISSUES FOR CONSIDERATION

1. Compliance with Baulkham Hills Local Environmental Plan 2005

i. Permissibility

The site was zoned Residential 2(a) under the provisions of Baulkham Hills Local Environmental Plan 2005. The proposal is defined as an "apartment building", "integrated housing" and "neighbourhood shop".

Apartment Building is defined as:

"a building containing 3 or more dwellings where each dwelling does not necessarily have direct access to private open space at natural ground level."

Integrated Housing is defined as:

- "(a) the subdivision of land into two or more allotments, and*
- (b) the erection of one or more dwellings on each allotment so created, where the siting and design of each dwelling occurs prior to the determination of the subdivision boundaries but, in the Table to clause 13, does not include a form of development elsewhere specifically defined in this clause."*

An "apartment building" and "integrated housing" are permissible with consent in the Residential 2(a) zone; however a "neighbourhood shop" is prohibited. The application was lodged prior to the official notification of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if LEP 2012 had not commenced. Subject to consent being granted, it is recommended that the approved plans be annotated deleting the neighbourhood shop, and that the use of the neighbourhood shop be subject to a future development application.

In addition, Clause 22 – Integrated Housing of Baulkham Hills LEP 2005 also applies to the proposal. Clause 22 states:

"Despite any other provision of this plan, development for the purpose of integrated housing may be carried out, but only with development consent, on land:

- (a) that is within Zone 2(a), 2(b) or 2(c), and*
- (b) to which the Sydney Regional Environmental Plan No 19—Rouse Hill Development Area, as gazetted on 1 September 1989 applies, but excluding any land within Zone 2 (b1)."*

The site was zoned Residential 2(a) and is within the SREP No. 19 Release Area and therefore is satisfactory in respect to Clause 22 of Baulkham Hills LEP 2005.

ii. Zone Objectives

The site was zoned Residential 2(a) under Baulkham Hills LEP 2005.

The Residential 2(a) zone objectives seek to provide medium density housing choice and ensure that development carried out on the land is compatible with the surrounding area.

The proposed development has been assessed against the provisions of Baulkham Hills LEP 2005 and the following objectives of the Residential 2(a) zone:

- "(a) to make general provision for land to be used for the purposes of housing and associated facilities, and*
- (b) to provide for development for medium-density housing forms (including apartment buildings, town-houses, villas and the like) in locations close to the main activity centres of the local government area, and*
- (c) to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (d) to allow a range of developments, ancillary to residential uses, that:*
 - (i) are capable of integration with the surrounding environment, and*
 - (ii) serve the needs of the surrounding population without conflicting with the residential intent of the zone, and*
 - (iii) do not place demands on services beyond the level reasonably required for residential use."*

It is considered that the proposed development has a built form that is consistent with the desired future character of the locality and will not detract from the amenity of existing and future nearby residents or the existing quality of the environment. The development has also had regard to the amenity of future residents, particularly in relation to privacy, quality open space and solar access.

As such the proposal is considered satisfactory in respect to the Baulkham Hills LEP 2005 objectives.

2. Compliance with The Hills Local Environmental Plan 2012

The Hills Local Environmental Plan 2012 was notified officially on 5 October 2012. Clause 1.8A of The Hills LEP 2012 contains savings provisions relating to development applications. That Clause reads as follows:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The application was lodged prior to the official notification of The Hills Local Environmental Plan 2012 and consequently the application must be determined as if LEP 2012 had not commenced. The application has been assessed under Baulkham Hills Local Environmental Plan 2005 that applied before the notification of The Hills LEP 2012.

Under the provisions of The Hills LEP 2012, the subject site is proposed to be zoned R3 Medium Density Residential (northern portion) and R4 High Density Residential (southern portion) as shown in Attachment 3.

The proposed development would sit within the group term "residential accommodation" and is defined as a "residential flat building", "multi dwelling housing" and "neighbourhood shop".

Residential Flat Building is defined as:

"A building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary."

Multi Dwelling Housing is defined as:

"3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: Multi dwelling housing is a type of residential accommodation – see the definition of that term in this Dictionary."

Neighbourhood Shop is defined as:

"premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises."

It is recommended that the use of the neighbourhood shop be subject to a future development application which eliminates any permissibility issue and would allow for consideration of issues arising from the specific nature of the shop once known.

Minimum Site Requirements

Clause 4.1A of the The Hills LEP 2012 requires that in the R3 and R4 zones multi dwelling housing can only be carried out on land which has a minimum area of 1800m², and in the R4 zone residential flat building development can only be carried out on land which has a minimum area of 4000m². The subject site has an area of 31,617m² and as such is satisfactory.

Development Near Zone Boundaries

Clause 5.3 of the The Hills LEP 2012 indicates that development consent may be granted to development that may be carried out in the adjoining zone within a distance of 20 metres of a boundary between 2 zones. Clause 5.3(4) states:

"Despite the provisions of this plan relating to the purposes for which development may be carried out, development 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."

The proposed apartment buildings on land zoned R3 Medium Density Residential, are located within 20 metres of the portion of the site zoned R4 High Density Residential.

A 12-15 metre portion of Apartment Blocks B and C extends into the portion of land zoned R3 Medium Density Residential. Further, Clause 4.3 of The Hills LEP 2012 prescribes that the maximum height on the portion of land zoned R3 is 10 metres, and the maximum height of buildings on the portion of land zoned R4 is 16 metres. The submitted elevation plan indicates that the northern elevation of Apartment Blocks C and B which are located within the portion of land zoned R3 exceeds the 10 metre building height limit.

The applicant states that "the distribution of detached housing about the site responds to the imperative for contextual compatibility with adjacent development. This approach dictates which sections of the site are best sited for residential flat buildings. In particular, apartment block B as well as the north end of block C is proposed to protrude 12 – 15m into the R3 zone although residential flat buildings are prohibited in that zone. Despite this prohibition, the proposed placement of apartment block B and the north end of block C is appropriate because the development is designed as a masterplanned precinct rather than different forms positioned solely on the zone boundaries that split the site. The masterplan aligns apartment block B at right angles to the north end of block C allowing the pair to address and enclose the internal common open space, pool and recreation area thus creating the core of the development about which the internal loop road and main access roads circulate."

The encroachment of Apartment Blocks B and C into the R3 Medium Density Residential zoned land is permissible under Clause 5.3 of the The Hills LEP 2012 as it is within 20 metres from the boundary of land zoned R4 High Density Residential.

The proposed development is considered to be consistent with the objectives for development in both zones. It is also considered that the carrying out of the apartment buildings as part of the masterplanned site is desirable due to compatible land use planning, future infrastructure capacity, and provides the efficient and timely development of the subject site.

3. Compliance with The Hills Development Control Plan

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2011:

- Part D Section 5 – Kellyville/Rouse Hill Release Area and;
- Part B Section 5 – Residential Flat Buildings.

| BHDCP PART D SECTION 5 – KELLYVILLE/ROUSE HILL RELEASE AREA | | | |
|---|---|--------------------------------|----------------------------|
| DEVELOPMENT STANDARD (CLAUSE NO.) | BHDCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
| 2.2 Density and Allotment Size | Local Centre Density = 15-20 dwg/net ha Required = 13.9 – 18.6 | LCD = 19 dwellings for 0.932ha | No – issue discussed below |

| | | | |
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| | <p>dwelling for 0.932ha</p> <p>Town Centre Density = 30-35 dwg/net ha Required = 66.8 - 78 dwelling for 2.229ha</p> | <p>TCD = 149 dwellings for 2.229ha</p> | |
| <p>Housing as per Clause 4.1B(3) of The Hills LEP 2010 (It is noted that when The Hills LEP 2012 came into force, the clause number changed from Clause 4.1C to 4.1B(3).)</p> | | | |
| 4.3 Setbacks | <p>Front (Primary): 4.5m</p> <p>Cnr (Secondary): 2.0M</p> <p>Garages: Min 5.5m</p> <p>Side Setbacks: 0.9m</p> <p>Rear Setbacks: 6.0m with a single storey component and 8 metres with a two storey component.</p> | All dwellings comply with required setbacks. | Yes |
| 4.6 Height | 10 metres on the northern portion of the site, and 16 metres on the southern portion of the site. | All dwelling types comply | Yes |
| 4.8 Open Space | The principle private open space area must be able to contain a minimum area of 24m ² with minimum dimensions of 4 metres. | All dwellings comply with the minimum open space requirements. | Yes |
| 4.9 Car Parking | Minimum 2 car parking spaces to be provided per dwelling of which one space must be provided within a garage. Garages are to have a maximum width of 6 metres or 50% of the property frontage whichever the lesser. | Each dwelling provides a double garage with a maximum width of 5.5m. | Yes |
| 4.10 Site Coverage | 60% (including dwellings, roads, garages, carports, driveways, outbuildings, decks, patios, paved areas, tennis courts and pools) | All dwellings comply with the maximum site coverage requirements. | Yes |
| 4.11 Landscaping | Minimum 40% | Min 40% provided for each integrated lot. | Yes |
| 4.13 Solar Access | Dwellings should be sited to allow adequate provision for access of direct sunlight to adjacent dwellings. | Amended plans have been received which indicate all integrated | Yes |

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| | <p>Living areas to be orientated north where possible</p> <p>Maximise the amount of direct sunlight available to clothes drying areas</p> <p>Orient buildings to axis as shown in DCP diagram where possible</p> <p>Consider double glazing and sun shade devices (minimise west facing windows)</p> | <p>dwellings will provide sufficient solar access in accordance with Council's requirements.</p> | |
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BHDCP PART B SECTION 5 - RESIDENTIAL FLAT BUILDINGS

| DEVELOPMENT STANDARD (CLAUSE NO.) | BHDCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|---------------------------------------|--|--|-----------------------------------|
| 3.1 Site Requirements | Min. lot size 4000m ² Min. road frontage - 30m | 22,296m ² Min 30m provided | Yes Yes |
| 3.3 Setbacks - Building Zone | <p>Front (one street frontage) - 10m</p> <p>Side - 6m</p> <p>Rear - 8m</p> | <p>Apartment Block A = 6.6m</p> <p>Apartment Block D = 6.005m</p> <p>Apartment Block E = 6.01m</p> <p>Apartment Block D Side (east) = 8.95m</p> <p>Side (south) = 4.95m</p> <p>Apartment Block E Side (south) = 5.3m</p> <p>Apartment Block E Rear = 6.1 metres (adjoining water towers)</p> | No - issue discussed below |
| 3.4 Building Heights (per storey) | No building shall contain more than 4 storeys above natural ground level. | The 5 apartment buildings comply with the maximum height requirements. | Yes |
| 3.5 Building Separation and Treatment | 12m separation | Satisfactory with the exception of a 9.3 metre separation between Apartment Blocks D and E. | No - issue discussed below |

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| 3.6 Landscaped Area | 50% of site area | 55.9% on the R4 zoned part of the site. | Yes |
| 3.7 Building Length | Max. 50m | 65.5 - 92.5 metres | No - issue discussed below |
| 3.8 Building Design and Streetscape | <p>Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002"</p> <p>Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street.</p> <p>Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.</p> <p>Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc.</p> | <p>A SEPP 65 Design Verification Statement has been submitted and is considered to be satisfactory.</p> <p>The design of the apartment buildings is considered to be compatible with the future development in the locality. The proposed landscaping treatments reduce the bulk and scale of the development.</p> | Yes |
| 3.9 Urban Design Guidelines | Demonstrate conformity with "Baulkham Hills Multi Unit Housing - Urban Design Guidelines 2002" | Development complies with SEPP 65 Design requirements. | Yes |
| 3.11 Unit Layout and Design | <p>1 bedroom - 75m²</p> <p>2 bedroom - 110m²</p> <p>3 bedroom - 135m²</p> | <p>Proposed 2 bedroom units = minimum 123m²</p> <p>Proposed 3 bedroom units = Minimum 147m²</p> | <p>Yes</p> <p>Yes</p> |
| 3.12 Building Materials | <p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia.</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and</p> | Building colours and materials are sympathetic to the existing and future character and streetscape and is considered to be satisfactory. | Yes |

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| | <p>economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p> <p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.</p> | | |
| 3.13 Open Space | <p>Private: Ground level – 4m x 3m (min)</p> <p>Above ground – min. 10m² with min. depth 2.5m</p> <p>Common: 20m² per dwelling</p> | <p>All units provide a satisfactory private open space area.</p> <p>Common: Required= 2,660m²</p> <p>Provided= 3,500m²</p> | Yes |
| 3.14 Solar Access | <p>Adjoining buildings / open space areas – 4 hours between 9am & 3pm on 21 June</p> | <p>All adjoining buildings/open space areas receive a minimum 4 hours solar access between 9am and 3pm on 21 June. Shadow diagrams illustrate that the properties directly adjoining the site</p> | Yes |

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| | | to the south-west are overshadowed at 9am to 10am on 21 June and receive a minimum 5 hours solar access. The majority of overshadowing as a result of the development occurs towards the rear of the Woolworth's site and water cooling towers site. | |
| | Common open space – 4 hours between 9am & 3pm on 21 June | Common open space area complies with minimum solar access requirements. | Yes |
| 3.15 Ventilation | <ul style="list-style-type: none"> - Consider prevailing breezes in relation to building orientation, window design and internal circulation. - Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position. - Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation. - Provide security screen doors at unit entries. - Minimise air gaps by incorporating door and window seals. | All dwellings provide satisfactory cross ventilation. | Yes |
| 3.16 Lighting | <ul style="list-style-type: none"> - Lighting to be in accordance with the Building Code of Australia. - Adequate lighting to ensure the security and safety of residents and visitors. - Maximise the use of natural lighting through window | Condition of consent to comply with BCA. Safety and design have been addressed under recommendations from the NSW Police. | Yes |

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| | <p>placement and skylights.</p> <ul style="list-style-type: none"> - In common areas lights are to be time switched and energy efficient fitting should be used. - Motion detectors are to be used for unit entries, lobbies and outdoor security. - Incorporate dimmers, motion detectors, and automatic turn-off switches where appropriate. - Provide separate switches for special purpose lights. | | |
| 3.19 Car parking | <p><u>Rate per unit & visitor parking:</u></p> <p>1 space per 1 BR 2 spaces per 2 or 3 BR Visitor – 2 spaces per 5 dwellings</p> <p><u>Parking Dimension:</u></p> <ul style="list-style-type: none"> - Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage) - Lockable double garages min. dimension – 5.5 metres x 5 metres (exclusive of storage) - Visitor parking dimensions – 5.5 metres x 2.6 metres <p><u>Manoeuvring and Ramps:</u></p> <ul style="list-style-type: none"> - First 6 metres of the driveway inside the property boundary to be a maximum of 5% - Ramp grades to comply with Australian Standard 2890.1 - Manoeuvring in accordance with Australian Standard 2890.1 | <p>Required = 266 spaces plus 53.2 visitor spaces</p> <p>Provided = 266 spaces plus 54 visitor spaces</p> <p>Parking dimensions comply for all car spaces.</p> <p>Council's Subdivision Engineer has reviewed the proposal and has no objection to the proposed manoeuvring and ramps subject to conditions of consent for development to comply with relevant Australian Standards and Council requirements.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 3.20 Storage | 10m ³ with an area 5m ² and dimension 2 metres | Adequate storage provided in basement. | Yes |

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| 3.21 Adaptability, Pedestrian Access & Safety | Lift provided if greater than 2 storeys | Lifts are provided to all apartment blocks. | Yes |
| | Accessible housing: 5% in a development >20 units | 7 accessible dwellings provided (5.2%). | Yes |
| 3.23 Privacy – Visual and Acoustic | <p>- Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space).</p> <p>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road</p> | <p>Decorative privacy screens are provided for the balcony areas. It is considered that the apartment buildings are provided with adequate building separation with the exception of the ground floor open space areas between Apartment Blocks D and E which are provided with fencing and planter bays to address privacy concerns. Further, Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns.</p> <p>To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic</p> | <p>Yes</p> <p>Yes</p> |

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| | frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows. | screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road. | |
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The proposed development has been assessed against the relevant development standards and objectives of The Hills Development Control Plan 2011. The variations identified in the above tables are discussed as follows:

(a) Density

Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area identifies two density controls – Local Centre Density (15 – 20 dwellings/ha), and Town Centre Density (30 – 35 dwellings/ha) (Refer to Attachment 5).

The Town Centre Density (TCD) part of the site (2.229ha) can accommodate a maximum of 78 dwellings under this control. The development proposes 149 dwellings for the TCD part of the site and results in a variation of 91% (71 dwellings) to the maximum density control. The Local Centre Density (LCD) part of the site (0.932ha) can accommodate a maximum of 19 dwellings for the LCD part of the site and the development proposes 19 dwellings complying with the maximum LCD control.

The overall site requires a maximum 97 dwellings for 3.16ha and proposes 167 dwellings. The overall site results in a variation of 41.9% (70 dwellings) to the combined maximum density control for the site.

The density objectives of Clause 2.2 of The Hills DCP Part D Section 5 – Kellyville/Rouse Hill Release Area states:

- "(i) To facilitate a range of lot sizes and housing types within the release area to meet changing demographic profiles and housing requirements.
- (ii) To locate smaller lots and multi unit housing types within close proximity to community facilities, open space, public transport, and commercial centres."

It is considered that whilst the proposal does not result in numerical compliance with the density requirements, it satisfies the above objectives in an effective manner. The development will result in the provision of various housing types that will address the

changing demographic profiles and housing requirements of the Kellyville area. The development will provide housing types that are more affordable and may be suitable for rental accommodation which will result in improving the diversity of housing choice for the population in the area.

The development adjoins an existing shopping complex to the south consisting of Woolworths, Coles and Kellyville Plaza, and is in close proximity to community facilities and open space areas. Further the development is nearby bus stops (servicing the City, Parramatta, Rouse Hill, Castle Hill etc) located on Wrights Road and Green Road.

In relation to the variation to the density control, the applicant states that *"apartment buildings are permissible across the whole site being zoned 2(a) under BLEP 2005. The DCP, in an apparent failure, appears not to anticipate apartments being built in the 2(a) zone. Therefore to apply a density control of 35 dwellings per ha is inconsistent and clearly inappropriate, especially for a site that is adjacent to the Kellyville District Centre which is a higher order centre rather than a Town Centre...the locality has been developed for a mix of detached dwellings, small lot housing, townhouses and apartment buildings. A review of the built and approved development indicates that the TCD has not been achieved throughout the area. One development of an apartment building in Hutchinson Avenue exceeds the TCD density. All the other developments are well below the density. Overall there is calculated a shortfall of some 60 dwellings in the TCD area. As such the proposed development, being one of the last development sites in the District Centre to be developed and the most affected by pre-planned roads should have the opportunity for increased yield to contribute to achieving an overall density of the locality close to Council's target."*

It is noted that if adopting the density controls under The Hills DCP Part B Section 4 – Multi Dwelling Housing, and Part B Section 5 – Residential Flat Buildings, the overall site accommodates a maximum 478 persons per 3.16ha. The overall site provides for 475.1 persons per 3.16ha and complies with the combined density controls for townhouses and apartment buildings.

It is considered that Council has previously varied the density control. In particular, Development Application No. 593/2009/HB for the construction of a three storey apartment building at No. 7 Harrington Avenue, Castle Hill accommodated a target density range of a maximum 20 dwellings per net hectare and 52 dwellings per net hectare was approved.

In view of the above, it is considered that whilst numerical compliance for density for the Kellyville/Rouse Hill Release Area is not achieved in this instance, the development is consistent with the density objectives under The Hills DCP Part D Section 5 - Kellyville/Rouse Hill Release Area and is supportable in this regard.

(b) Apartment Building Length

Clause 3.7 of The Hills DCP Part B Section 5 – Residential Flat Buildings, prescribes that the maximum linear length of any apartment building is to be 50 metres.

Apartment Block A has a building length measuring approximately 78 metres, Apartment Block B has a building length measuring approximately 92.5 metres, Apartment Block C has a building length measuring approximately 93 metres, and Apartment Block D has a building length measuring approximately 65.5 metres.

The objectives of Clause 3.7 of The Hills DCP Part B Section 5 – Residential Flat Buildings states:

- "(i) To reduce the visual bulk and scale of apartment building developments.
- (ii) To ensure that developments will enhance and contribute to the streetscape and desired character of the future and existing neighbourhood."

The purpose of the building length control is largely to limit visual bulk and scale. Amended plans have been received providing stepped treatment and landscape feature planting to assist in screening the development from view and reduce the bulk and scale of the development which is considered satisfactory. The proposed development will enhance and contribute to the existing and desired future streetscape and neighbourhood.

(c) **Building Separation and Treatment**

Clause 3.5 of The Hills DCP Part B Section 5 – Residential Flat Buildings prescribes that the minimum separation between buildings is 12 metres.

Apartment Blocks D and E have a separation of 9.3 metres (See Attachment 8). The objectives of Clause 3.5 include "to minimise the visual impact of apartment building developments by minimising the bulk and scale of residential apartment buildings and promoting suitable landscaping between buildings". The 2.7 metre variation to the building separation control is considered minor given the measures to address privacy and overlooking issues. Amended plans have been received including fencing and planter bays to minimise amenity concerns. Further, the proposed development is provided with high quality landscape to minimise the bulk and scale of the development which is considered to provide satisfactory amenity for future occupants.

(d) **Residential Flat Building Setbacks**

The following table summarises the proposed Residential Flat Building Setbacks against the setback requirements of Clause 3.3 of The Hills DCP Part B Section 5 – Residential Flat Buildings as indicated on the submitted plans:

| APARTMENT | REQUIRED | PROPOSED | COMPLIANCE |
|--|--|--|--|
| Apartment Block A (one street frontage to York Road) | Front (one street frontage = 10 metres | Front = 6.6m | No. |
| Apartment Block B (faces internal road) | N/A | N/A | N/A |
| Apartment Block C (faces internal road) | N/A | N/A | N/A |
| Apartment Block D (one street frontage to York Road) | Front (one street frontage = 10 metres Side = 6 metres Rear = 8 metres | Front = 6.005m Side (east) = 8.95m Side (south) = 4.95m Rear = 9.5m | No. Yes. No. Yes. |
| Apartment Block E (one street frontage to York Road) | Front (one street frontage = 10 metres Side = 6 metres Rear = 8 metres | Front = 6.01m Side (south) = 5.3m Rear = 6.1m | No. No. No. |

The objectives for setbacks under Clause 3.3 of The Hills DCP Part B Section 5 – Residential Flat Building are as follows:

- (i) "To provide setbacks that complement the setting and contribute to the streetscape and character of the street while allowing flexibility in siting of buildings.
- (ii) To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.
- (iii) Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.
- (iv) The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.
- (v) To ensure placement of buildings takes into account the retention and protection of existing trees."

It is considered that the provided setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of the street. The siting of the buildings minimise adverse impacts on the amenity of adjoining properties. It is considered that the development complies with the minimum solar access requirements. Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns.

In support of the variation, the applicant states that the master plan development has a generous landscape setback along York Road with the apartment buildings in the middle of the site and integrated housing around the perimeter of the property compatible with the surrounding area. The proposed setbacks are in excess of the prevailing 4.5 metre setbacks in the locality and provides for a greater area set aside for the internal common open space.

In view of the above, it is considered that development is consistent with the setback objectives for apartment buildings and the variation is supportable.

4. Compliance with The Hills DCP Part C Section 1 – Parking

The proposal has been assessed against the parking requirements within the DCP as detailed below:-

| APT BEDROOM NO. | NO. OF UNITS | DCP PARKING RATE | REQUIRED |
|---|------------------|---|------------|
| 2 bedroom | 33 x 2 bed units | 2 parking spaces per 2 bed unit | 66 spaces |
| 3 bedroom | 78 x 3 bed units | 2 parking spaces per 3 bed unit | 156 spaces |
| 4 bedroom | 22 x 4 bed units | No rate specified per 3 bed unit – to adopt 3 bedroom rate – 2 parking spaces per unit | 44 spaces |
| INTEGRATED HOUSING | NO. OF DWELLINGS | DCP PARKING RATE (Cl. 4.9 BHDCP Part D Section 5 – Kellyville/Rouse Hill Release Area) | REQUIRED |
| - | 34 dwellings | 2 spaces per dwelling | 68 spaces |
| TOTAL RESIDENTIAL PARKING REQUIRED: 266 spaces (apartments) plus 68 spaces (integrated housing) = 434 spaces | | TOTAL RESIDENTIAL PARKING PROPOSED: 266 (apartments) + 68 (integrated housing) = 434 spaces | |

| VISITOR PARKING | DCP RATE | DCP REQUIRED | PROPOSED |
|-----------------|--------------------------|-------------------------------------|-------------------|
| Apartments | 2 spaces per 5 dwellings | 54 visitor spaces for 133 dwellings | 54 visitor spaces |

It is noted that 11 car spaces have been provided for the proposed neighbourhood shop. While it is recommended that the use of this building be subject to a future development application, sufficient spaces have been provided for its use. Overall the car parking numbers comply.

5. Multi Unit Housing Guidelines

The application has been assessed with regard to the design quality principles outlined in the Multi-Unit Design Guidelines. The merits of the application in terms of urban design and its relationship to the site constraints are as follows:

i. Character of the Area

The development integrates with the future built form character of surrounding area which is zoned R3 and R4 under The Hills LEP 2012 for the opportunity for future development multi unit housing and residential flat building. As such, the proposal is considered satisfactory.

ii. Site Analysis and Design

The development has provided satisfactory private open space areas maximising solar access where possible. The dwellings therefore have been designed having regard to the contours and orientation of the site. The design of the buildings is considered satisfactory.

iii. Building Envelope and Siting

The massing of the built form provides a development which is considered appropriate both to the surrounding residential properties and future residential character of the locality. The three and four storey apartment buildings are sited in the centre of the development and adjoining the water tower site to the south, with integrated housing development sited along the sides of the property adjoining two storey residential dwellings to the north and east of the site.

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from side boundaries. The proposed setbacks in front of the building are sufficient to provide high quality landscaping to complement the building form and enhance the landscape character of the street.

v. Building Height

The height of the buildings is considered satisfactory as outlined within Section 2 and 3 of this report.

vi. Communal and Private Open Space

Private open space is provided to all dwellings and is located so as to be an extension of the living area of the dwelling either at ground or by way of balconies.

vii. Landscaping

The proposal provides landscaping for the enjoyment of future residents. Council's Tree Management Co-ordinator has reviewed the landscape plan, and has raised no objection, subject to conditions.

viii. On-Site Car Parking and Access

Two car parking spaces are provided for each dwelling. In addition, adequate visitor parking spaces are provided for use by visitors.

ix. Solar Access

The proposed development ensures acceptable levels of solar access are provided to all private open space areas within the site and ensures that the proposed development does not result in adverse overshadowing for adjoining properties.

x. Resource, Energy and Water Efficiency

The development application was accompanied by a Basix Certificate meeting the thermal comfort, water and energy rating requirements.

xi. Security

The location of buildings with entries along the driveway provides an opportunity for informal surveillance to improve the safety of future residents. It is considered that there is a clear definition of spaces and transition areas. The design of the development encourages passive surveillance with ground floor units open to streets and publicly visible areas.

xii. Ecological Sustainable Design

The development will provide a high energy efficiency rating for each dwelling. The dwellings will be constructed of brick to improve the thermal efficiency of the dwellings and adequate cross-ventilation will be achieved.

xiii. Building Design

The development provides a high level of amenity to future residents by means of the provision of private and common open space, and visual and acoustic privacy.

6. SEPP 65 – Design Quality of Residential Flat Buildings

The proposal has been assessed against the relevant controls prescribed by SEPP 65 and the following table shows the development's performance against the relevant considerations of the Policy.

| DEVELOPMENT STANDARD | SEPP 65 REQUIREMENTS (Rules of Thumb) | PROPOSED DEVELOPMENT | COMPLIANCE |
|---|--|--|------------|
| Part 1 – Local Context – Primary Development Controls | | | |
| Building Height | Where there is an FSR requirement, test height controls against it to ensure a good fit. | The proposed building height is considered satisfactory and is consistent with the future character of the area to be zoned R3 Medium Density and R4 High Density. | Yes |
| Building Depth | In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory day lighting | While the building depths exceed the SEPP suggested depths, the design of the buildings are articulated with all units provided with | Yes |

| DEVELOPMENT STANDARD | SEPP 65 REQUIREMENTS (Rules of Thumb) | PROPOSED DEVELOPMENT | COMPLIANCE |
|-----------------------|--|---|------------|
| | and natural ventilation are to be achieved. | adequate sunlight and ventilation through dual aspect orientations. | |
| Street Setback | Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street. | The proposed streetscape presentation and associated building setbacks is considered satisfactory. High quality landscaping and street trees are proposed to enhance the streetscape character of the development. | Yes |
| Side and rear setback | Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space. | Landscaped area and solar access is considered satisfactory and appropriately considered by the applicant in the design of the development. | Yes |
| Floor Space Ratio | Test the desired built form outcome against proposed floor space ratio to ensure consistency with: <ul style="list-style-type: none"> - Building height - Building footprint - The three dimensional building envelope - Open space requirements | There is no specific floor space ratio within the DCP. However, it is noted the development is satisfactory in regard to building height and built form. The development exceeds the required density as outlined within Section 3 of this report and is considered satisfactory as the development is consistent with the density objectives | Yes |

| DEVELOPMENT STANDARD | SEPP 65 REQUIREMENTS (Rules of Thumb) | PROPOSED DEVELOPMENT | COMPLIANCE |
|----------------------|--|--|------------|
| | | under The Hills DCP Part D Section 5 - Kellyville/Rouse Hill Release Area. | |
| Deep Soil Zones | A minimum of 25% of the open space area of a site should be a deep soil zone. | The submitted Design Verification Statement confirms that 63% of the site is provided with deep root zone planting. | Yes |
| Open Space | <p>The area of communal open space required should generally be at least 25-30% of the site area.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m².</p> | <p>The proposed common open space area is 25% of the site area.</p> <p>100% of ground floor units are provided with private open space to the extent of 25m² with a minimum width of 4m.</p> | Yes |
| Pedestrian Access | <p>Identify the access requirement from the street or car parking area to the apartment entrance.</p> <p>Provide barrier free access to at least 20% of dwellings in the development.</p> | <p>Ensures compliance.</p> <p>Access is provided by way of lifts throughout the development and from the basement car parking areas and ground floor to all units.</p> | Yes |
| Vehicular Access | <p>Generally limit the width of driveways to a maximum of 6m.</p> <p>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</p> | <p>The driveway widths are compliant with the Australian Standards and ensure sufficient manoeuvring is available within the site.</p> <p>The basement access is not in direct conflict with pedestrian paths of travel.</p> | Yes |

| DEVELOPMENT STANDARD | SEPP 65 REQUIREMENTS (Rules of Thumb) | PROPOSED DEVELOPMENT | COMPLIANCE |
|-------------------------|---|---|------------|
| Apartment Layout | Single aspect apartments should be limited to 8 metres from a window. | The majority of the proposed units are provided with dual aspect orientations and where a dual aspect is not available, sufficient separation has been demonstrated with adequate window provision for light and ventilation. | Yes |
| Apartment Mix | Provide a diversity of apartment types to cater for different household requirements. | Mixed apartment sizes and bedroom capacities proposed. | Yes |
| Balconies | Provide primary balconies for all apartments with a minimum depth of 2 metres | All balconies comply as per the DCP requirements. | Yes |
| Ceiling heights | Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable. | All units ensure compliance with the 2.7m floor to ceiling height requirements as per the BCA. | Yes |
| Ground floor apartments | Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. Provide ground floor apartments with access to private open space (i.e. terrace, garden). | Accessible unit provision is compliant with the DCP requirements. All ground floor units are provided with at grade access and ground floor private open space access. | Yes |
| Internal Circulation | In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. | The maximum number of apartments off any single lift and stair lobby is five. No access corridors form part of the development. | Yes |
| Storage | In addition to kitchen cupboards and bedroom wardrobes, provide | Accessible storage is provided to all units within the unit floor | Yes |

| DEVELOPMENT STANDARD | SEPP 65 REQUIREMENTS (Rules of Thumb) | PROPOSED DEVELOPMENT | COMPLIANCE |
|----------------------|--|---|------------|
| | accessible storage facilities at the following rates: - Studio – 6m ³ - 1 bed – 6m ³ - 2 bed – 8m ³ - 3 bed+ – 10m ³ | area and within designated storage areas within the basement. | |
| Daylight Access | Living rooms and private open spaces for at 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. | Sufficient solar access has been provided / demonstrated as outlined within the submitted shadow diagrams and Design Verification Statement. | Yes |
| Natural Ventilation | Building depths, which supports natural ventilation typically range from 10 to 18 metres. 60% of residential units should achieve natural cross flow ventilation. | The majority of the apartments provide cross floor ventilation and the articulation and irregular building design ensures sufficient lighting, ventilation and privacy is maintained between the apartment units. | Yes |
| Waste Management | Supply waste management plans as part of the DA as per the NSW Waste Board. | Waste Management Plans have been submitted, assessed by Council's Resource Recovery Section and considered satisfactory. | Yes |
| Water Conservation | Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections. | Satisfactory rainwater collection, re-use and disposal proposed. Note that there are no offensive or hazardous roofing materials proposed. | Yes |

7. Issues Raised in Submissions

The Development Application was advertised and notified to adjoining and surrounding property owners and ten submissions were received. The following issues raised in the submissions are addressed in the following table:

Item 2 - 2015SYW029 JRPP Meeting 15 November 2012

24 | Page

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|--|--|------------------|
| The proposed development will adversely increase the traffic on York Road, President Road and Wrights Road. There will be additional traffic impacts from the adjoining Kellyville Plaza and Woolworths. | Council's Principal Traffic and Transport Coordinator has assessed the application including the traffic assessment submitted with the application and raised no objection to the proposed development. The local road system in this area has been built in accordance with the planned network and the traffic volumes are within forecast parameters. | Issue addressed. |
| York Road is not wide enough to cater for the amount of traffic from the proposed development. Traffic calming measures should be used on York Road, President Road, and Wrights Road. | No Local Area Traffic Management strategies are required to be implemented as part of this development as the original DCP identified LATM devices to be built in designated areas. These devices are already in place. York Rd is a designated collector road and is to be built in accordance with the DCP specifications for collector roads. | |
| Concern over the safety of children from the high volume of traffic. | No evidence is provided to substantiate this claim. Existing and proposed footpath/cycleway facilities are to be provided in accordance with the DCP. These facilities provide safe access to the nearby schools, shops and public reserves for children. | Issue addressed. |
| The open car parks visible from the road are an eyesore and should be located under or behind buildings, and will cause vandalism and anti-social gatherings. | The at-grade car parks provide 54 visitor car spaces for the development as required under The Hills DCP Part C Section 1 - Parking and landscaped screening is provided around the car parking areas. The NSW Police have reviewed the proposal and recommended a number of Crime Prevention through Environmental Design factors that should be considered in this development including suitable lighting provisions at the entry and exit points from the buildings, car parks and access/exit driveways. Any anti-social or illegal activity is a matter to be referred to The NSW Police - | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|--|---|------------------|
| | The Hills Local Area Command. | |
| Privacy and overlooking impacts on nearby dwellings particularly from the proposed apartment buildings. | Amended plans have been received proposing privacy screens to the apartment balconies to address overlooking and privacy concerns. Apartment Block D is the only apartment building in the development directly adjoining neighbouring residential dwellings, and provides a 9.5 metre rear setback exceeding the minimum required setback which minimises potential overlooking and privacy concerns. The development application will have no significant impact on the amenity of adjoining property owners. | Issue addressed. |
| The proposal is an overdevelopment of the site. The development is out of character with the Kellyville area. A combination of free standing homes and two storey apartments would be more appropriate for the site. | The proposed development is permissible on land zoned Residential 2(a) under Baulkham Hills LEP 2005. The proposed development is consistent with the aims and objectives of the Residential 2(a) zone. Further, the proposed development is permissible under the future R3 Medium Density and R4 High Density zoning of the site and is considered to be consistent with the aims and objectives of The Hills LEP 2012. | Issue addressed. |
| The density of the site exceeds the permissible density and is inappropriate for this part of Kellyville. | As previously discussed in this report, the development is consistent with the density objectives and will result in the provision of various housing types that will address the changing demographic profiles and housing requirements of the Kellyville area. | Issue addressed. |
| The development is not compatible with the existing streetscape. | Between Wrights Road and President Road, the streetscape is mixed and includes a shopping centre, water towers and two storey dwellings. The proposed development is permissible under Baulkham Hills LEP 2005 and The Hills LEP | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|------------------|
| | 2012 and is considered to be compatible with the future character and mixed streetscape of the area. | |
| The height of the 4 storey apartments is excessive. | Apartment Blocks B and C are three storeys in height and Apartment Blocks A, D and E are four storeys in height. The height of the apartment buildings complies with the maximum height limit of 16 metres for the zone. | Issue addressed. |
| There will be a negative impact on property values in the area. | This issue is not a planning consideration under Section 79C of the Act. In any event, no evidence is provided to substantiate this claim. | Issue addressed. |
| The proposed development will overshadow dwellings at Saliba Close resulting in health issues and dampness. | The submitted shadow diagrams illustrate that the rear of the properties directly adjoining the site to the south-west at Saliba Close are overshadowed at 9am to 10am on 21 June and receive a minimum 5 hours solar access which complies with Council's Solar Access controls. No evidence is provided to substantiate that any overshadowing will result in adverse health issues and dampness to adjoining properties. | Issue addressed. |
| The existing infrastructure will not be able to support the scale of the proposed development. | Section 94 development contributions are to form part of the conditions of consent which will go towards the provision of necessary facilities and services for new development and increased population within the Kellyville/Rouse Hill Release Area. | Issue addressed. |
| The bulk and scale of the development will impact upon the amenity of adjoining properties. | Apartment buildings are a permissible form of development on the subject site under Baulkham Hills LEP 2005 and The Hills LEP 2012. The applicant has limited the bulk and scale of the development through design with the development site | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|--|--|
| | <p>generally fringed by 2 storey development with the exception of Apartment Block D adjoining 2 storey dwellings on Saliba Close to the western boundary. Apartment Block D provides a 9.5 metre rear setback exceeding the minimum required 6 metre setback which minimises potential overlooking and privacy concerns.</p> <p>Further, the bulk and scale of the development is minimised through landscaping treatments, external materials and colours, and architectural design.</p> | |
| Lack of notification as many nearby residents were not notified by letter, many residents do not receive the local newspaper, and the development notice on the property fencing is inadequate. | The proposal was notified in accordance with the Notification and Advertising requirements under Section 7 of The Hills DCP Part A. In particular, Council has notified 55 landowners whose property adjoins the subject site and those directly opposite the site. An advertisement was also placed within the local newspaper, and a sign was placed on the subject site. | Issue addressed. |
| Plans on Council's online tracking system were too small to read. | As part of Council's notification process, a hard copy of the Development Application plans and documents can be viewed at the Council's Administration Building upon request. | Issue addressed. |
| The trucks used for Kellyville Plaza and Woolworths will use York Road and Alessandra Drive for access, and queue on York Road outside the loading hours. | This issue is a matter to be considered by the Local Traffic Committee in the future should an issue arise upon completion of the road construction. | Issue addressed. |
| Acoustic measures are required on the new homes to limit truck noise from the shopping centre. | Amended plans and documentation addressing acoustic requirements have been reviewed by Council's Environmental Health and Protection Team who raise no objection subject to recommended conditions of consent. | Issue addressed. Refer to Condition No.'s 7 and 8. |
| The common areas including | Conditions of consent are | Issue addressed. Refer |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|---|
| the pool will encourage anti-social use, with noise, lighting, parking and illegal use outside reasonable hours. | recommended for the communal areas to be limited to the use of occupants of the development with no public access. Any anti-social or illegal activity is a matter to be referred to The NSW Police – The Hills Local Area Command. | to Condition No. 105. |
| The plans are misleading and the height of the trees taller than the buildings to be an artist's impression to disguise the height of the building. Any vegetation depicted on the plans should be installed at the time of construction. | A condition of consent is recommended for a detailed landscape plan to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. | Issue addressed. Refer to Condition No. 37. |
| The neighbourhood shop is unnecessary as there are sufficient approved shopping facilities adjoining the site on Wrights Road. | A neighbourhood shop is a permissible form of development on the subject site and is consistent with the aims and objectives of The Hills LEP 2012. | Issue addressed. |

BUILDING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing swimming pool safety requirements.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing the staging, engineering and subdivision of the development.

TRAFFIC MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

This remaining section of York Road will complete a link in the local collector road network in accordance with the Development Control Plan. This network provides access to the nearest sub-arterial route which is Green Road, and to the nearest arterial route which is Windsor Road.

Traffic control signals have already been installed at the intersection of Windsor Road and President Road, providing safe access to the west. New traffic control signals are also to be constructed at the intersection of Wrights Road and Windsor Road within the next five years, and these signals will provide an alternative access to the west from the proposed residential development in York Road.

Traffic control signals have been installed at the intersection of Wrights Road and Green Road east of the proposed development, and a roundabout has been built at the intersection of President Road and Green Road.

All of these controlled access points combine to adequately accommodate the existing traffic volumes, and the traffic generation of the proposed residential development will not affect performance at these intersections.

President Road and Wrights Road have already been treated with Local Area Traffic Management (LATM) devices in the form of mini-roundabouts and pedestrian refuge islands, and these routes perform their planned functions as major collectors for the local area. These roads, together with York Road, have concrete footpath on at least one side, and in many areas on both sides to adequately cater for pedestrian safety.

Traffic volumes in President Road are comparatively high at present, however the new signals to be built at Wrights Road will balance the traffic demand from this area between the two accesses out onto Windsor Road within the next five years. The completion of the York Road extension will provide a planned connection between the two major collector routes that will assist in the balance of traffic volumes. However, traffic along York Road will still remain within its environmental capacity and no further LATM devices are needed in this area.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions requiring an amended landscape plan to be submitted prior to the issue of a construction certificate, and the requirement of a landscape bond.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions addressing acoustic requirements, contamination, stormwater management, rock breaking and construction noise, stockpiles, and dust control.

An existing 2 metre high colourbond fence is provided along the southern boundary adjacent to proposed integrated dwellings D2 to D7. To mitigate noise impact from Woolworths and Coles, the submitted acoustic report requires a 4 metre high acoustic screen along the southern boundary adjacent to integrated dwellings D2 to D7 (Attachment 9). The proposed 4 metre high acoustic screen directly adjoins the Woolworth and Coles loading dock and is setback 8.5 metres from the carriageway. The submitted landscape plan details that Norfolk Island Hibiscus trees which grow to a height of 10 metres are proposed to be planted within the road reserve to minimise the visual impact of the acoustic screen from York Road. Substantial landscaping is proposed to the rear of the integrated dwellings D2 and D7 including Grey Box trees to a height of 25 metres, Snow in Summer trees to a height of 15 metres, and White Feather Honey Myrtle trees to a height of 7 metres. In view of the above, it is considered that the proposed landscaping adjoining the 4 metre high acoustic screen will minimise the visual impact from York Road.

A minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is recommended in the acoustic report. However, to ensure the development provides a satisfactory streetscape presentation to York Road, a condition of consent is recommended for the 2.5 metre high acoustic screen to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road (Attachment 9). The submitted acoustic report requires that the internal noise levels of the proposed house and apartments facing the loading docks are to comply with the requirements of AS2107 Acoustic – Recommended design sound levels and reverberation times for building interiors and sleeping arousal noise criteria, therefore it is considered that the reduction of the recommended acoustic screen around Apartment Block E will not adversely impact the amenity of the residents due to construction requirements to be in accordance with AS2107.

Subject to consent being granted, a condition of consent is recommended for a detailed design for the acoustic wall to be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate with the acoustic wall to be constructed with Hebel panel and to include decorative treatments (Condition No. 34). Further, a condition of consent is recommended for the acoustic wall to include graffiti-free treatment (Condition No. 106).

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions of consent addressing waste storage and management. Non standard conditions include the requirement of an additional bin storage facility to be provided at the York Road frontage between the neighbourhood shop and Apartment Block A, Apartment Block B bin storage facility to be relocated to the south western corner of Block B adjoining the internal road and walkway, and the bin standing area for integrated dwellings 19 and 20 to be repositioned between integrated dwellings 21 and 22.

ROADS & MARITIME SERVICES COMMENTS

Comments and recommendations from the Roads and Maritime Services and Sydney Regional Development Advisory Committee are to form part of the conditions of consent (Condition No. 32).

NSW POLICE COMMENTS

The proposal was referred to The Hills Local Area Command, NSW Police in accordance with the requirements of "Safer by Design Guidelines" prepared by the NSW Police in conjunction with the Department of Planning and the in accordance with the memorandum of understanding between the Hills Shire Council and The Hills Local Area Command, NSW Police.

Comments and recommendations from the NSW Police are to form part of the conditions of consent (Condition No. 31).

CONCLUSION

The proposed development has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2011 and is considered satisfactory.

The proposal will provide additional housing choice for residents of the Shire. The external and internal design of the apartment buildings and integrated dwellings is satisfactory and will result in an appropriate streetscape outcome for the future character of the area.

The proposal was advertised and notified to adjoining property owners for a period of 14 days and 10 submissions were received which have been addressed in the report.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

Hills 2026

The social and environmental impacts have been addressed in the report. The proposal will add to housing choice within the Shire and is a satisfactory design outcome.

RECOMMENDATION

The Development Application No. 854/2012/JP be approved subject to the following conditions:

CONDITIONS RELATING TO ALL STAGES

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. 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

The amendments in red include: -

- Site Analysis Plan amended in red as per Condition No. 29 regarding the relocation and addition of bin bay storage areas;
- Stage 5 Subdivision Plan amended in red to reflect the revised subdivision layout for the integrated dwellings at the corner of Alessandra Drive and York Road illustrated in Site Analysis Plan;
- Acoustic screen at the southern boundary adjacent Apartment Block B amended in red as per Condition No. 35 to provide a 1.8m high acoustic screen with a 2m landscape setback.

REFERENCED PLANS

| DRAWING NO | DESCRIPTION | SHEET | REVISION | DATE |
|------------|----------------------------|-------|----------|-------------------|
| A16972-DA | Staging Plan | 1 | A | 10 September 2012 |
| A16972-DA | Numbering Plans (11 pages) | - | - | - |
| A16972-DA | Site Analysis Plan | 1 | F | 6 June 2012 |
| A16972_DA | Part Basement Carpark | 2 | E | 13 June 2012 |
| A16972 DA | Part Basement Carpark | 3 | D | 3 May 2012 |
| A16972 DA | Part Basement Carpark | 4 | D | 3 May 2012 |
| A16972_DA | Part Basement Carpark | 5 | D | 3 May 2012 |
| A16972_DA | Part Ground Floor Plan | 6 | E | 13 June 2012 |
| A16972 DA | Part Ground Floor Plan | 7 | D | 3 May 2012 |
| A16972_DA | Part Ground Floor Plan | 8 | D | 3 May 2012 |
| A16972_DA | Part Ground Floor Plan | 9 | D | 3 May 2012 |
| A16972 DA | Part First Floor Plan | 10 | E | 13 June 2012 |
| A16972_DA | Part First Floor Plan | 11 | D | 3 May 2012 |
| A16972_DA | Part First Floor Plan | 12 | D | 3 May 2012 |
| A16972_DA | Part First Floor Plan | 13 | D | 3 May 2012 |
| A16972 DA | Part Second Floor Plan | 14 | D | 3 May 2012 |
| A16972_DA | Part Second Floor Plan | 15 | D | 3 May 2012 |
| A16972_DA | Part Second Floor Plan | 16 | D | 3 May 2012 |

| | | | | |
|------------------------|--|----|---|-----------------|
| A16972_DA | Part Second Floor Plan | 17 | D | 3 May 2012 |
| A16972_DA | Part Third Floor Plan | 18 | D | 3 May 2012 |
| A16972_DA | Part Third Floor Plan | 19 | D | 3 May 2012 |
| A16972_DA | Streetscape Elevations | 20 | D | 3 May 2012 |
| A16972_DA | Streetscape Elevations | 21 | D | 3 May 2012 |
| A16972_DA | Streetscape Elevations | 22 | E | 13 June 2012 |
| A16972_DA | Streetscape Elevations | 23 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 1 Facade A | 28 | E | 13 June 2012 |
| A16972_DA | Typical Plans/Elevations - Type 2 Facade A | 29 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 2 Facade B | 30 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 3 Facade A | 31 | E | 13 June 2012 |
| A16972_DA | Typical Plans/Elevations - Type 4 Facade A | 32 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 4 Facade B | 33 | D | 3 May 2012 |
| A16972_DA | Typical Plans/Elevations - Type 5 Facade A | 34 | D | 3 May 2012 |
| A16972_DA | Block D Cross Sections | 34 | E | 13 June 2012 |
| A16972_DA | BASIX Commitments | 36 | D | 3 May 2012 |
| 31207 / COM | Stage 1 Subdivision | 1 | - | 31 January 2012 |
| 31207 / COM | Stage 2 Subdivision | 2 | - | 31 January 2012 |
| 31207 / COM | Stage 3 Subdivision | 3 | - | 31 January 2012 |
| 31207 / COM | Stage 4 Subdivision | 4 | - | 31 January 2012 |
| 31207 / COM | Stage 5 Subdivision | 5 | - | 31 January 2012 |
| 31207 / COM | Staging Plan | 6 | - | 31 January 2012 |
| - | Waste Management Plan | - | - | 9 May 2012 |
| - | Access Review prepared by Morris-Goding Accessibility Consulting | - | - | 10 May 2012 |
| 20111170.2/0207A/RO/GW | Acoustic Review Letter prepared by Acoustic Logic | - | - | 2 July 2012 |
| - | Colour Schedule | - | - | - |
| 412684M | BASIX Certificate – Block A | - | - | 27 January 2012 |
| 413085M | BASIX Certificate – Block B | - | - | 27 January 2012 |
| 413188M | BASIX Certificate – Block C | - | - | 27 January 2012 |
| 413037M | BASIX Certificate – Block D | - | - | 27 January 2012 |

| | | | | |
|---------|-----------------------------|---|---|-----------------|
| 413190M | BASIX Certificate – Block E | - | - | 27 January 2012 |
| 412446S | BASIX Certificate – D2 | - | - | 24 January 2012 |
| 412448S | BASIX Certificate – D3 | - | - | 24 January 2012 |
| 412449S | BASIX Certificate – D4 | - | - | 24 January 2012 |
| 412546S | BASIX Certificate – D5 | - | - | 24 January 2012 |
| 412548S | BASIX Certificate – D6 | - | - | 24 January 2012 |
| 412550S | BASIX Certificate – D7 | - | - | 24 January 2012 |
| 412553S | BASIX Certificate – D8 | - | - | 24 January 2012 |
| 412557S | BASIX Certificate – D9 | - | - | 24 January 2012 |
| 412558S | BASIX Certificate – D10 | - | - | 24 January 2012 |
| 412560S | BASIX Certificate – D11 | - | - | 24 January 2012 |
| 412565S | BASIX Certificate – D12 | - | - | 24 January 2012 |
| 412594S | BASIX Certificate – D13 | - | - | 24 January 2012 |
| 412595S | BASIX Certificate – D14 | - | - | 24 January 2012 |
| 412596S | BASIX Certificate – D15 | - | - | 24 January 2012 |
| 412597S | BASIX Certificate – D16 | - | - | 24 January 2012 |
| 412598S | BASIX Certificate – D17 | - | - | 24 January 2012 |
| 412599S | BASIX Certificate – D18 | - | - | 24 January 2012 |
| 412600S | BASIX Certificate – D19 | - | - | 24 January 2012 |
| 412601S | BASIX Certificate – D20 | - | - | 24 January 2012 |
| 412608S | BASIX Certificate – D21 | - | - | 24 January 2012 |
| 412609S | BASIX Certificate – D22 | - | - | 24 January 2012 |
| 412610S | BASIX Certificate – D23 | - | - | 24 January 2012 |
| 412611S | BASIX Certificate – D24 | - | - | 24 January 2012 |
| 412612S | BASIX Certificate – D25 | - | - | 24 January 2012 |
| 412613S | BASIX Certificate – D26 | - | - | 24 January 2012 |
| 412614S | BASIX Certificate – D27 | - | - | 24 January 2012 |
| 412615S | BASIX Certificate – D28 | - | - | 24 January 2012 |
| 412616S | BASIX Certificate – D29 | - | - | 24 January 2012 |
| 412617S | BASIX Certificate – D30 | - | - | 24 January 2012 |
| 412618S | BASIX Certificate – D31 | - | - | 24 January 2012 |
| 412619S | BASIX Certificate – D32 | - | - | 24 January 2012 |
| 412620S | BASIX Certificate – D33 | - | - | 24 January 2012 |
| 412621S | BASIX Certificate – D34 | - | - | 24 January 2012 |
| 412622S | BASIX Certificate – D34 | - | - | 24 January 2012 |

2. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is as listed below and per numbered plans.

UNIT BUILDINGS

BLOCK A

Lift 1 Units 1-16/1 'Proposed Road' Kellyville
Lift 2 Units 17-32/1 'Proposed Road Kellyville'

BLOCK B

Lift 3 Units 33-47/1 'Proposed Road' Kellyville
Lift 4 Units 48-62/1 'Proposed Road' Kellyville

BLOCK C

Lift 5 Units 63-77/1 'Proposed Road' Kellyville
Lift 6 Units 78-92/1 'Proposed' Road Kellyville

BLOCK D

Lift 7 Units 93-104/ York Road Kellyville (Street number to be advised)
Lift 8 Units 105-113/York Road Kellyville (Street number to be advised)

BLOCK E

Lift 9 Units 114-133/York Road Kellyville (Street number to be advised)

INTEGRATED HOUSING

House numbers:

2 to 52 'Proposed Road' Kellyville
2-4 Alessandra Drive Kellyville
1-11 Alessandra Drive Kellyville

The unit numbers, as issued, are to be displayed clearly on all entrances, with appropriate unit numbers listed at all lift, stairwell and lobby entrances, basement entrances and on each Unit door. A diagrammatic plan of the complex must be positioned at both site entry points, showing relevant Blocks and the units contained therein.

Clear and accurate external directional signage is to be erected throughout and on all buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

Integrated housing must clearly display allocated House Number at the front entrance to each property.

Note:

York Street numbering will be applied when road completed and all subdivisions to that point have been determined.

Proposed Private Road is to be named.

A plan for positioning of letterboxes outside the security gate is to be submitted to Australia Post for approval prior to erection in order to comply with Australia Post Standards regarding positioning for safe delivery of mail.

Submitted plans show unit numbering that does not comply with Council and emergency services guidelines. Plans submitted also show a repeat of first floor unit numbering onto second floor units in Blocks D & E & a repeat of Unit 69 (Ground Floor Block C). All

numbering throughout this development is to be as per amended numbering on approved plans by THSC in Condition No. 1.

3. 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.

4. 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.

5. Use of Neighbourhood Shop

A separate application is to be submitted to, and approved by, Council for the use of the Neighbourhood Shop.

6. External Finishes

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

7. Acoustic Wall Construction

The proposed Acoustic Wall located along the boundary with the shopping centre (No. 88 Wrights Road) shall be constructed of Masonry and is to be connected to the existing Acoustic Wall in a manner that ensures that the noise levels as outlined in the Acoustic Report prepared by Acoustic Logic, dated July 2012 are complied with.

8. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Environmental Noise Assessment Residential Development, Lots A & B, President Road, Kellyville dated 2 July 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 9 – Recommendation

9.1 Acoustic Screen

An acoustic screen is required along the southern boundary of the project site to mitigate noise impact from Woolworths and Coles. Detailed acoustic screen requirements are outlined in the Acoustic Report.

9.2 Glazing Structure Requirements

The recommended glazing assemblies were specified as an attachment to the acoustic report and are required to be provided as recommended. The design of the window is to ensure the STC rating as provided in Table 15 of the acoustic report.

9.3 Roof/ Ceiling Constructions

The roof / ceiling construction for Block E and the integrated Housing Units adjacent to Woolworths & Coles is to comply with the standard shown in Figure 3 of the acoustic report as a minimum.

9.3.1 Plasterboard Corner details

The plasterboard corner details are to comply with either of the two options provided in Figure 4, Section 9.3.1 of the acoustic report.

9.4 Cafe

As recommended in the acoustic report, when more details of the proposed cafe development are known a detailed acoustic assessment is to be undertaken to determine the required acoustic control elements and management measures and the identified elements and measures are to be incorporated into the development.

9.5 Mechanical Services

The mechanical services are to be acoustically designed and located to ensure that they shall not either singularly or in total emit noise levels which exceed the noise limits specified in Table 14 of the acoustic report.

9. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report No E1349.1 AF, dated 20th June 2012 and submitted as part of the Development Application shall be implemented as part of this approval.

10. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

11. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

12. Street Naming

A written application for street naming must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

<http://www.gnb.nsw.gov.au/>

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

13. Street Trees

Street trees and tree guards must be provided for the sections of York Road and Alessandra Drive within the development site in accordance with the approved landscape plans listed within Condition No. 1. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

14. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

15. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

16. 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 separate Engineering Construction Certificate required to be obtained by Council, as outlined elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

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 or not.

17. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Chadwick Cheng Consulting Surveyors Drawing 31207/COM dated 31/01/2012 except where amended by other conditions of consent.

18. Protection of Public Infrastructure

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

19. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

20. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D 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. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement 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.

21. Gutter and Footpath Crossing Application

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

22. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and

ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

28. Domestic Waste Management – Integrated Dwellings

Council will provide each unit with a minimum of one 140 litre garbage bin (emptied weekly), one 240 litre recycling bin (emptied fortnightly) and one 240 litre garden organics bin (emptied fortnightly). Allowance is to be made for:

- a. space for all garbage and recycling bins to be placed on the kerb for servicing on collection day.
- b. storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c. adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard; or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d. flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e. each bin to be clearly marked with individual unit numbers.

29. Domestic Waste Management – Apartment Building Units

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Bin Storage facility is to be provided for a minimum of 8 x 1100 Litre bulk garbage bin(s) and 67 x 240 Litre recycling bins.

An additional bin storage facility is to be provided at the York Road frontage between Neighbourhood Shop and Apartment Block A.

The Apartment Block B bin storage facility is to be relocated to the south western corner of Apartment Block B adjoining the internal road and walkway.

Detailed plans indicating the relocation of the bin storage facilities are to be submitted to the satisfaction of Council prior to issue of a Construction Certificate.

30. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water as follows:

(i) Water

The development does not front an available drinking water main and an extension will be necessary. The 150mm drinking water main in York Road is to be extended along York Road and is to be linked to the 100mm drinking water main in Alessandra Drive.

The accredited Water Servicing Coordinator/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(ii) Recycled Water

The development does not front an available recycled water main and an extension will be necessary. The 150mm recycled water main in York Road is to be extended along York Road and is to be linked to the 100mm recycled water main in Alessandra Drive.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed recycled water infrastructure for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(iii) Wastewater

The current wastewater system has sufficient capacity to service the proposed development. The proposed lots can be serviced by extending either the 150mm wastewater main located to the west of the site or the 150mm wastewater main to the east of the site. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

(iv) Trade Waste

In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.

31. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force – The Hills Local Area Command for the development to comply with recommendations under Crime Prevention Through Environmental Design (CPTED) including the following:

- (i) The car parking area in the basement is to be painted white;
- (ii) Bicycle parking areas are to be covered, lockable racks to secure bicycles;
- (iii) A CCTV system to monitor the common open spaces throughout the use of the development;
- (iv) The use of a CCTV system to monitor access/exit driveways of the underground car parks and entrances to the unit blocks; and
- (v) Separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building. A similar system should be in place to restrict access to the grounds of the development.

32. Compliance with RMS Requirements

Compliance with the requirements of the Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- (ii) Car parking provision to Council's satisfaction.
- (iii) All works associated with the proposal shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

33. Payment of Section 94 Contributions

Section 94 Contributions applicable to each stage of the development shall be paid in full in accordance with Condition No.'s 108, 119, 120, 121, 122, 123 and 124 prior to the issue of the Construction Certificate for the stage.

34. Acoustic Wall Details

A detailed design for the acoustic wall must be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate.

The acoustic wall shall be constructed with Hebel panel and shall include decorative treatments.

35. Acoustic Screen

To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.

Amended plans reflecting the above is to be submitted to Council prior to the issue of a Construction Certificate.

36. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

37. Landscape Plan

A detailed Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. The plan should include:

- All existing trees clearly marked for retention or removal.
- Location of plant species and quantities clearly shown
- A schedule of proposed planting, including botanic name, common name, size at planting, quantities, staking requirements, expected mature height.
- Details indicating a minimum of 300mm of good quality garden mix to all garden beds
- Details showing good quality topsoil to all lawn areas
- All garden bed areas to be clearly defined by brick/stone edging with its edge finishing flush with the surface of adjacent grass areas.
- All garden bed areas to have drip irrigation.

38. Erosion & Sediment Control Plan

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

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

39. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water

mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

40. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

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) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

42. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$78,300 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (190m) plus an additional 50m on either side (290m) and the width of the road measured from face of kerb on both sides (9m). The minimum bond amount is \$10,000.00.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

43. 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 must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

44. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 854/2012/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

45. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

PRIOR TO WORK COMMENCING ON THE SITE

46. Principal Certifying Authority

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

47. 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.

48. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

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.

49. 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.

50. 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).

51. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

52. Erosion & Sediment Control Plan Kept on Site

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

53. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

54. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

55. 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 (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555
- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) 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.

56. 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.

57. 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.

58. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

59. 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 the BASIX Certificate's listed in Condition No. 1 be complied with. Any subsequent version of the BASIX Certificate(s) will supersede all previous versions of the certificate(s).

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

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

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

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

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

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

61. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

62. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

63. Dust Control

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

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

64. Internal Sleep Arousal Noise Criteria – Compliance

Option 2 of section 9.2 of the Acoustic Report prepared by Acoustic Logic dated 2nd July 2012 shall be complied with. Option 2 reads as follows;

As internal noise levels cannot be achieved with marked windows open it is required that an alternative outside air supply system or air conditioning unit be installed in accordance with AS 1668.2 requirements. The mechanical ventilation system that is installed should be designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

65. 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 seven (7) days of receiving notice from Council.

66. 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).

67. 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 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 for review prior to works recommencing on site.

68. 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.

69. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

70. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

71. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2007. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

72. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

73. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the relevant stage of the development is occupied.

74. Temporary Fencing of Pools

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

75. Standard of Works

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

76. Subdivision Earthworks – Allotment 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.

77. Documentation

A copy of the following documents must be kept on site and made available upon request:

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan
- d) Traffic Control Plan
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

79. Compliance Statement – Mechanical Plant

A Compliance statement from an appropriately qualified Acoustic Consultant is to be submitted prior to the issue of the Occupation Certificate. This compliance statement is to confirm that the Mechanical Plant as built complies with the below mentioned criteria.

| Noise Receiver | Time Period | Noise objective |
|--|-------------|----------------------------------|
| The boundary of the nearest residential receiver | Day | 41 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Evening | 42 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Night | 35 dB(A) leq 15min 45dB(A) L1 |

If the abovementioned criteria are not satisfied then the Acoustic Consultant is to provide recommended measures to achieve compliance. These measures are then to be implemented.

A copy of the Compliance Statement and any recommended compliance measures is to be submitted to Council.

80. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Environmental Noise Assessment – Residential Development, Lots A & B, President Road, Kellyville prepared by Acoustic Logic dated 2 July 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

81. Spa Pool Construction

The spa pool shall be constructed to comply with Australian Standard AS2610.2 – Private Spas. With respect to entrapment hazards, the spa pool shall:

- Be designed so pressure will be immediately released at a suction point from the spa pool if it becomes blocked;
- Each pump should have a minimum of two operative suction points connected by a common line;
- Suction points should be fitted as close as possible to the water surface as is practical without affecting the operation of the system;
- The suction points shall not be closer than 600mm;

- e) An emergency stop switch controlling all spa pool pumps, blowers and heaters shall be provided within three (3) metres of the spa pool and shall be visible at all times.

Certification of the above matters shall be provided from the spa manufacturer/installer to the PCA prior to the issue of any Occupation Certificate.

82. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

83. Construction of Swimming Pool Barrier

The required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings including the cabana, on the site prior to any occupation certificate (interim or final) being issued for the development.

84. Completion of Subdivision Works

A Subdivision Certificate must not be issued prior to the completion of all subdivision works covered by this consent, in accordance with this consent.

85. 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 engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

86. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

87. Final Subdivision Fees

All outstanding fees must be paid before a Subdivision Certificate can be issued. The final fees that remain outstanding will be assessed following the submission of written advice confirming all works have been completed.

88. Removal of Sediment and Erosion Control Measures

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

89. 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. A list can be found by following this link:

http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

90. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

91. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by Council or the relevant telecommunications carrier.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

92. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) The final plan and administration sheet, along with seven copies of both.
- b) The original plus one copy of the 88B Instrument.
- c) All certificates and supplementary information as required by this consent.
- d) A completed copy of the attached checklist confirming compliance with all conditions.
- e) An electronic copy of the final plan on disk in ".dwg" format.
- f) One copy of the strata or community titled subdivision plan that includes house/unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

Council will not accept a Subdivision Certificate application without all the items listed above.

93. Geotechnical Report (Lot Classification)

Submission of a lot classification report, prepared by a suitably qualified geotechnical engineer, following the completion of all subdivision works confirming that all residential allotments are compliant with AS2870 and are suitable for residential development. The lot classification report must be accompanied by a separate table which clearly shows the classification of all lots created as part of the subdivision.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council the following information must be submitted to Council within seven days of the certificate being issued:

- a) A copy of the strata certificate.
- b) A soft copy of the final plan on disk in ".dwg" format.
- c) A copy of the 88B Instrument, where applicable.
- d) Copies of all service authority certificates.
- e) A letter from the certifier confirming all conditions have been complied with.

95. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Dedication of Public Roads

The proposed roads within the subdivision must be dedicated as public road at no cost to Council. All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with DCP Part C Section 3.

d) Restriction – Site Slope 6% or Greater

A restriction must be placed on the title of all lots with a grade of 6% or greater. Where there are no lots that fall into this category this restriction is not required, as determined by the works as executed drawings.

e) Restriction – Site Coverage (Kellyville/ Rouse Hill)

Restricting development of all residential lots to reinforce the maximum site coverage

f) Restriction – Bedroom Numbers

A restriction must be placed on the title of all proposed lots limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

g) Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

96. 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.

97. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

98. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

99. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

100. Lighting

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

101. Mechanical Services – Acoustic Compliance

Noise from the mechanical plant shall not exceed the criteria as outlined in the Acoustic Report dated 2/7/2012, prepared by Acoustic Logic. This criterion is as follows;

| Noise Receiver | Time Period | Noise objective |
|--|-------------|----------------------------------|
| The boundary of the nearest residential receiver | Day | 41 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Evening | 42 dB(A) leq 15min |
| The boundary of the nearest residential receiver | Night | 35 dB(A) leq 15min 45dB(A) L1 |

Acoustical assessment of the mechanical services shall be undertaken during detail design phase of the development to ensure that they shall not singularly or in total emit noise levels exceeding the noise criteria above.

102. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

103. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles.

104. Collection of Bins

Integrated Housing

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Bin Bays Storage Facilities

All recycling/garden organic bins will need to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins. Alternatively, a caretaker will need to be appointed to attend to this requirement.

105. Communal Areas

The communal areas within the site are to be limited to the use of occupants of the development with no public access.

106. Graffiti-free Treatment

The acoustic screens to the southern boundary shall include graffiti free treatment.

GENERAL MATTERS

The design certification and construction approval of the engineering works nominated in this consent require an Engineering Construction Certificate (ECC) to be obtained prior to the commencement of any works.

For Council to issue an ECC the following must be provided:

- A completed application form.
- Four copies of the design plans and specifications.
- Payment of the applicable application and inspection fees.
- Payment of any required security bonds.
- Payment of a long service levy.

108. Section 94 Contribution

Payments comprise of the following:-

| STAGE | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 524 | 525 | 526 | 527 | 528 | 529 | 530 | 531 | 532 | 533 | 534 | 535 | 536 | 537 | 538 | 539 | 540 | 541 | 542 | 543 | 544 | 545 | 546 | 547 | 548 | 549 | 550 | 551 | 552 | 553 | 554 | 555 | 556 | 557 | 558 | 559 | 560 | 561 | 562 | 563 | 564 | 565 | 566 | 567 | 568 | 569 | 570 | 571 | 572 | 573 | 574 | 575 | 576 | 577 | 578 | 579 | 580 | 581 | 582 | 583 | 584 | 585 | 586 | 587 | 588 | 589 | 590 | 591 | 592 | 593 | 594 | 595 | 596 | 597 | 598 | 599 | 600 | 601 | 602 | 603 | 604 | 605 | 606 | 607 | 608 | 609 | 610 | 611 | 612 | 613 | 614 | 615 | 616 | 617 | 618 | 619 | 620 | 621 | 622 | 623 | 624 | 625 | 626 | 627 | 628 | 629 | 630 | 631 | 632 | 633 | 634 | 635 | 636 | 637 | 638 | 639 | 640 | 641 | 642 | 643 | 644 | 645 | 646 | 647 | 648 | 649 | 650 | 651 | 652 | 653 | 654 | 655 | 656 | 657 | 658 | 659 | 660 | 661 | 662 | 663 | 664 | 665 | 666 | 667 | 668 | 669 | 670 | 671 | 672 | 673 | 674 | 675 | 676 | 677 | 678 | 679 | 680 | 681 | 682 | 683 | 684 | 685 | 686 | 687 | 688 | 689 | 690 | 691 | 692 | 693 | 694 | 695 | 696 | 697 | 698 | 699 | 700 | 701 | 702 | 703 | 704 | 705 | 706 | 707 | 708 | 709 | 710 | 711 | 712 | 713 | 714 | 715 | 716 | 717 | 718 | 719 | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 | 734 | 735 | 736 | 737 | 738 | 739 | 740 | 741 | 742 | 743 | 744 | 745 | 746 | 747 | 748 | 749 | 750 | 751 | 752 | 753 | 754 | 755 | 756 | 757 | 758 | 759 | 760 | 761 | 762 | 763 | 764 | 765 | 766 | 767 | 768 | 769 | 770 | 771 | 772 | 773 | 774 | 775 | 776 | 777 | 778 | 779 | 780 | 781 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 | 795 | 796 | 797 | 798 | 799 | 800 | 801 | 802 | 803 | 804 | 805 | 806 | 807 | 808 | 809 | 810 | 811 | 812 | 813 | 814 | 815 | 816 | 817 | 818 | 819 | 820 | 821 | 822 | 823 | 824 | 825 | 826 | 827 | 828 | 829 | 830 | 831 | 832 | 833 | 834 | 835 | 836 | 837 | 838 | 839 | 840 | 841 | 842 | 843 | 844 | 845 | 846 | 847 | 848 | 849 | 850 | 851 | 852 | 853 | 854 | 855 | 856 | 857 | 858 | 859 | 860 | 861 | 862 | 863 | 864 | 865 | 866 | 867 | 868 | 869 | 870 | 871 | 872 | 873 | 874 | 875 | 876 | 877 | 878 | 879 | 880 | 881 | 882 | 883 | 884 | 885 | 886 | 887 | 888 | 889 | 890 | 891 | 892 | 893 | 894 | 895 | 896 | 897 | 898 | 899 | 900 | 901 | 902 | 903 | 904 | 905 | 906 | 907 | 908 | 909 | 910 | 911 | 912 | 913 | 914 | 915 | 916 | 917 | 918 | 919 | 920 | 921 | 922 | 923 | 924 | 925 | 926 | 927 | 928 | 929 | 930 | 931 | 932 | 933 | 934 | 935 | 936 | 937 | 938 | 939 | 940 | 941 | 942 | 943 | 944 | 945 | 946 | 947 | 948 | 949 | 950 | 951 | 952 | 953 | 954 | 955 | 956 | 957 | 958 | 959 | 960 | 961 | 962 | 963 | 964 | 965 | 966 | 967 | 968 | 969 | 970 | 971 | 972 | 973 | 974 | 975 | 976 | 977 | 978 | 979 | 980 | 981 | 982 | 983 | 984 | 985 | 986 | 987 | 988 | 989 | 990 | 991 | 992 | 993 | 994 | 995 | 996 | 997 | 998 | 999 | 1000 |
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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.

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.

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

- A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- An alarm system to alert a pump failure;
- 100mm freeboard to all nearby parking spaces;

- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

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

110. 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.

111. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. 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.

Proposed roads must be constructed to the following requirements:

| Road Name: | Formation: (Footpath/ Carriageway/ Footpath) (m) | Traffic Loading: N(ESA) |
|------------------|---|----------------------------|
| York Road | Road Type: Collector Road 5.3m/ 9.5m/ 5.3m (20.1m) | 1 x 10 ⁶ |
| Alessandra Drive | Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m) | 5 x 10 ⁵ |

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of York Road and northern side of Alessandra Drive in accordance with the DCP and the above documents.

iii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern/eastern side of York Road in accordance with the DCP and the above documents.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Gutter Crossings

Gutter crossings to each of the proposed new allotments are required.

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. Street Names Signs

Street name signs and posts are required, as approved by Council.

viii. Service Conduits

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

ix. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

Where OSD is required to be provided on each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

DURING CONSTRUCTION

11.2. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;

- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

PRIOR TO THE ISSUE OF A OCCUPATION / SUBDIVISION CERTIFICATE

113. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA 1639/2011/ZA unless the two are issued and registered concurrently.

114. Confirmation of Pipe Locations

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

115. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

116. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

117. Dedication of Public Road

An Occupation Certificate must not be issued until York Road and Alessandra Drive have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

118. 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.

STAGE 1A:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

119. Section 94 Contribution

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:-

| STAGE 1A | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 2029-30 | 2030-31 | 2031-32 | 2032-33 | 2033-34 | 2034-35 | 2035-36 | 2036-37 | 2037-38 | 2038-39 | 2039-40 | 2040-41 | 2041-42 | 2042-43 | 2043-44 | 2044-45 | 2045-46 | 2046-47 | 2047-48 | 2048-49 | 2049-50 | 2050-51 | 2051-52 | 2052-53 | 2053-54 | 2054-55 | 2055-56 | 2056-57 | 2057-58 | 2058-59 | 2059-60 | 2060-61 | 2061-62 | 2062-63 | 2063-64 | 2064-65 | 2065-66 | 2066-67 | 2067-68 | 2068-69 | 2069-70 | 2070-71 | 2071-72 | 2072-73 | 2073-74 | 2074-75 | 2075-76 | 2076-77 | 2077-78 | 2078-79 | 2079-80 | 2080-81 | 2081-82 | 2082-83 | 2083-84 | 2084-85 | 2085-86 | 2086-87 | 2087-88 | 2088-89 | 2089-90 | 2090-91 | 2091-92 | 2092-93 | 2093-94 | 2094-95 | 2095-96 | 2096-97 | 2097-98 | 2098-99 | 2099-00 | 2100-01 | 2101-02 | 2102-03 | 2103-04 | 2104-05 | 2105-06 | 2106-07 | 2107-08 | 2108-09 | 2109-10 | 2110-11 | 2111-12 | 2112-13 | 2113-14 | 2114-15 | 2115-16 | 2116-17 | 2117-18 | 2118-19 | 2119-20 | 2120-21 | 2121-22 | 2122-23 | 2123-24 | 2124-25 | 2125-26 | 2126-27 | 2127-28 | 2128-29 | 2129-30 | 2130-31 | 2131-32 | 2132-33 | 2133-34 | 2134-35 | 2135-36 | 2136-37 | 2137-38 | 2138-39 | 2139-40 | 2140-41 | 2141-42 | 2142-43 | 2143-44 | 2144-45 | 2145-46 | 2146-47 | 2147-48 | 2148-49 | 2149-50 | 2150-51 | 2151-52 | 2152-53 | 2153-54 | 2154-55 | 2155-56 | 2156-57 | 2157-58 | 2158-59 | 2159-60 | 2160-61 | 2161-62 | 2162-63 | 2163-64 | 2164-65 | 2165-66 | 2166-67 | 2167-68 | 2168-69 | 2169-70 | 2170-71 | 2171-72 | 2172-73 | 2173-74 | 2174-75 | 2175-76 | 2176-77 | 2177-78 | 2178-79 | 2179-80 | 2180-81 | 2181-82 | 2182-83 | 2183-84 | 2184-85 | 2185-86 | 2186-87 | 2187-88 | 2188-89 | 2189-90 | 2190-91 | 2191-92 | 2192-93 | 2193-94 | 2194-95 | 2195-96 | 2196-97 | 2197-98 | 2198-99 | 2199-00 | 2200-01 | 2201-02 | 2202-03 | 2203-04 | 2204-05 | 2205-06 | 2206-07 | 2207-08 | 2208-09 | 2209-10 | 2210-11 | 2211-12 | 2212-13 | 2213-14 | 2214-15 | 2215-16 | 2216-17 | 2217-18 | 2218-19 | 2219-20 | 2220-21 | 2221-22 | 2222-23 | 2223-24 | 2224-25 | 2225-26 | 2226-27 | 2227-28 | 2228-29 | 2229-30 | 2230-31 | 2231-32 | 2232-33 | 2233-34 | 2234-35 | 2235-36 | 2236-37 | 2237-38 | 2238-39 | 2239-40 | 2240-41 | 2241-42 | 2242-43 | 2243-44 | 2244-45 | 2245-46 | 2246-47 | 2247-48 | 2248-49 | 2249-50 | 2250-51 | 2251-52 | 2252-53 | 2253-54 | 2254-55 | 2255-56 | 2256-57 | 2257-58 | 2258-59 | 2259-60 | 2260-61 | 2261-62 | 2262-63 | 2263-64 | 2264-65 | 2265-66 | 2266-67 | 2267-68 | 2268-69 | 2269-70 | 2270-71 | 2271-72 | 2272-73 | 2273-74 | 2274-75 | 2275-76 | 2276-77 | 2277-78 | 2278-79 | 2279-80 | 2280-81 | 2281-82 | 2282-83 | 2283-84 | 2284-85 | 2285-86 | 2286-87 | 2287-88 | 2288-89 | 2289-90 | 2290-91 | 2291-92 | 2292-93 | 2293-94 | 2294-95 | 2295-96 | 2296-97 | 2297-98 | 2298-99 | 2299-00 | 2300-01 | 2301-02 | 2302-03 | 2303-04 | 2304-05 | 2305-06 | 2306-07 | 2307-08 | 2308-09 | 2309-10 | 2310-11 | 2311-12 | 2312-13 | 2313-14 | 2314-15 | 2315-16 | 2316-17 | 2317-18 | 2318-19 | 2319-20 | 2320-21 | 2321-22 | 2322-23 | 2323-24 | 2324-25 | 2325-26 | 2326-27 | 2327-28 | 2328-29 | 2329-30 | 2330-31 | 2331-32 | 2332-33 | 2333-34 | 2334-35 | 2335-36 | 2336-37 | 2337-38 | 2338-39 | 2339-40 | 2340-41 | 2341-42 | 2342-43 | 2343-44 | 2344-45 | 2345-46 | 2346-47 | 2347-48 | 2348-49 | 2349-50 | 2350-51 | 2351-52 | 2352-53 | 2353-54 | 2354-55 | 2355-56 | 2356-57 | 2357-58 | 2358-59 | 2359-60 | 2360-61 | 2361-62 | 2362-63 | 2363-64 | 2364-65 | 2365-66 | 2366-67 | 2367-68 | 2368-69 | 2369-70 | 2370-71 | 2371-72 | 2372-73 | 2373-74 | 2374-75 | 2375-76 | 2376-77 | 2377-78 | 2378-79 | 2379-80 | 2380-81 | 2381-82 | 2382-83 | 2383-84 | 2384-85 | 2385-86 | 2386-87 | 2387-88 | 2388-89 | 2389-90 | 2390-91 | 2391-92 | 2392-93 | 2393-94 | 2394-95 | 2395-96 | 2396-97 | 2397-98 | 2398-99 | 2399-00 | 2400-01 | 2401-02 | 2402-03 | 2403-04 | 2404-05 | 2405-06 | 2406-07 | 2407-08 | 2408-09 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| 2509-10 | 2510-11 | 2511-12 | 2512-13 | 2513-14 | 2514-15 | 2515-16 | 2516-17 | 2517-18 | 2518-19 | 2519-20 | 2520-21 | 2521-22 | 2522-23 | 2523-24 | 2524-25 | 2525-26 | 2526-27 | 2527-28 | 2528-29 | 2529-30 | 2530-31 | 2531-32 | 2532-33 | 2533-34 | 2534-35 | 2535-36 | 2536-37 | 2537-38 | 2538-39 | 2539-40 | 2540-41 | 2541-42 | 2542-43 | 2543-44 | 2544-45 | 2545-46 | 2546-47 | 2547-48 | 2548-49 | 2549-50 | 2550-51 | 2551-52 | 2552-53 | 2553-54 | 2554-55 | 2555-56 | 2556-57 | 2557-58 | 2558-59 | 2559-60 | 2560-61 | 2561-62 | 2562-63 | 2563-64 | 2564-65 | 2565-66 | 2566-67 | 2567-68 | 2568-69 | 2569-70 | 2570-71 | 2571-72 | 2572-73 | 2573-74 | 2574-75 | 2575-76 | 2576-77 | 2577-78 | 2578-79 | 2579-80 | 2580-81 | 2581-82 | 2582-83 | 2583-84 | 2584-85 | 2585-86 | 2586-87 | 2587-88 | 2588-89 | 2589-90 | 2590-91 | 2591-92 | 2592-93 | 2593-94 | 2594-95 | 2595-96 | 2596-97 | 2597-98 | 2598-99 | 2599-00 | 2600-01 | 2601-02 | 2602-03 | 2603-04 | 2604-05 | 2605-06 | 2606-07 | 2607-08 | 2608-09 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| 2909-10 | 2910-11 | 2911-12 | 2912-13 | 2913-14 | 2914-15 | 2915-16 | 2916-17 | 2917-18 | 2918-19 | 2919-20 | 2920-21 | 2921-22 | 2922-23 | 2923-24 | 2924-25 | 2925-26 | 2926-27 | 2927-28 | 2928-29 | 2929-30 | 2930-31 | 2931-32 | 2932-33 | 2933-34 | 2934-35 | 2935-36 | 2936-37 | 2937-38 | 2938-39 | 2939-40 | 2940-41 | 2941-42 | 2942-43 | 2943-44 | 2944-45 | 2945-46 | 2946-47 | 2947-48 | 2948-49 | 2949-50 | 2950-51 | 2951-52 | 2952-53 | 2953-54 | 2954-55 | 2955-56 | 2956-57 | 2957-58 | 2958-59 | 2959-60 | 2960-61 | 2961-62 | 2962-63 | 2963-64 | 2964-65 | 2965-66 | 2966-67 | 2967-68 | 2968-69 | 2969-70 | 2970-71 | 2971-72 | 2972-73 | 2973-74 | 2974-75 | 2975-76 | 2976-77 | 2977-78 | 2978-79 | 2979-80 | 2980-81 | 2981-82 | 2982-83 | 2983-84 | 2984-85 | 2985-86 | 2986-87 | 2987-88 | 2988-89 | 2989-90 | 2990-91 | 2991-92 | 2992-93 | 2993-94 | 2994-95 | 2995-96 | 2996-97 | 2997-98 | 2998-99 | 2999-00 | 3000-01 | 3001-02 | 3002-03 | 3003-04 | 3004-05 | 3005-06 | 3006-07 | 3007-08 | 3008-09 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|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------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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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

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.

STAGE 1B:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

120. Section 94 Contribution

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:-

| STAGE 1B | Open Space - Land | Open Space - Capital | Community Facilities - Land | Community Facilities - Capital | Studies and Administration | Roadworks - Land | Roadworks - Capital | Total |
|----------|-------------------|----------------------|-----------------------------|--------------------------------|----------------------------|------------------|---------------------|--------------|
| | \$ 5,729.47 | \$ 3,372.32 | \$ 176.69 | \$ 1,529.64 | \$ 235.22 | \$ 1,350.94 | \$ 1,350.94 | \$ 13,595.22 |
| | \$ 2,360.42 | \$ 3,839.00 | \$ 1,413.52 | \$ 12,237.12 | \$ 1,881.76 | \$ 10,807.52 | \$ 25,694.80 | \$ 65,594.00 |
| | \$ 123.00 | \$ 139.02 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 7,127.00 | \$ 84,905.35 |
| | \$ 1,070.75 | \$ 8,375.07 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |
| | \$ 184.63 | \$ 214.70 | \$ 231.91 | \$ 1,381.30 | \$ 7,495.25 | \$ 46,806.75 | \$ 14,362.03 | \$ 84,905.35 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 2:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

121. Section 94 Contribution

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 | Per Small Lot (<450m2) | Small Lots | TOTAL |
|--------------------------------|------------------------|---------------|---------------|
| STAGE 2 | | | |
| Open Space - Land | \$ 8,199.25 | \$ 65,594.00 | \$ 73,793.25 |
| Open Space - Capital | \$ 3,372.32 | \$ 26,978.56 | \$ 30,350.88 |
| Community Facilities - Land | \$ 176.69 | \$ 1,413.52 | \$ 1,590.21 |
| Community Facilities - Capital | \$ 1,529.64 | \$ 12,237.12 | \$ 13,766.76 |
| Studies and Administration | \$ 235.22 | \$ 1,881.76 | \$ 2,116.98 |
| Roadworks - Land | \$ 1,350.94 | \$ 10,807.52 | \$ 12,158.46 |
| Roadworks - Capital | \$ 1,350.94 | \$ 10,807.52 | \$ 12,158.46 |
| Total | \$ 18,075.91 | \$ 144,607.28 | \$ 162,683.19 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 3:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

122. Section 94 Contribution

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:-

| STAGE 3 | Purpose | | 9 | | TOTAL |
|--------------------------------|-------------------------------------|--|----------------------|--|----------------------|
| | Per Small Lot (<450m ²) | | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | | \$ 73,793.25 | | \$ 73,793.25 |
| Open Space - Capital | \$ 3,372.32 | | \$ 30,350.88 | | \$ 30,350.88 |
| Community Facilities - Land | \$ 176.69 | | \$ 1,590.21 | | \$ 1,590.21 |
| Community Facilities - Capital | \$ 1,529.64 | | \$ 13,766.76 | | \$ 13,766.76 |
| Studies and Administration | \$ 235.22 | | \$ 2,116.98 | | \$ 2,116.98 |
| Roadworks - Land | \$ 1,350.94 | | \$ 12,158.46 | | \$ 12,158.46 |
| Roadworks - Capital | \$ 3,211.65 | | \$ 28,906.65 | | \$ 28,906.65 |
| Total | \$ 18,075.91 | | \$ 162,683.19 | | \$ 162,683.19 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 4:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

123. Section 94 Contribution

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:-

| STAGE 4 | Purpose | | 11 | | TOTAL |
|--------------------------------|-------------------------------------|----|------------|----|------------|
| | Per Small Lot (<450m ²) | | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ | 90,191.75 | \$ | 90,191.75 |
| Open Space - Capital | \$ 3,372.32 | \$ | 37,095.52 | \$ | 37,095.52 |
| Community Facilities - Land | \$ 176.69 | \$ | 1,943.59 | \$ | 1,943.59 |
| Community Facilities - Capital | \$ 1,529.64 | \$ | 16,826.04 | \$ | 16,826.04 |
| Studies and Administration | \$ 235.22 | \$ | 2,587.42 | \$ | 2,587.42 |
| Roadworks - Land | \$ 1,350.94 | \$ | 14,860.34 | \$ | 14,860.34 |
| Roadworks - Capital | \$ 3,211.85 | \$ | 35,330.35 | \$ | 35,330.35 |
| Total | \$ 18,075.91 | \$ | 198,835.01 | \$ | 198,835.01 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 5:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

124. Section 94 Contribution

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:-

| STAGE 5 | Purpose | | 6 | | TOTAL |
|--------------------------------|-------------------------------------|----|------------|----|------------|
| | Per Small Lot (<450m ²) | | Small Lots | | |
| Open Space - Land | \$ 8,199.25 | \$ | 49,195.50 | \$ | 49,195.50 |
| Open Space - Capital | \$ 3,372.32 | \$ | 20,233.92 | \$ | 20,233.92 |
| Community Facilities - Land | \$ 176.69 | \$ | 1,060.14 | \$ | 1,060.14 |
| Community Facilities - Capital | \$ 1,529.64 | \$ | 9,177.84 | \$ | 9,177.84 |
| Studies and Administration | \$ 235.22 | \$ | 1,411.32 | \$ | 1,411.32 |
| Roadworks - Land | \$ 1,350.94 | \$ | 8,105.64 | \$ | 8,105.64 |
| Roadworks - Capital | \$ 3,211.85 | \$ | 19,271.10 | \$ | 19,271.10 |
| Total | \$ 18,075.91 | \$ | 108,455.46 | \$ | 108,455.46 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. BHLEP 2005 Zoning Map and DCP Road Layout
4. THLEP 2012 Zoning Map
5. DCP Density Map
6. Site Plan
7. Staging Plan
8. Apartment Blocks D and E
9. Acoustic Screen Along Southern Boundary
10. Shadow Diagram – Winter 9am to 12 pm
11. Shadow Diagram – Winter 1pm to 3pm
12. Streetscape Elevations
13. Landscape Plan

ATTACHMENT 1 - LOCALITY PLAN

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL HAS A COMMITMENT TO PROVIDING THE BEST POSSIBLE SERVICE TO OUR RESIDENTS. THE HILLS SHIRE COUNCIL HAS A COMMITMENT TO PROVIDING THE BEST POSSIBLE SERVICE TO OUR RESIDENTS. THE HILLS SHIRE COUNCIL HAS A COMMITMENT TO PROVIDING THE BEST POSSIBLE SERVICE TO OUR RESIDENTS.

Item 2 - 2012SYW029 JRPP Meeting 15 November 2012

62 | פ ת ט ז

ATTACHMENT 2 – AERIAL PHOTOGRAPH

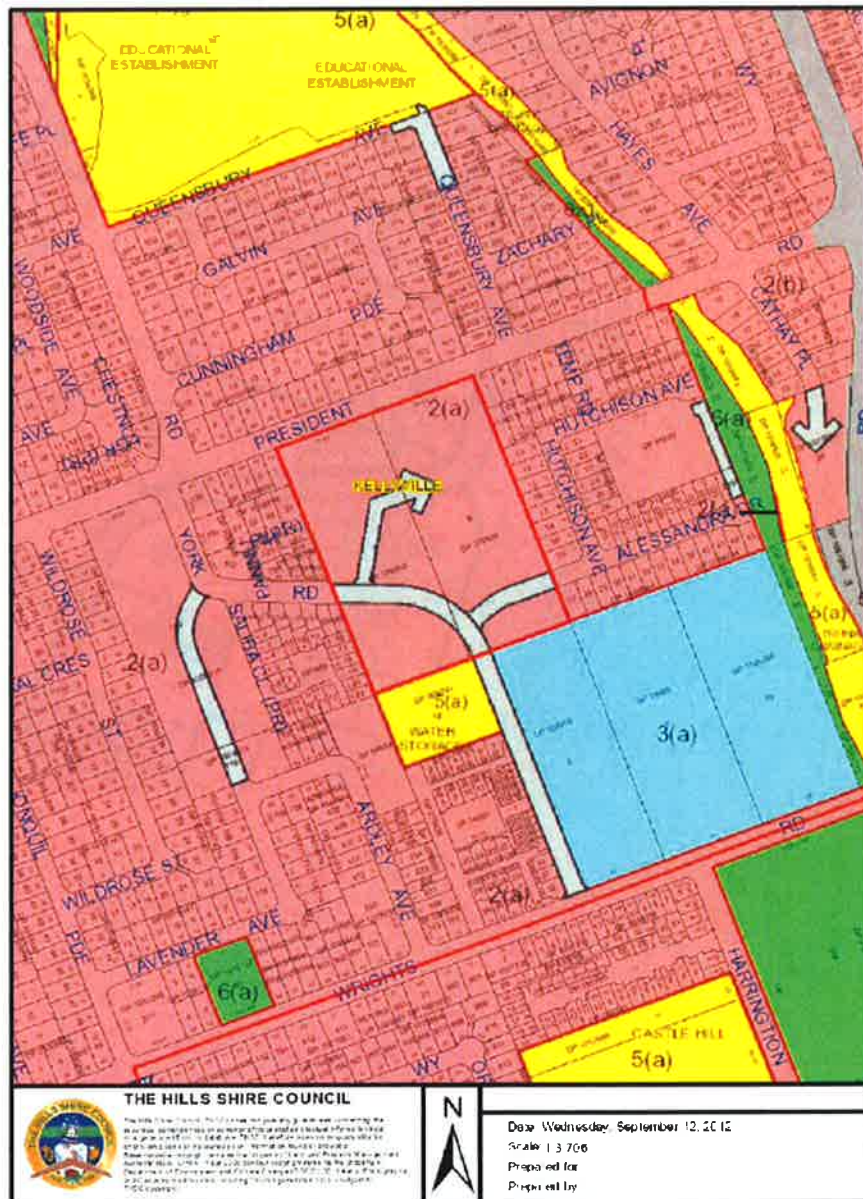


HILL COUNTRY

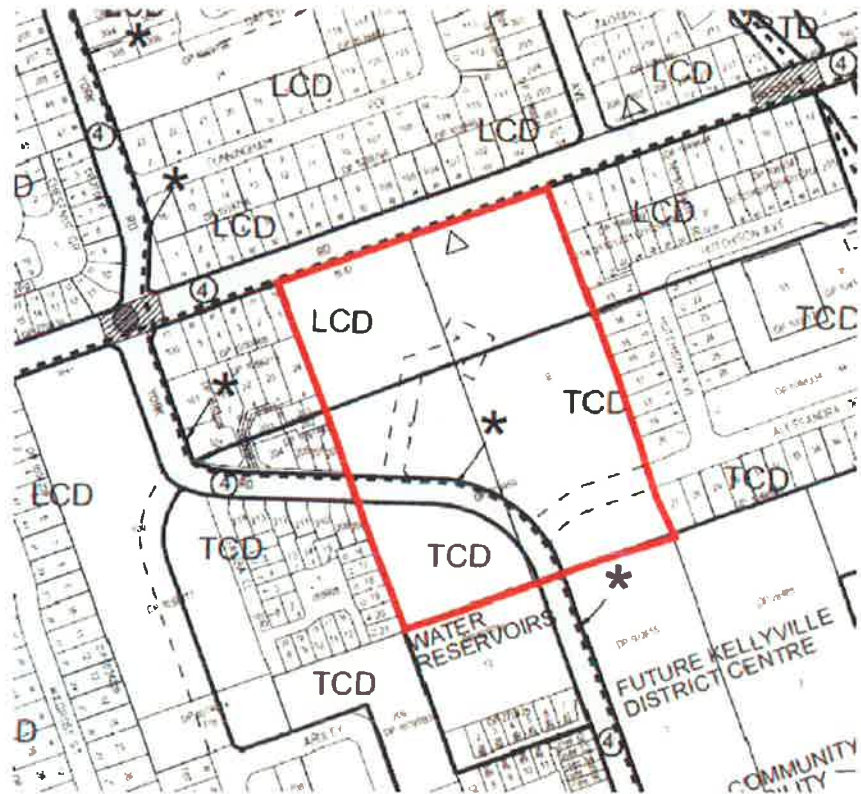
Scale 1:3,000
Date 1/1/2008

Prepared by
Hill Country Planning Commission

ATTACHMENT 4 – BHLEP 2005 ZONING MAP AND DCP ROAD LAYOUT



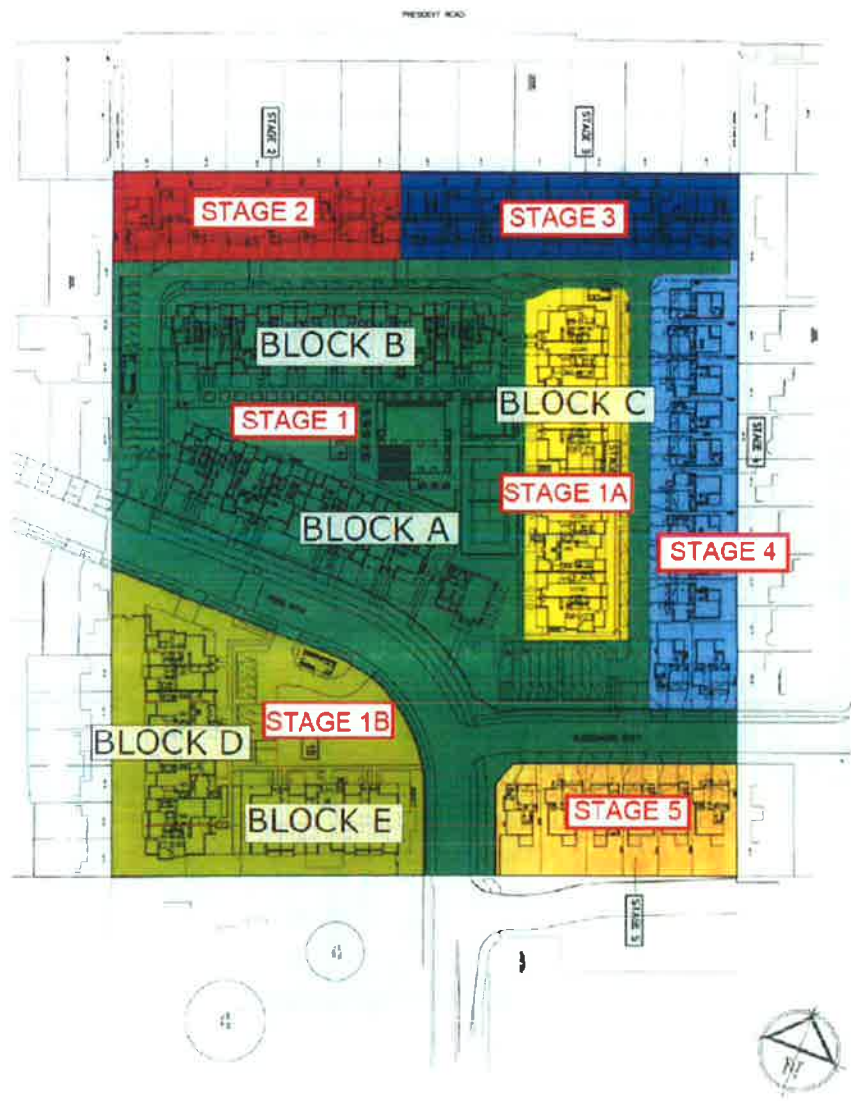
ATTACHMENT 5 – DCP DENSITY MAP



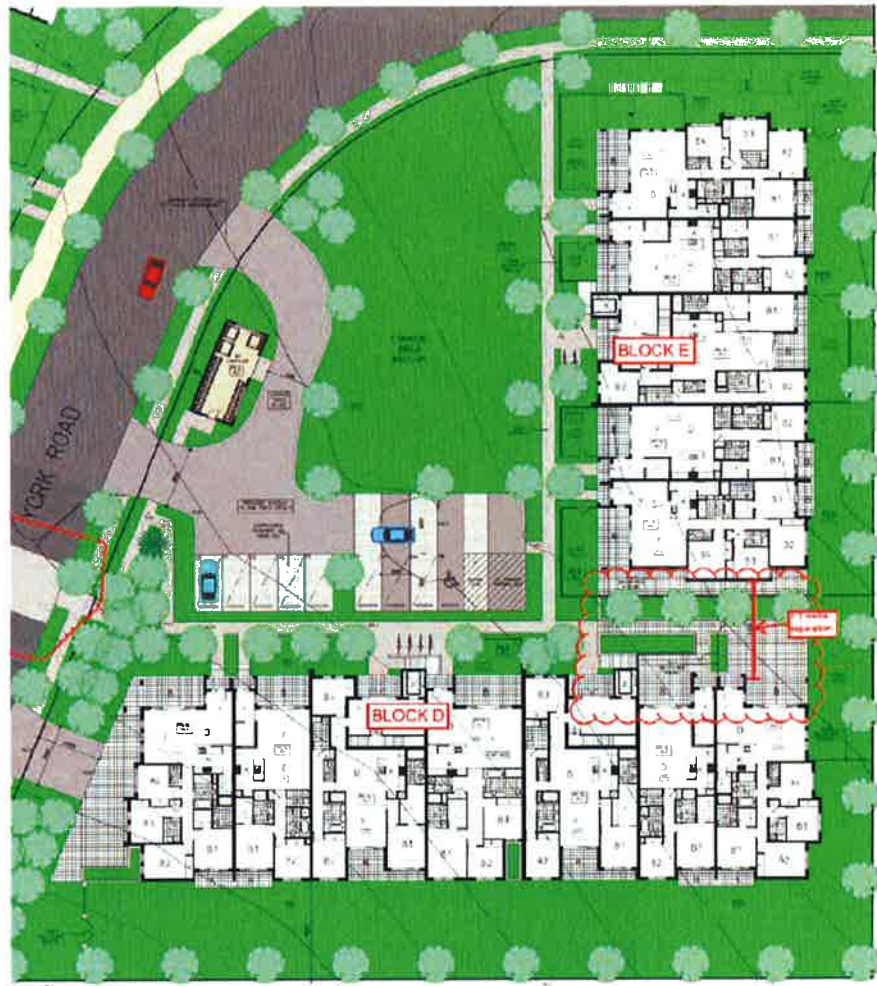
ATTACHMENT 6 - SITE PLAN



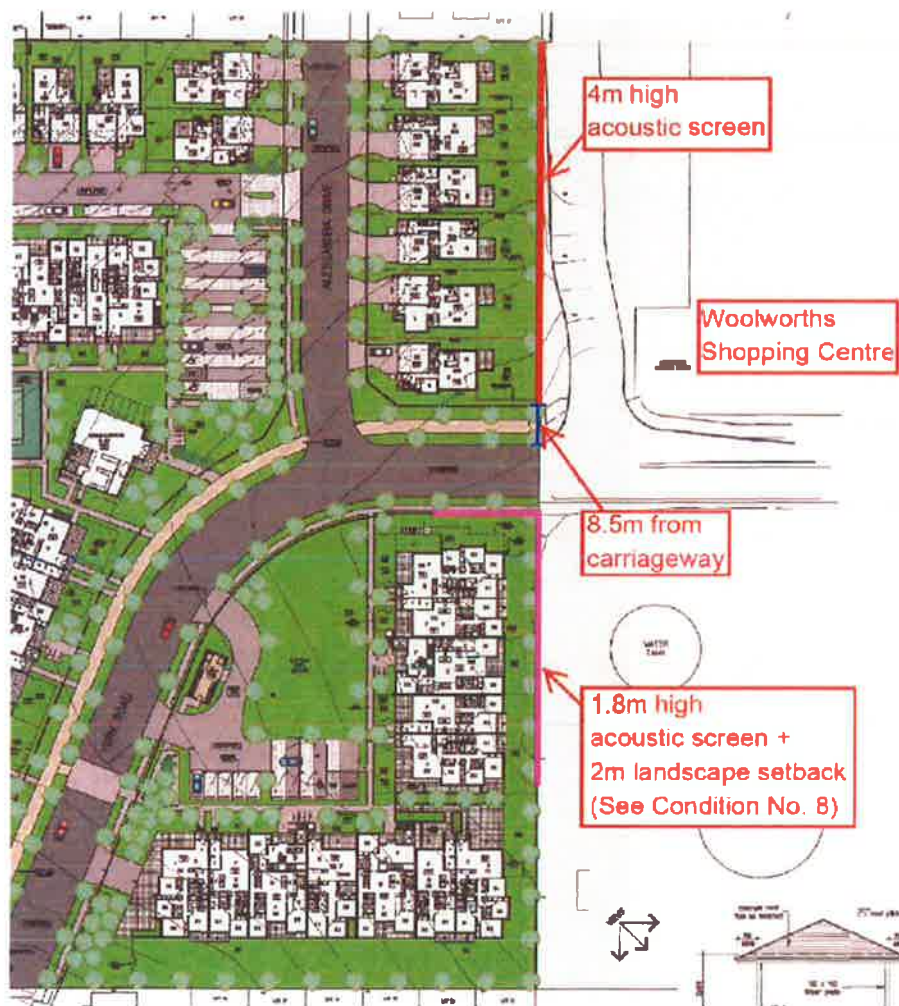
ATTACHMENT 7 – STAGING PLAN



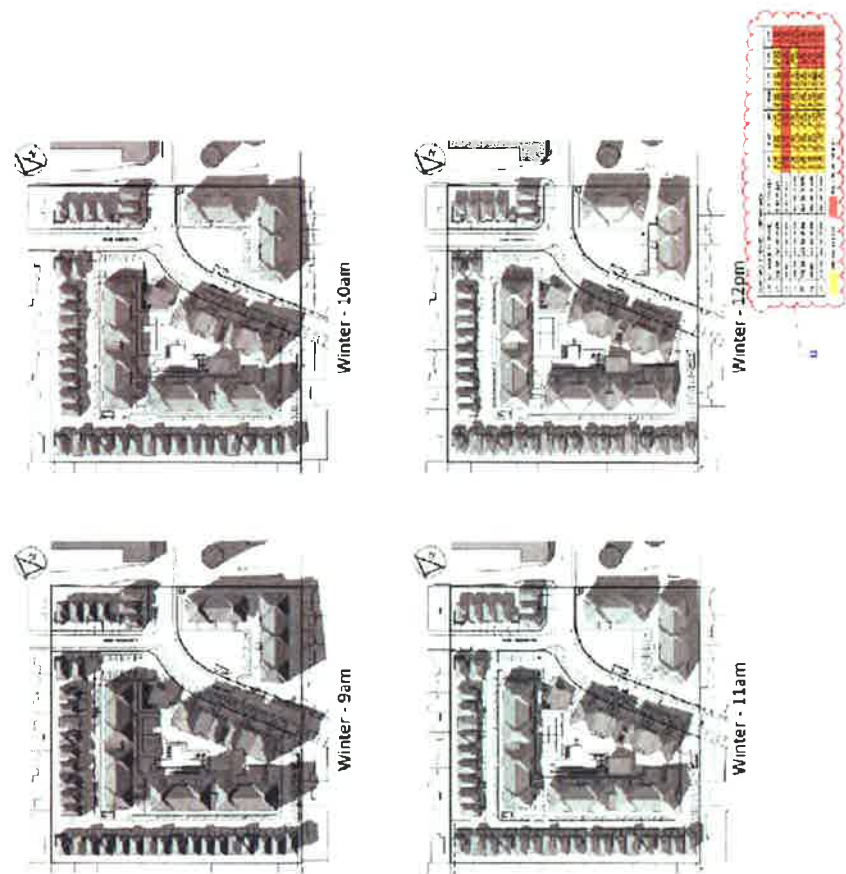
ATTACHMENT 8 – APARTMENT BLOCKS D AND E



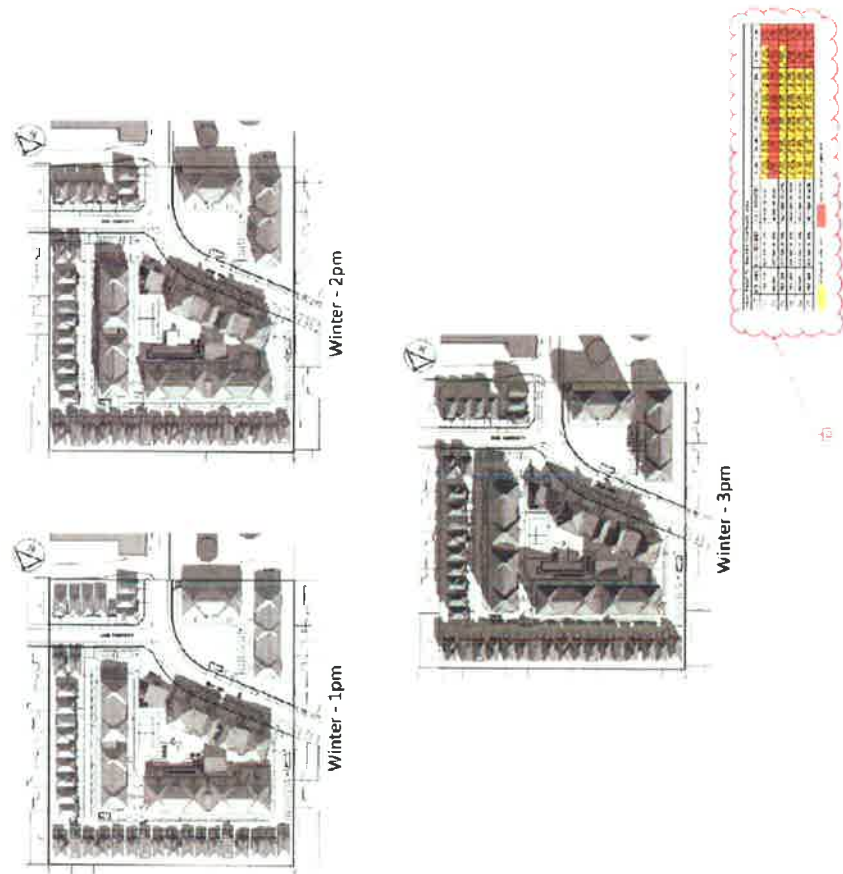
ATTACHMENT 9 – ACOUSTIC SCREEN ALONG SOUTHERN BOUNDARY



ATTACHMENT 10 – SHADOW DIAGRAM – 9AM TO 12PM



ATTACHMENT 11 – SHADOW DIAGRAM – 1PM TO 3PM



ATTACHMENT 12 – STREETSCAPE ELEVATIONS









ATTACHMENT 13 – LANDSCAPE PLAN

