

## **1 ADVISORY NOTES**

### **1.1 Terminology**

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

### **1.2 Scope of Consent**

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.
- 1.2.2 The applicant is required to lodge either a separate Development Application for Council's consideration, or a separate Complying Development Certificate where permitted by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, for the demolition of the existing dwelling and associated structures. Any application made to Council must include a Site Plan, Site Investigation Report, Work Plan, and Waste Management Plan, for the disposal of the demolition materials and should also address potential contamination concerns. A copy of the contractor's licence as issued by WorkCover Authority NSW is also to be submitted.
- 1.2.3 This consent does not grant approval for any physical works on the site. A separate Development Application is to be submitted for Council's consideration for each stage of the development approved by the concept plan.

### **1.3 Other Approvals**

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
  - (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
  - (d) the installation of vehicular footway crossings servicing the development; and
  - (e) the use of any crane that swings over public air space. If a crane is used to construct this development that swings over public air space, separate Council approval under the Roads Act 1993 and Local Government Act 1993 is required.

- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

#### 1.4 **Services**

- 1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

#### 1.5 **Section 94 Contributions**

- 1.5.1 The approval of this consent does not preclude the requirement for Section 94 contributions on the site for future development applications. Future development applications will be levied for Section 94 contributions in accordance with the Environmental Planning and Assessment Act 1979.

#### 1.6 **Identification Survey**

- 1.6.1 The applicant is advised to obtain an identification survey from a registered

surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

## 1.7 **Other Matters.**

- 1.7.1 This plan of subdivision is not to be released until Public Road access is provided. This may require the registration of the adjoining subdivision.

## 2 **GENERAL**

### 2.1 **Scope of Consent**

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

<b>Drawing No.</b>	<b>Dated</b>	<b>Council's File Enclosure No.</b>
Masterplan Envelope Plan MP-105-010 Rev. 5	16.11.17	45F
Masterplan Basement RL45.50 MP-110-001 Rev. 5	16.11.17	45P
Illustrative Concept Plan RL48.50 MP-110-010 Rev. 5	16.11.17	45Q
Illustrative Concept Plan RL51.50 MP-110-020 Rev. 5	16.11.17	45R
Illustrative Concept Plan RL54.50 MP-110-030 Rev. 5	16.11.17	45S
Illustrative Concept Plan RL57.50 MP-110-040 Rev. 5	16.11.17	45T
Illustrative Concept Plan RL60.50 MP-110-050 Rev. 5	16.11.17	45U
Illustrative Concept Plan RL63.5 MP-110-060 Rev. 5	16.11.17	45V
Illustrative Concept Plan RL66.5 MP-110-070 Rev. 5	16.11.17	45W
Illustrative Concept Plan RL69.5 MP-110-080 Rev. 5	16.11.17	45X
Illustrative Concept Plan Roof Plan MP-110-090 Rev. 5	16.11.17	45Y
Envelope Elevation Diagrams MP-250-010 Rev. 5	16.11.17	45Z
Envelope Section Diagrams MP-350-010 Rev. 5	16.11.17	45AA

Drawing No.	Dated	Council's File Enclosure No.
Development Summary Project No. 15015 Rev. G	21.11.16	46B

2.1.2 This consent grants approval for the development to be constructed in the following stages, subject to full compliance with all other conditions of this consent:

- (a) Stage 1 - Concept plan for site and road layout, 9 x 4 storey residential flat building envelopes for an indicative 691 dwellings and 1 lot for future public park.

This consent does not grant approval for any physical works on the site. Future development applications are required to be submitted for assessment and are to be consistent with the approved Stage 1 concept plan.

2.1.3 Roads and drainage are to be constructed and dedicated to Council generally in accordance with the concept plans by Craig & Rhodes as shown on the drawing Schedule 061-15C-S1-DA-001 Revision A.

These plans are conceptual only and are not to be used for issue of a Construction Certificate. Any plans for issue of a Construction Certificate must comply with any conditions of this consent, as well as any conditions of future Development Consent for the individual stages. The staging of road construction must be in accordance with the development plans approved by this consent, and not as shown on these engineering concept plans. Reconstruction of the existing half road in Cudgegong Road and Rouse Road adjacent each stage, as well as construction of any proposed new road within the stage, must be undertaken prior to issue of a Construction Certificate for building works.

The engineering designs must take into account any future road designs for adjoining development. All road carriageways to be 11.0m wide, with 3.5m wide footways either side within new road reserves, other than footways adjacent the proposed Public Reserve which may be reduced to 1.0m wide. Footways within existing road reserves to be 4.55m wide either side.

All works within existing road reserves will require Council Approval under the Roads Act 1993.

2.1.4 Water cycle management must be undertaken in accordance with DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management, noting that no Onsite Stormwater Detention is required within the North West Growth Centres Area 20 Release Area. Stormwater Concept Plans addressing these requirements, including MUSIC results, are to be submitted for each Development Application for individual stages.

## 2.2 Suburb Name

2.2.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: ROUSE HILL

## 2.3 Future development applications



- 2.3.1 All future development on the site as detailed in the approved masterplan shall be the subject of separate development applications to Council.
- 2.3.2 The maximum number of dwellings must not exceed 691 dwellings. Details of apartment numbers are to be provided with all future development applications for work on the site showing compliance with this limit. The apartment mix is to comply with the approved apartment mix in the concept masterplan.
- 2.3.3 All future development applications for the site are to be accompanied by a detailed landscape plan, providing information on proposed landscape treatments.
- 2.3.4 All future development applications for the site are to be accompanied by a stormwater drainage concept plan and engineering details.
- 2.3.5 All future development applications are to demonstrate full compliance with relevant environmental planning instruments and development control plans unless otherwise varied by the approved concept plan. This includes compliance with the Apartment Design Guide and minimum common open space, private open space, unit layouts and car parking requirements.
- 2.3.6 All future development applications for the site are to include (where appropriate) floor plans, elevations and sections showing:
- Ground level.
  - Finished ground level.
  - Height of the proposed development from natural ground level.
  - Shadow diagrams
  - External finishes, including details of colours and materials.
- 2.3.7 A detailed waste management plan and supporting documentation complying with Council's waste services requirements must be lodged with all future development applications.

## **2.4 Traffic Management**

- 2.4.1 Two vehicle access points are to be provided for each basement car park servicing Stages 1 and 2 of the approved development due to their size.
- 2.4.2 Access to driveways, ramps, circulation aisles and parking arrangements are to be designed and constructed in accordance with Australian Standards 2890.1, 2890.2 and 2890.6.
- 2.4.3 Proposed access driveways, ramps, circulation aisles are to be designed and construction to accommodated the entry and turning requirements of a waste collecting truck in accordance with Australian Standard 2890.2.
- 2.4.4 Provision for adequate sight distance needs to be made for both pedestrian and vehicular movement at the proposed driveways in accordance with Section 3.2.4 of Australian Standard 2890.1 and Figure 3.2 of Australian Standard 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveways.

## **2.5 Special Infrastructure Contributions**

- 2.5.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and

Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

#### **More information**

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/guage/en-US/Default.aspx>

## **2.6 Site Contamination**

- 2.6.1 Should any contaminated material be unearthed during the construction works, all works are to cease immediately and an accredited EPA recognised geoscientist - land contamination consultant is to investigate and report on the findings. Any recommended remediation and validation works are to be undertaken pursuant to Council's Contamination Lands Policy and to the residential standard in NEPM 2013 guidelines.

## **2.7 Engineering Matters**

### **2.7.1 Design and Works Specification**

- 2.7.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

2.7.1.2 The Applicant is required to submit to Council, Bonds and/or Contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path Paving construction
- Final Layer Asphaltic Concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within future consents.

2.7.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

## **2.7.2 Other Necessary Approvals**

2.7.2.1 A separate application will be required for the following approvals, under the *Local Government Act 1993* and/or the *Roads Act 1993*.

- Vehicular Crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

## **2.7.3 Subdivision**

2.7.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and shall issue the Subdivision Certificate upon compliance with all conditions of this consent.

## **2.8 Other Matters**

2.8.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Development Consent and Construction Certificate being issued for the construction works.

2.8.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

## **2.9 Rural Fire Services**

### **2.9.1 Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **2.9.2 Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### 2.9.3 Access

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

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

### 2.9.4 Design and Construction

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

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

### 2.10 Roads and Maritime Services

- 2.10.1 The subject site is within the broad area currently under investigation in relation to the proposed North West Growth Centre Project. In this regard, further information can be obtained at <http://www.rms.nsw.gov.au/projects/sydney-west/north-west-growth-centre-strategy/index.html> or by contacting the Project for further information at [RiverstoneNWGC@rms.nsw.gov.au](mailto:RiverstoneNWGC@rms.nsw.gov.au) or by calling 1300 367 561.

### 2.11 Salinity

- 2.11.1 The recommendations of the Salinity Assessment prepared by Asset Geotechnical Engineering Pty Ltd (Ref: 3182-1 Rev 1 dated 20 May 2016) are to be identified on the Construction Certificate plans. Note: Future development applications will be required to comply with this report.

### 2.12 Site Contamination

- 2.12.1 Prior to any construction on the site, the site must be validated by a suitably qualified environmental consultant as suitable for residential development. In this regard, the recommendations of the Stage 2 Detailed Site Investigation prepared by SLR Consulting Australia Pty Ltd (Report No. 610.13644-R2 dated 17 May 2016) are to be implemented.
- 2.12.2 Any asbestos material is to be handled and treated in accordance with the WorkCover document "*Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos*" dated March 2008.

## **2.13 Aboriginal Heritage**

- 2.13.1 Prior to any construction on the site, an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 must be obtained. A copy of the Aboriginal Heritage Impact Permit is to be submitted to Council for our records.

## **2.14 Street Tree Planting**

- 2.14.1 Future development applications are to be submitted with a Street Tree Planting plan. This is to include full detail plans in relation to the proposed street tree planting and landscaping for the approved subdivision consistent with Council's adopted Street Tree Guidelines shall be submitted to and approved by Council's Manager Civil and Park Maintenance. The Street Tree Plan shall observe the species palette identified by Council's Street Tree Guidelines and will to include the following:

- cross-sections showing dimensions of tree pits
- species
- details of root protection barriers
- soil specifications
- location of tree pits in relation to services, intersections and future driveways, light poles, stormwater pits sewerage infrastructure and utilities

These shall be submitted to Council for the approval of Council's Manager Civil and Park Maintenance. NOTE: Any tree planting to be undertaken as part of the approved development shall be available to Council for inclusion in future carbon sequestration programs.

The proposed street tree planting for the subdivision shall be reviewed in relation to the proposed street lighting layout to ensure that the intended tree planting does not interfere with the street light spill. Documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting shall be submitted to Council.

## **2.15 Crime Prevention through Environmental Design**

- 2.15.1 A Crime Prevention through Environmental Design report is to accompany all future stages, with the exception of the Stage 2 DA for buildings 1A and 1B, and is to be prepared by a suitably qualified security consultant. The CPTED report is to be accompanied by the CPTED checklist issued by NSW Police.

## Lisa Foley

---

**From:** Aaron Sutherland <aaron@sutherlandplanning.com.au>  
**Sent:** Tuesday, 24 January 2017 1:39 PM  
**To:** Melissa Parnis  
**Cc:** sale@goldabacus.com.au; jf@mcnallymanagement.com.au; Dan Szwaj; Martin Petru; Andrew Halmarick  
**Subject:** RE: JRPP-15-02701 - Draft conditions

Hi Melissa,

Thank you for the amendments. I confirm that we accept the revised draft conditions.

Kind regards

**AARON SUTHERLAND**  
Director

**SUTHERLAND & ASSOCIATES PLANNING**

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**From:** Melissa Parnis [mailto:[Melissa.Parnis@blacktown.nsw.gov.au](mailto:Melissa.Parnis@blacktown.nsw.gov.au)]  
**Sent:** Tuesday, 24 January 2017 1:21 PM  
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**Subject:** RE: JRPP-15-02701 - Draft conditions

Hi Aaron

In response to your requests:

- Condition 2.1.1 – Plan references are amended (noting that the plans themselves have been forward dated)
- Condition 2.11.1 – No objection to deletion of condition.
- Condition 2.16.1 – Amended accordingly.

See attached new revised draft conditions.

Can you please confirm you have no objections, so that I may send a copy to the Panel Secretariat.

Thanks

**Melissa Parnis**  
Assistant Team Leader  
Major Projects

**BLACKTOWN CITY COUNCIL**

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**DISCLAIMER**

*Whilst the advice provided is given in good faith, there is no guarantee that Council will support and approve any proposal until a full and detailed assessment has been undertaken and a development consent has been granted.*

---

**From:** Aaron Sutherland [<mailto:aaron@sutherlandplanning.com.au>]

**Sent:** Tuesday, 24 January 2017 10:47 AM

**To:** Melissa Parnis

**Cc:** [sale@goldabacus.com.au](mailto:sale@goldabacus.com.au); [jf@mcnallymanagement.com.au](mailto:jf@mcnallymanagement.com.au); Dan Sz waj; Martin Petru; Andrew Halmarick

**Subject:** RE: JRPP-15-02701 - Draft conditions

Hi Melissa,

Thank you for the draft conditions. We are generally satisfied with the conditions and only raise the following points for consideration:

Condition 2.1.1 - All plan references are wrongly dated - it should be 16.11.17 not 16.11.16, revision and no/names are correct.

Condition 2.11.1 – there is no specific legislative need for the surrender of the current subdivision consent which the site benefits from because two development consents can simultaneously apply to the same site and it is requested that this condition is deleted to allow the site to benefit from either consent

Condition 2.16.1 – a crime prevention through environmental design report has not been submitted with the Stage 2 DA which is currently under assessment and it is requested that this condition is amended to remove the obligation to provide such a report for the Stage 2 DA that has already been submitted

My client has instructed me that achieving an approval is an urgent matter and if any of the above requests could cause a delay that we will accept all conditions as per your draft conditions.

Kind regards

**AARON SUTHERLAND**  
Director

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**From:** Melissa Parnis [<mailto:Melissa.Parnis@blacktown.nsw.gov.au>]

**Sent:** Friday, 20 January 2017 1:31 PM

**To:** Aaron Sutherland ([aaron@sutherlandplanning.com.au](mailto:aaron@sutherlandplanning.com.au)) <[aaron@sutherlandplanning.com.au](mailto:aaron@sutherlandplanning.com.au)>

**Subject:** JRPP-15-02701 - Draft conditions

**Importance:** High

Hi Aaron

Glennys has reviewed the report and we are on track for an 8 February Planning Panel meeting.

Prior to sending the report to the Planning Panel, we request that you review the attached draft proposed conditions and advise if you have any issues with the conditions.

**As we need to meet the Panel deadlines, if you could advise in writing by 12 pm Tuesday 24 January if you accept the draft conditions as proposed, that would be great.**

I left you a phone message also.

**Melissa Parnis**  
Assistant Team Leader  
Major Projects

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**DISCLAIMER**  
*Whilst the advice provided is given in good faith, there is no guarantee that Council will support and approve any proposal until a full and detailed assessment has been undertaken and a development consent has been granted.*

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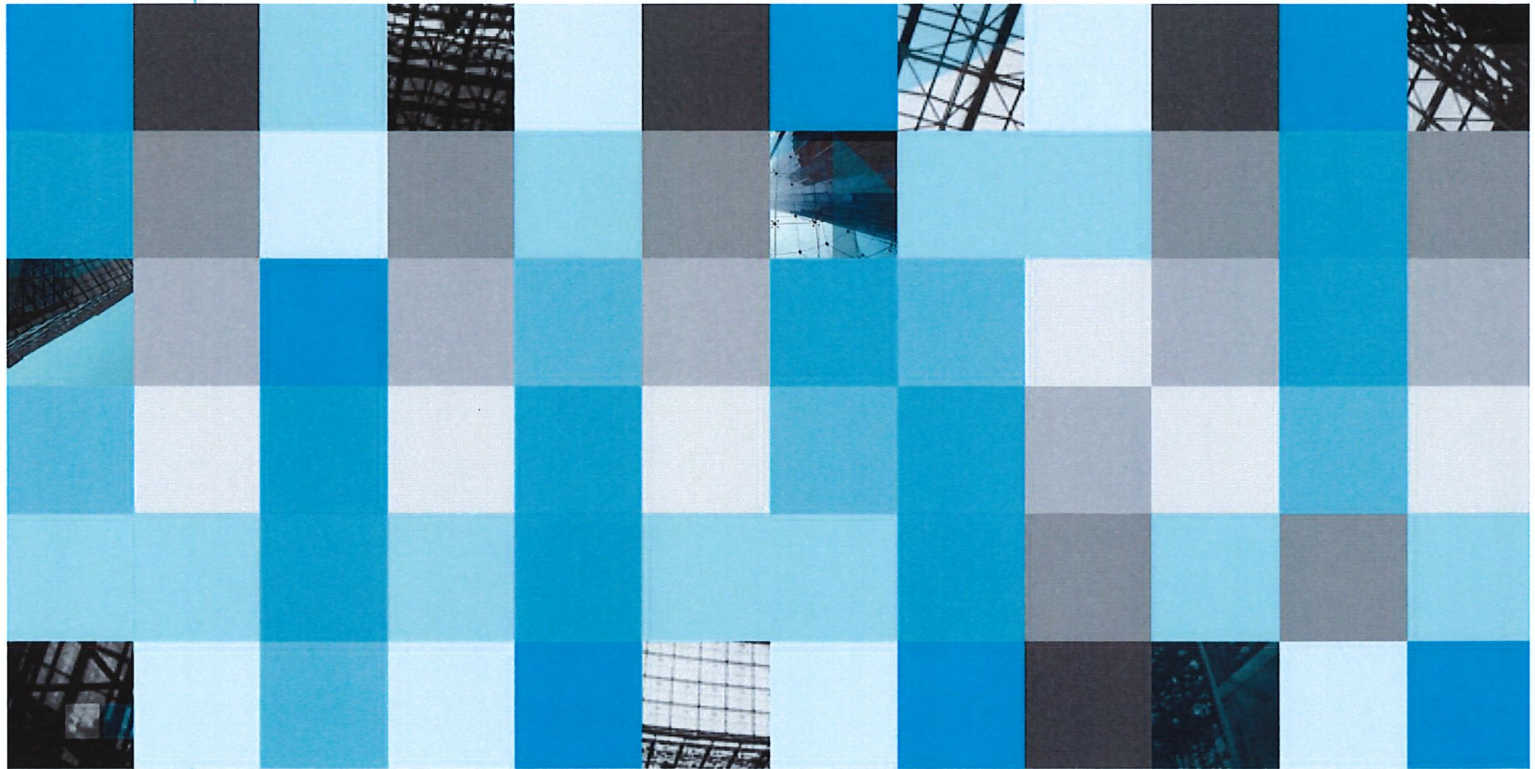
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# SUTHERLAND & ASSOCIATES PLANNING



96 Cudgegong Road and 88 & 104 Rouse Road, Rouse Hill

Clause 4.6 Request-Building Height

# Clause 4.6 Request-Building Height

**96 CUDGEGONG ROAD AND 88 & 104 ROUSE  
ROAD, ROUSE HILL**

Stage 1 concept application for site layout, 9  
residential building envelopes and a public park

**July 2016**

Prepared under instructions from  
[Gold Abacus Development](#)

by

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1.5.5	The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	7
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## 1.0 CLAUSE 4.6 REQUEST HEIGHT OF BUILDINGS

### 1.1 Introduction

This request for an exception to a development standard is submitted in respect of the development standard contained within Clause 4.3 of Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The request relates to an application for the following development at 96 Cudgegong Road and 88 and 104 Rouse Road, Rouse Hill:

- site and road layout;
- 9 x 4 storey residential building envelopes;
- 5,725 square metre public park;
- 71,585 square metres of gross floor area (1.178:1 FSR); and
- indicative 693 apartments comprising 189 x 1 bedroom apartments (27%), 458 x 2 bedroom apartments (66%) and 46 x 3 bedroom apartments (7%).

### 1.2 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 provides that development consent may be granted for development even though the development would contravene a development standard imposed by Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6 requires a qualitative merit assessment based on evaluative questions that are specific to each particular development application, and which must be assessed against the context of that particular site. It advocates an entirely performance-based approach to the assessment of each application, based upon the "the circumstances of the case", and whether compliance is subjectively considered by the consent authority to be "unreasonable or unnecessary" in the particular circumstances.

Clause 4.6 does not provide any quantitative or numerical limitation to cap the extent of non-compliance that may be approved. This conclusion has been confirmed by the Courts on a number of occasions such as the Court upheld decision of North Sydney Council to approve a building where the applicable FSR control was 3.5:1 and the approved FSR was 15:1 and the applicable height control was five storeys whereas the approved height was 17 storeys: *Legal and General Life v North Sydney MC.* (1989) 68 LGR 192. Similarly, in another matter the Court approved an FSR of 5:1 on a site where the allowable FSR was 1:1: *Hosking Munro Pty Limited v City of Sydney Council* [2008] NSWLEC 1485.

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In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

### 1.3 Development Standard to be varied

Clause 4.3 states:

(1) The objectives of this clause are as follows:

(a) to establish the maximum height of buildings on land within the Area 20 Precinct,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes,

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The maximum height shown for the land on the Map for the site to which the proposed development relates is 12 metres.

### 1.4 Extent of Variation to the Development Standard

The extent of variation to the building height controls is illustrated in the table below:

SEPP Height	Stage	Parapet	Variation	Plant	Variation
12 metres	Stage 1	11.9-13.8m	Max 1.85m	14.3-16.85m	2.3-4.85m
	Stage 2	11.3-13.9m	Max 1.9m	14-15.1m	2-3.1m
	Stage 3	11.3-13.7m	Max 1.7m	14.3-16m	2.3-4m

### 1.5 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council*. [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 has recently required additional ways of establishing that compliance is unreasonable or unnecessary



beyond consistency with the standard and zone objectives to be established. For completeness, this request addresses the five part test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

**1.5.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard**

The specific objectives of the building height development standard, as specified in clause 4.3 of Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to establish the maximum height of buildings on land within the Area 20 Precinct,

The proposal seeks to provide a 4 storey development. The 12 metre height control is intended to facilitate 4 storey development and as the proposal is for 4 storey development it is therefore consistent with the intent of the 12 metre maximum height control notwithstanding the variation to the height control.

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The proposed 4 storey scale across the site results in a visual impact which is anticipated by the height control. The variation to the height control does not result in any significant increase in shadow and the development does not result in any unreasonable shadow impacts to adjacent properties, the new public park or the buildings within the development itself. The majority of the new public park with the site will remain free from shadow throughout the day.

c) to facilitate higher density development in and around commercial centres and major transport routes,

The proposed concept plan only results in an FSR of 1.178:1 which is well below the maximum permissible FSR of 1.75:1 for the site. Strict compliance with the height control would result in an even lower density and a 3 storey scale which is contrary to the desire to maximise the benefit of the state government investment in the North West Rail Link and the Cudgegong Road train station by facilitating medium density housing within close proximity of the train station. The proposed development is consistent with the objective to deliver housing within close proximity to the train station.

**1.5.2 The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary**

The underlying objectives and purpose of the height controls are relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the proposed heights are compatible with the emerging scale of development within the visual catchment of the site and will sit comfortably with the context of the site with no unreasonable impacts to adjacent properties. The number of storeys proposed are consistent with that which was envisaged by the 12 metre height control.

**1.5.3 The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable**

The underlying objective of the height control is to achieve an appropriate height on the site which is compatible with the emerging context of the site. Due to the design, location and configuration of the proposed development, it successfully achieves these objectives. Strict compliance with the height control would lead to a less satisfactory outcome as it would result in only a 3 storey scale across the entirety of the development on the site which is inconsistent with the emerging scale of development within the area. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the subject site and surrounding area.

**1.5.4 The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

There is a history of minor variations to the 12 metre height control to allow for encroachments where a 4 storey scale is maintained and height encroachments occur due to the fall of the site. This demonstrates that whilst a 12 metre height control is intended to facilitate 4 storey development, it is frequently varied to allow for such a scale of development. Examples include:

- JRPP14-91 at 9 Terry Road, Rouse Hill which for a 4 storey development also with a minor variation to the 12m height control which was supported by Council staff and approved by the JRPP in December 2014.
- JRPP14-1593 at 828 Windsor Road, Rouse Hill for a 4 storey development also with a minor variation to the 12m height control which was supported by Council staff and approved by the JRPP in July 2015.

**1.5.5 The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The proposed zoning of the land is considered to be reasonable and appropriate.

The proposed variation to the building height development standard is reasonable and necessary in the circumstances of the case in that:

- The development provides for a 4 storey scale to all streets in accordance with the envisaged scale of development for the site by the planning controls and other recently approved developments under the same controls.
- The areas of variation for the parapets are only relatively minor and are point encroachments due to the steep fall of the site with a balanced provision of areas of the development both below and above the 12 metre height control.
- The plant areas are located centrally within the building envelopes such that they will not be readily visible from the public domain.
- The proposed areas of variation do not result in any adverse impact to adjacent properties.



- The proposed development results in significantly lower density of 1.178:1 than the 1.75:1 FSR control which applies to the site.
- The non-compliance with the height control ultimately improves the urban form of the development as it allows a consistent 4 storey development across the entire site and facilitates an efficient form of development for the site which responds appropriately to the topography of the site.

As the proposal is consistent with the objectives of the height of buildings control, strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

#### 1.6 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The proposed distribution of built form and massing of the building envelopes across the site within the new urban blocks is based on a conventional perimeter block form with a central common open space area within Stage 1A, Stage 1B, Stage 2A, Stage 2B and Stage 3. There are breaks between the buildings which surround each courtyard to provide visual permeability and these internal courtyards are generous in size and receive quality sunlight to ensure that they provide a sanctuary for each Stage within the development.

The distribution of built form and scale is the result of a desire to achieve a 4 storey development as envisaged by the 12 metre height control which also properly deals with the significant change of level across the site to ensure that all edges of the buildings at the ground floor, both to the internal courtyards and external streets, are properly activated.

There are some minor height variations as a result of the steep fall of the site and the desire to provide a parapet to the future buildings, however, these are minor and are balanced by the many areas where the development is under the height control.

Strict compliance with the height control could only be achieved with either further excavation into the site which would result in completely subterranean living areas with compromised amenity, or with a significantly more stepping of the buildings which is impractical and compromising disabled access within the development. The proposed variation to the height control allows for a sensible approach towards the topography of the site which achieves the envisaged scale of development and without any adverse impact in comparison to strict compliance with the height control.

Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public and in this particular circumstance there are sufficient environmental planning grounds to warrant the proposed variation to the 12 metre height control.

#### 1.7 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

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These matters are comprehensively addressed above in this written request with reference to the five part test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

**1.8 Clause 4.6(4)(a)(iii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives**

Clause 4.6(4)(a)(iii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Whilst the objectives of the development standard have already been addressed previously in this written request, for the purpose of completeness these objectives are again considered below in specific reference to Clause 4.6(4)(a)(iii)

**Objective of the Development Standard**

The specific objectives of the building height development standard, as specified in clause 4.3 of Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to establish the maximum height of buildings on land within the Area 20 Precinct,

The proposal seeks to provide a 4 storey development. The 12 metre height control is intended to facilitate 4 storey development and as the proposal is for 4 storey development it is therefore consistent with the intent of the 12 metre maximum height control notwithstanding the variation to the height control.

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The proposed 4 storey scale across the site results in a visual impact which is anticipated by the height control. The variation to the height control does not result in any significant increase in shadow and the development does not result in any unreasonable shadow impacts to adjacent properties, the new public park or the buildings within the development itself. The majority of the new public park with the site will remain free from shadow throughout the day.

(c) to facilitate higher density development in and around commercial centres and major transport routes,

The proposed concept plan only results in an FSR of 1.178:1 which is well below the maximum permissible FSR of 1.75:1 for the site. Strict compliance with the height control would result in an even lower density and a 3 storey scale which is contrary to the desire to maximise the benefit of the state government investment in the North West Rail Link and the Cudgegong Road train station by facilitating

medium density housing within close proximity of the train station. The proposed development is consistent with the objective to deliver housing within close proximity to the train station.

#### Objective of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the R3 Medium Density Residential zone which has the following objectives:

- 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 support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment

The proposed development provides for residential accommodation in the form of residential flat buildings which provide for the housing needs of the community within a medium density residential environment. For the reasons given the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone.

For the reasons given the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone.

#### 1.9 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The architectural package prepared by Turner Architects which accompanies the subject application demonstrates a high quality outcome for the site which properly deals with the fall across the site to ensure that a suitable relationship is achieved between the future public domain and the ground floor plane of the buildings. The package also demonstrates that the buildings are frequently stepped to respond to the fall of the site with a balancing of areas of the development both above and below the 12 metre height control.

The proposed variation to the height control will achieve a better outcome for the development because it will ensure that practical buildings can be constructed on the site which will achieve a 4 storey scale as anticipated by the height control. The development application has therefore demonstrated that it is appropriate in this circumstance to provide flexibility in the application of the building height development standard because this will achieve a better outcome in this instance in accordance with objective 1(b).

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#### 1.10 Conclusion

The proposed variation to the height of buildings development standard contained within clause 4.3 of Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 has been found to be both reasonable and necessary in the circumstances of the case. In addition there are sufficient environmental planning grounds to justify the variation. In this regard it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed in this circumstance.



# STAGE 1 DA APPLICATION

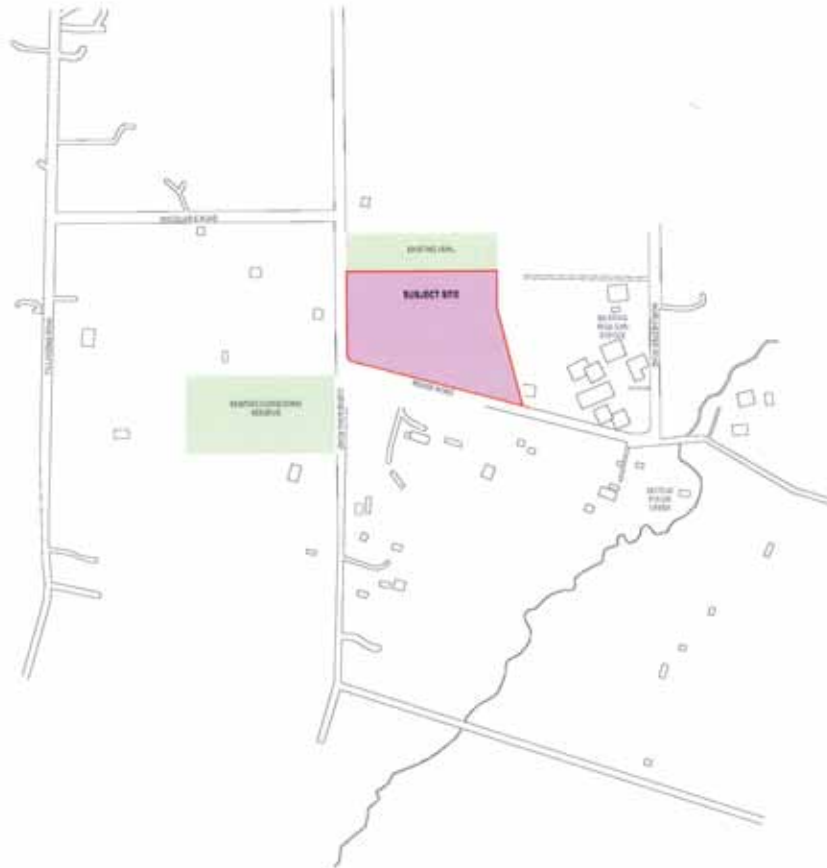
SEPTEMBER, 2016

## MASTERPLAN STAGE 1 DA GOLD ABACUS DEVELOPMENT 88-104 ROUSE ROAD, ROUSE HILL

### DRAWING LIST

SERIES	DWG NO.	DWG TITLE	SCALE
	MP-001-000	COVER SHEET	NTS@A1
CONTEXT	MP-100-001	CONTEXT/LOCATION PLAN	1:5000@A1
	MP-100-010	SITE ANALYSIS PLAN	1:2000@A1
PLANS	MP-105-010	MASTERPLAN - ENVELOPE PLAN DIAGRAM SHEET	1:500@A1
	MP-105-020	MASTERPLAN - SITE AREA CALCULATION	1:1000@A1
	MP-105-030	MASTERPLAN - OPEN SPACE AREA	1:1000@A1
	MP-105-040	MASTERPLAN - DEEP SOIL AREA	1:1000@A1
	MP-105-050	MASTERPLAN - LANDSCAPED AREA	1:1000@A1
	MP-105-060	MASTERPLAN - SITE COVERAGE	1:1000@A1
	MP-105-070	MASTERPLAN - SITE AMENITY	1:1000@A1
	MP-105-080	MASTERPLAN - SOLAR ACCESS COMMUNAL OPEN SPACE SHEET 1	1:1000@A1
	MP-105-081	MASTERPLAN - SOLAR ACCESS COMMUNAL OPEN SPACE SHEET 2	1:1000@A1
	MP-105-090	MASTERPLAN - ISOMETRIC VIEW	NTS@A1
	ILLUSTRATIVE CONCEPT PLANS		1:500@A1
	MP-110-001	RL45.50	1:500@A1
	MP-110-010	RL48.50	1:500@A1
	MP-110-020	RL51.50	1:500@A1
	MP-110-030	RL54.50	1:500@A1
	MP-110-040	RL57.50	1:500@A1
	MP-110-050	RL60.50	1:500@A1
	MP-110-060	RL63.50	1:500@A1
	MP-110-070	RL66.50	1:500@A1
	MP-110-080	RL69.50	1:500@A1
	MP-110-090	ROOF PLAN	1:500@A1
ELEVATIONS	MP-250-010	ENVELOPE ELEVATION DIAGRAMS SHEET	1:500@A1
SECTIONS	MP-350-010	ENVELOPE SECTION DIAGRAMS SHEET	1:500@A1
DIAGRAMS	MP-720-000	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION SUMMARY	NTS@A1
	MP-720-100	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 1 SHEET1	1:500@A1
	MP-720-101	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 1 SHEET2	1:500@A1
	MP-720-102	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 2 SHEET1	1:500@A1
	MP-720-103	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 2 SHEET2	1:500@A1
	MP-720-104	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 3 SHEET1	1:500@A1
	MP-720-105	SOLAR ACCESS DIAGRAMS & CROSS VENTILATION STAGE 3 SHEET2	1:500@A1
	MP-730-101	SOLAR ACCESS 3D VIEW SHEET1	NTS@A1
	MP-730-102	SOLAR ACCESS 3D VIEW SHEET2	NTS@A1

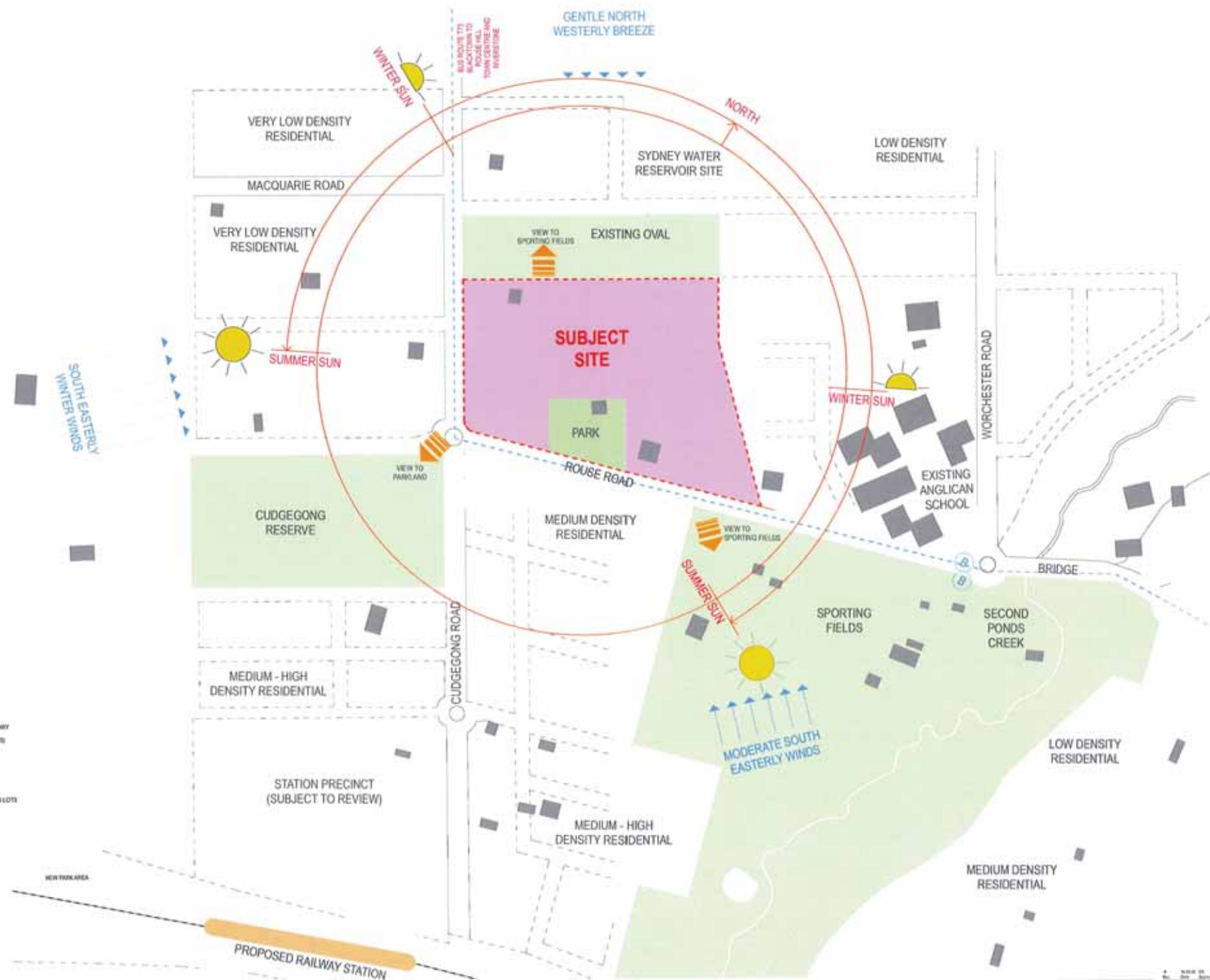




CURRENT LOCATION PLAN



FUTURE PROPOSED LOCATION PLAN LOCATION PLAN  
ACCORDING TO BLACKTOWN COUNCIL, 2018 DCP AREA 20 PRECINCT INDICATIVE LAYOUT PLAN



# LEGEND

- SITE BOUNDARY
- EXISTING ROAD BOUNDARY
- PUBLIC TRANSPORT (BUS)
- BUS STOP
- EXISTING BUILDING
- FUTURE DCP PROPOSED LOTS
- FUTURE OPEN SPACE

Client  
Gold Abacus Development  
225 Coward St, Manot

Project No.  
88 Rouse Road  
88 - 104 Rouse Road, House 140  
Drawing No.  
Context Plans  
Site Analysis Plan

Scale	1:500	North	↑
Author	J. Smith	Check	M. Jones
Date	15/05/2024	Project No.	15055
Drawn By	J. Smith	Scale	1:500
For Submission	MP-100-010	Sheet	1 of 1

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BEFORE DEDICATION  
 TOTAL SITE AREA (INCLUDING ROADS & PARKS)= 60,755 sqm  
 AFTER DEDICATION  
 TOTAL SITE AREA (EXCLUDING PARK & ROADS) =38,269 sqm

SITE AREA EXCLUDING NEW  
 PARK & ROADS





COMMUNAL OPEN SPACE (AFTER DEDICATION)

9,584 sqm 25%

REQUIRED OPEN SPACE 25% OF SITE AREA

PROVIDED OPEN SPACE  
SITE AREA EXCLUDING NEW  
PARKING ROADS



#### DEEP SOIL (AFTER DEDICATION)

DEEP SOIL	2,396 sqm	7.8%
DEEP SOIL WITHIN 5m SETBACK ZONE	3,523 sqm	9.2%
TOTAL DEEP SOIL	6,519 sqm	17.0%
REQUIRED DEEP SOIL 7-15% OF SITE AREA		

- DEEP SOIL
- DEEP SOIL WITHIN 5m SETBACK ZONE
- SITE AREA EXCLUDING NEW PARKING



# LANDSCAPE (AFTER DEDICATION)

13,011 sqm 34%

REQUIRED LANDSCAPE AREA 30% OF SITE AREA

- PROVIDED LANDSCAPED AREA
- SITE AREA EXCLUDING NEW PARKING ROADS



SITE COVERAGE (AFTER DEDICATION)

20,016 sqm 52.3%

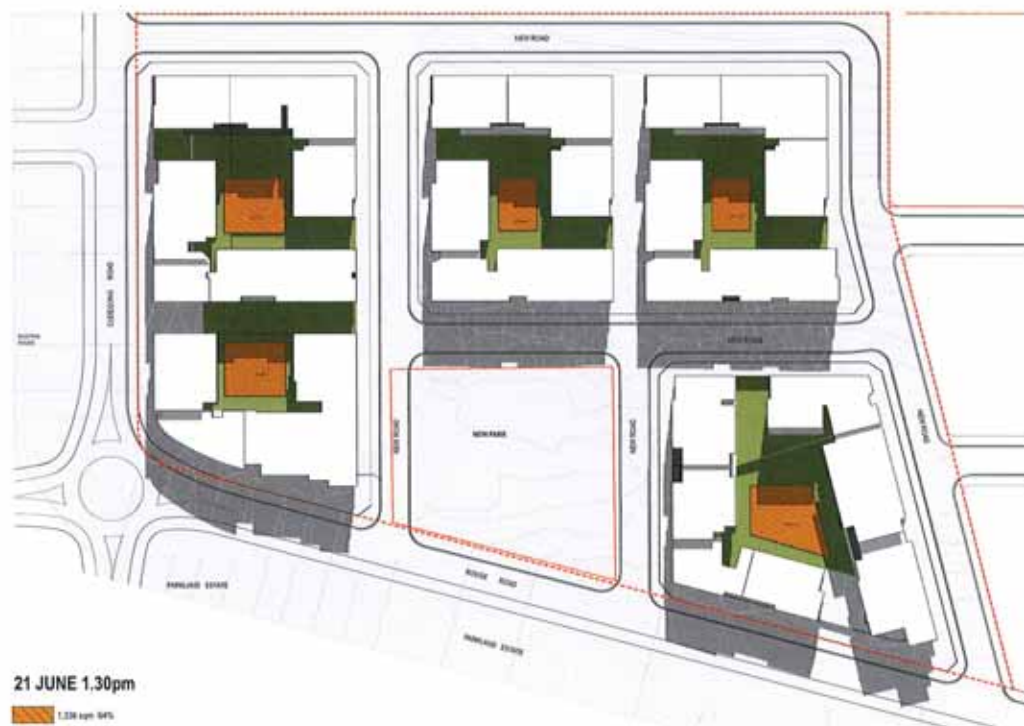
REQUIRED MAXIMUM SITE COVERAGE 50% OF SITE AREA

■ SITE COVERAGE









-  COMMUNAL COURTYARD
-  POTENTIAL THE PRINCIPLE USABLE PART OF COMMUNAL OPEN SPACE TOTAL AREA 4128 sqm
-  DIRECT SUNLIGHT TO THE PRINCIPLE USABLE PART OF COMMUNAL OPEN SPACE

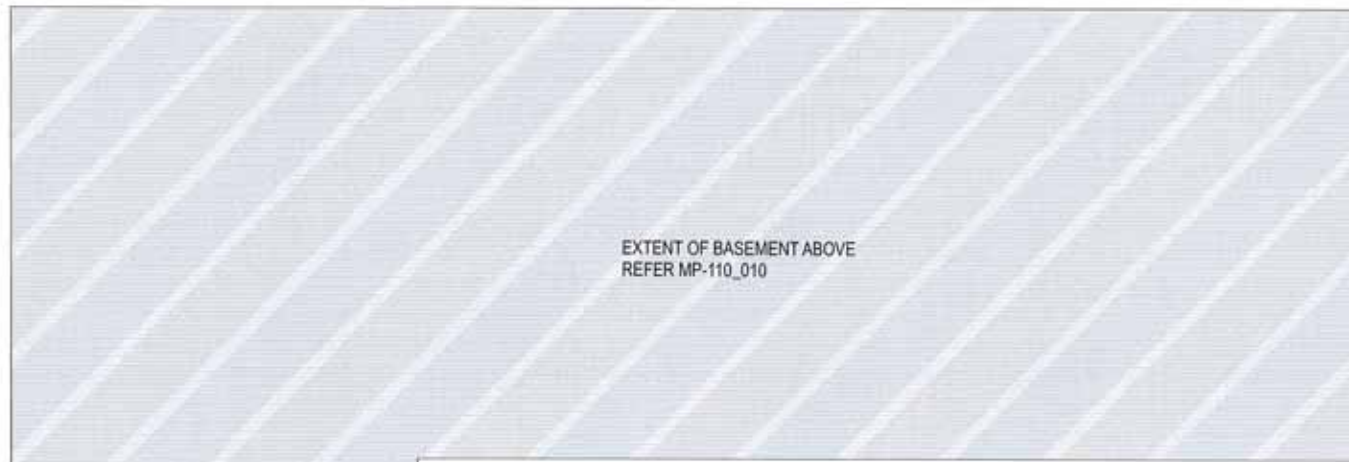
DEVELOPMENTS TO ACHIEVE MINIMUM OF 50% DIRECT  
SUNLIGHT TO THE PRINCIPLE USABLE PART OF THE  
COMMUNAL OPEN SPACE FOR MINIMUM OF 2 HOURS BETWEEN  
9am AND 3pm ON 21st JUNE (MID WINTER)

DEVELOPMENTS ALSO TO ACHIEVE MORE THAN 50% DIRECT SUNLIGHT TO THE NEW PARK FOR ALL THE TIME BETWEEN 9am AND 3pm ON 21st JUNE(MID WINTER)



- MEZZANINE APARTMENT
- COMMUNAL COURTYARD
- NEW PARK





EXTENT OF BASEMENT ABOVE  
REFER MP-110\_010



NOTES:  
1. This plan is a conceptual illustration only and is not intended to be used for construction purposes.  
2. All dimensions are approximate and subject to change without notice.  
3. The plan is based on the information provided by the client and is not intended to be used for legal purposes.

Client: Gold Alabaz Development  
225 Concord St, Masco

Project No: 88 Route Road  
88-104 Route Road, Route 110

Concept Plans  
Illustrative Concept Plan Basement RL45.50

Scale: 1:500  
Date: 15/01/2024  
Project No: 15015  
Client: MP-110-001

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**NOTES**

1. All dimensions are to the center of the road unless otherwise stated.

2. The site plan is for illustrative purposes only and is not a legal document.

3. The site plan is subject to the approval of the relevant authorities.

4. The site plan is subject to the approval of the relevant authorities.

5. The site plan is subject to the approval of the relevant authorities.

**Client**  
Gold Abacus Development  
226 Coward St, Mascot

**Project Info**  
88 Rouse Road  
88 - 154 Rouse Road, Rouse Hill  
Drawing No.  
Concept Plans  
Illustrative Concept Plan RL 54.50

**Author/Project Description**  
15015  
MP-110-830

**turner.**



**NOTES**

1. This plan is a conceptual plan and is not a final plan. It is subject to change without notice.
2. The plan is based on the information provided by the client and is not a guarantee of accuracy.
3. The plan is not a legal document and should not be used for legal purposes.
4. The plan is not a survey and should not be used for surveying purposes.
5. The plan is not a design and should not be used for construction purposes.

**Client**  
Gold Abacus Development  
226 Coward St, Mascot

**Project No.**  
88 Rouse Road  
88-104 Rouse Road, Rouse Hill  
**Concept Plan**  
Illustrative Concept Plan RL 57.50

**Scale**  
1:1000  
1:500  
1:200  
1:100  
1:50  
1:20  
1:10  
1:5  
1:2  
1:1

**Sheet No.**  
15015

**For SA Submission**  
MP-119-040

**turner**





NOTES:  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS AND THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (DOT) SPECIFICATIONS.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS AND THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (DOT) SPECIFICATIONS.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS AND THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (DOT) SPECIFICATIONS.

Gold Abacus Development  
 326 Coward St, Massot

Project No:  
 88 Route Road  
 88 - 104 Route Road, Route 104  
 Drawing No:  
 Concept Plans  
 Illustrative Concept Plan RL 60.50

Scale: 1"=50' (24.1' x 30.5')  
 Date: 10/15/2015  
 Project No: 15015  
 Drawing No: MP-110-050  
 Sheet: 4 of 4

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Scale 1:1000

Scale 1:1000

Scale 1:1000

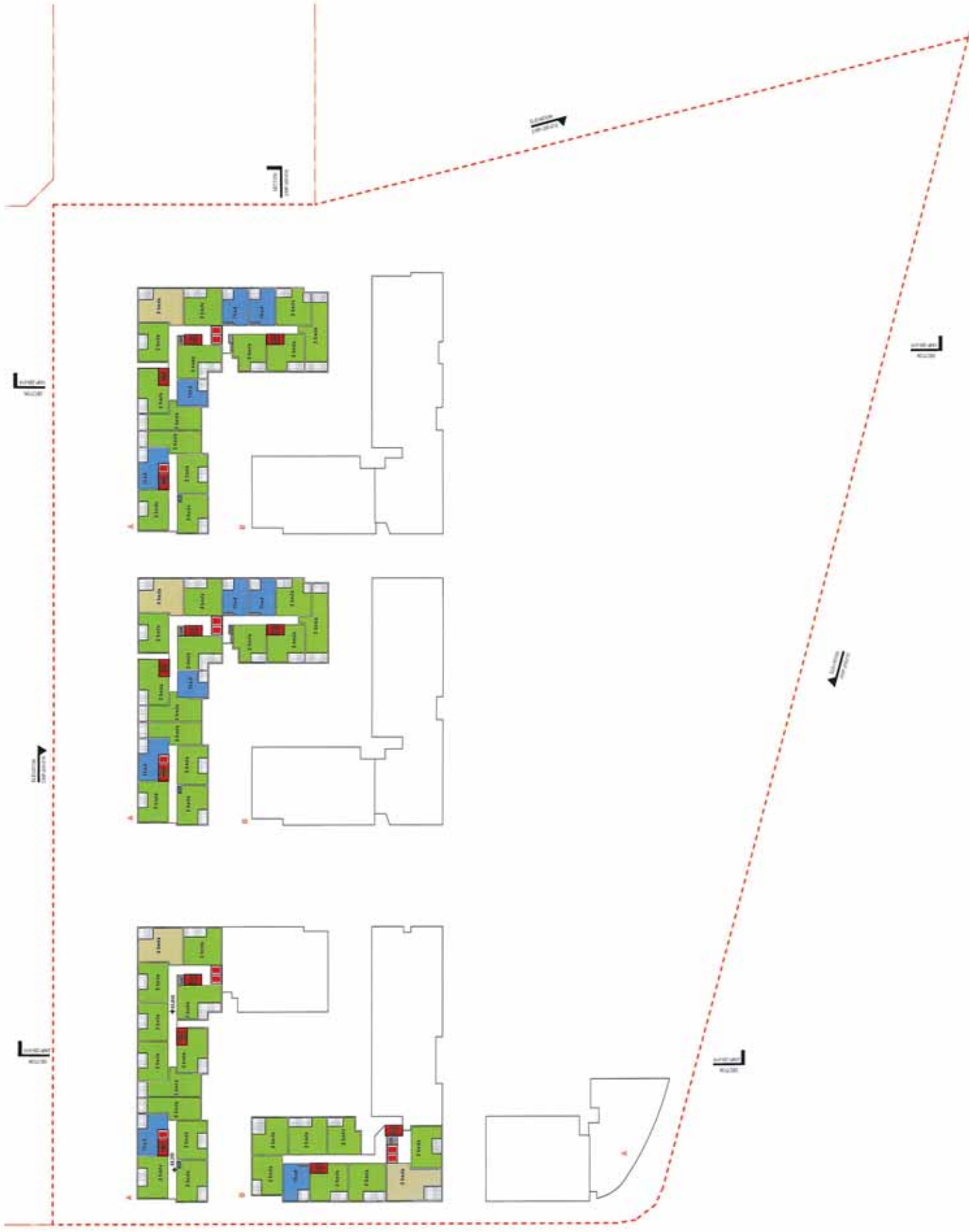
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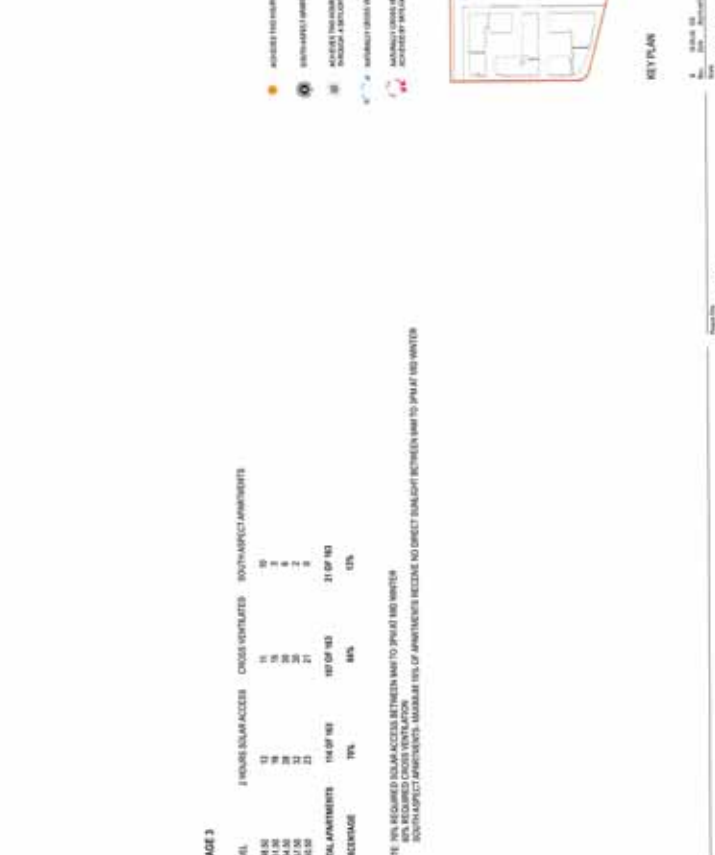
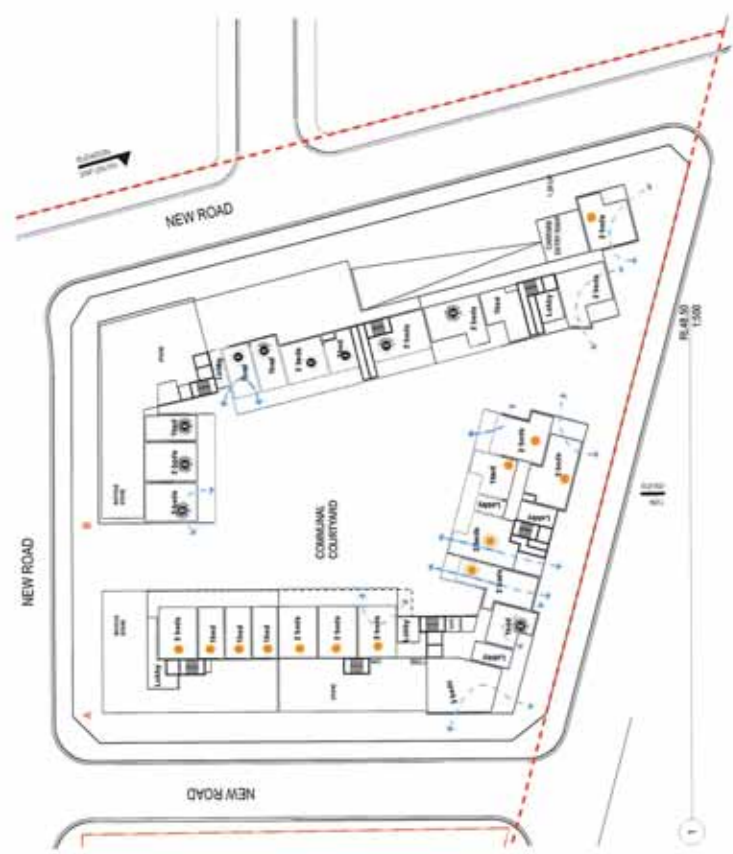












**STAGE 3**

LEVEL	8 HOUR SOLAR ACCESS	CROSS VENTILATED	SOUTH ASPECT APARTMENTS
NO. OF	12	15	10
NO. OF	18	15	8
NO. OF	28	20	6
NO. OF	22	21	6
<b>TOTAL APARTMENTS</b>	<b>116 OF 163</b>	<b>107 OF 163</b>	<b>31 OF 163</b>
<b>PERCENTAGE</b>	<b>70%</b>	<b>64%</b>	<b>19%</b>

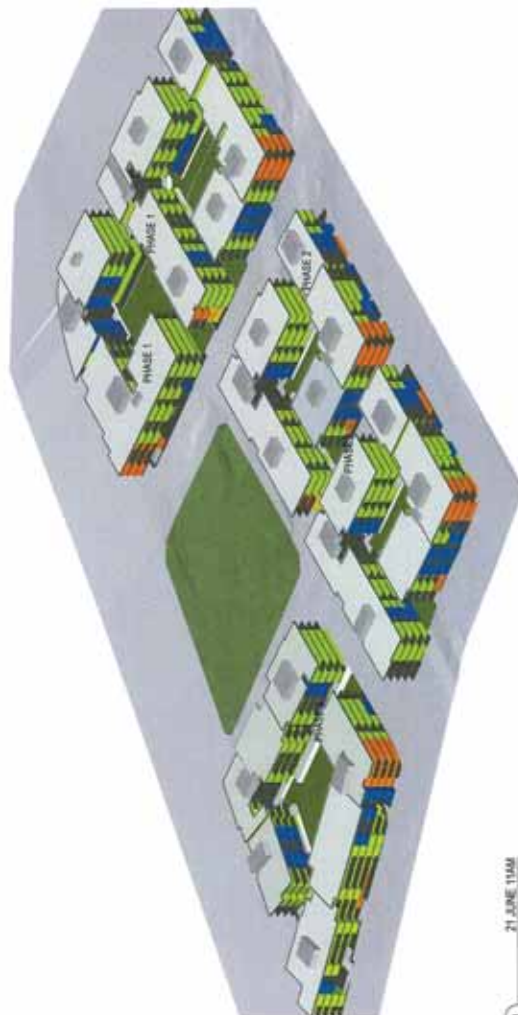
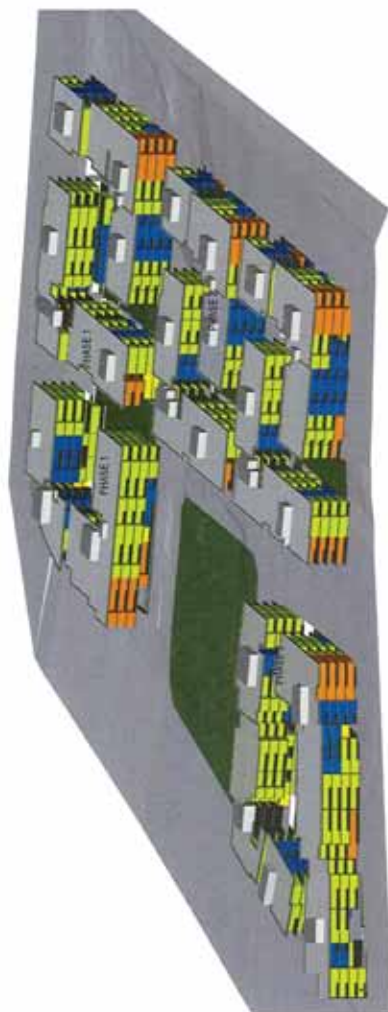
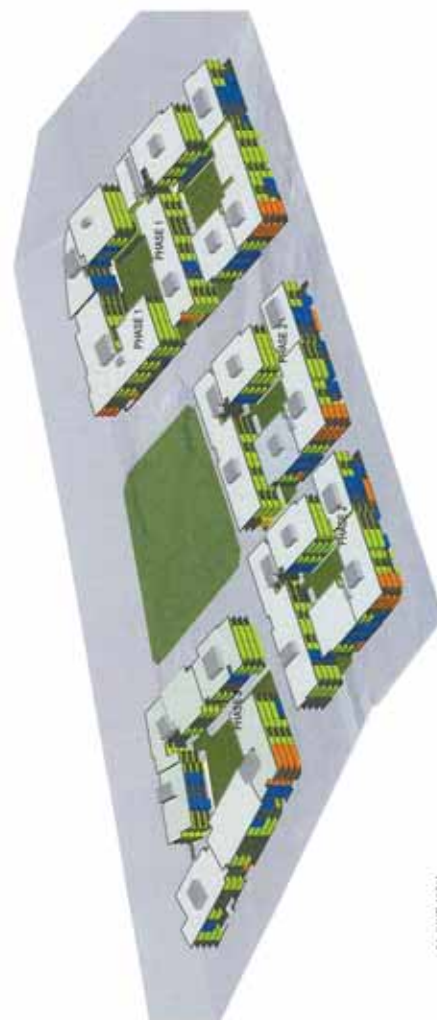
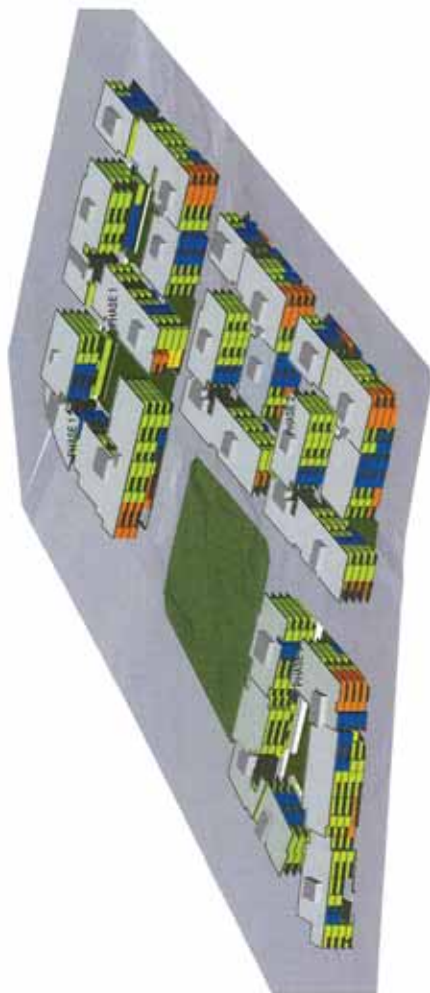
NOTE: THE REQUIRED SOLAR ACCESS BETWEEN WIND TO SPATIAL MID WINTER  
SOUTH ASPECT APARTMENTS. MAXIMUM 15% OF APARTMENTS RECEIVE NO DIRECT SUNLIGHT BETWEEN WIND TO SPATIAL MID WINTER

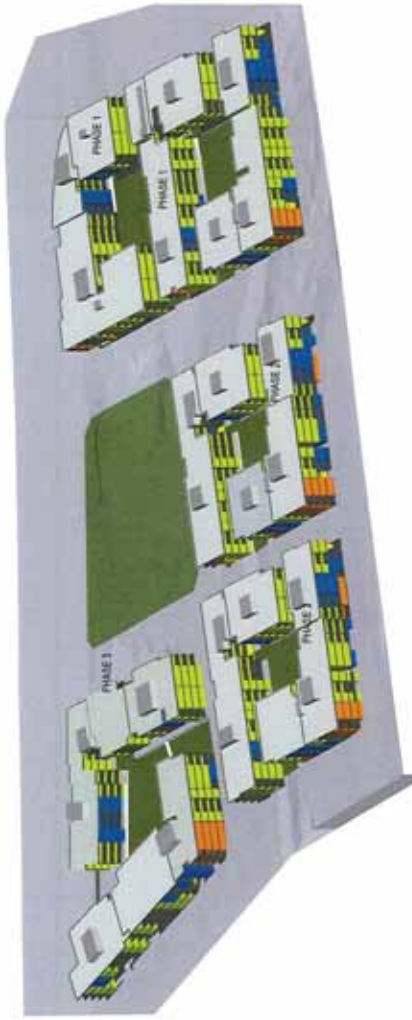


KEY PLAN

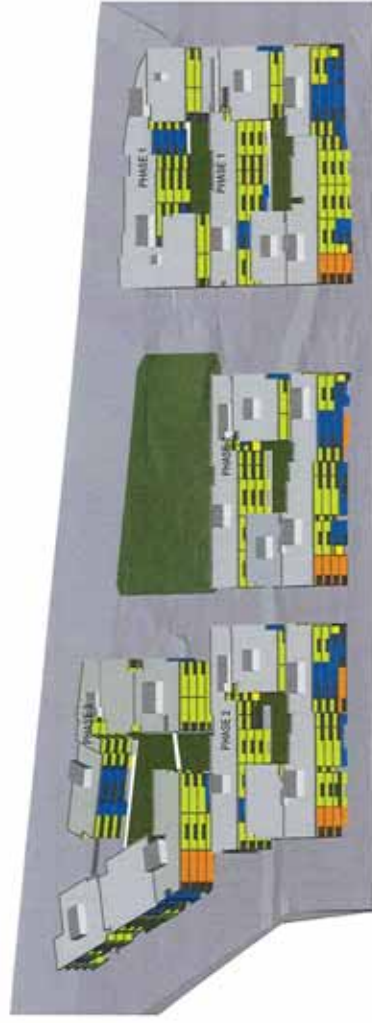
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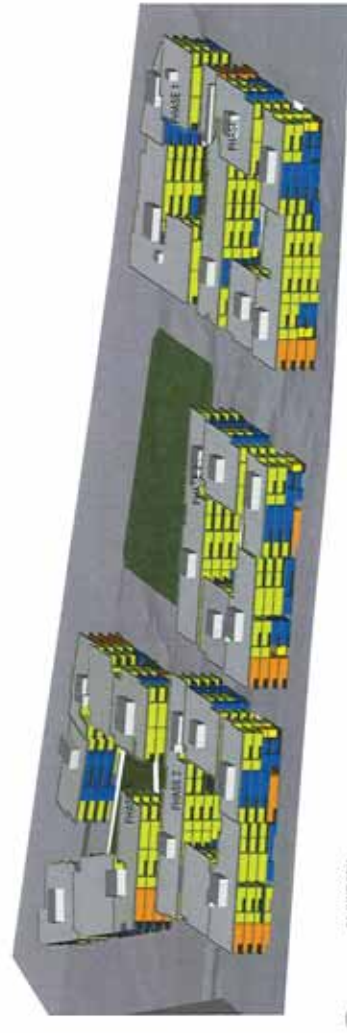




5 21 JUNE 1PM



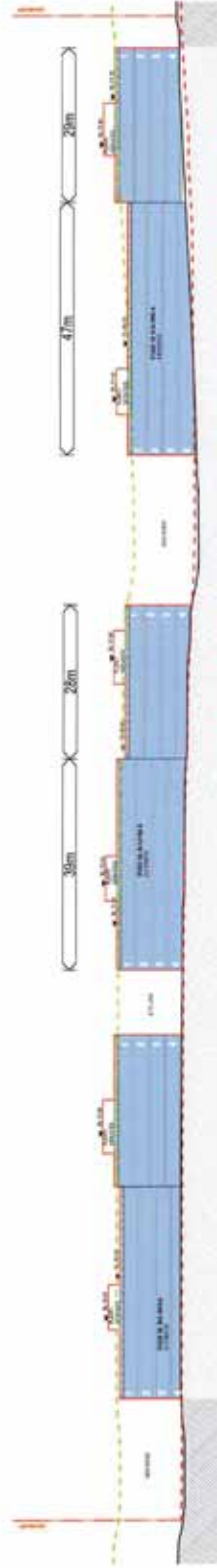
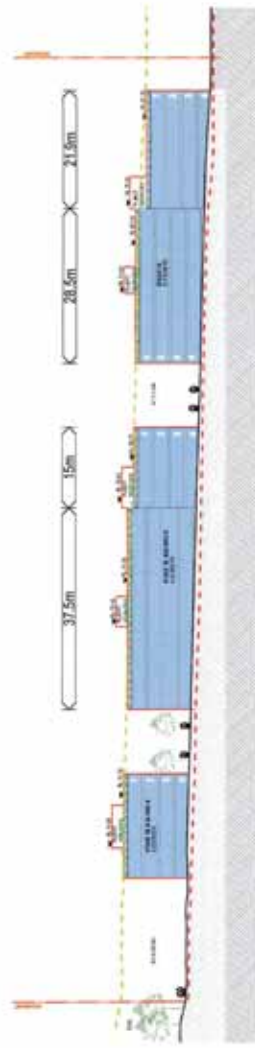
6 21 JUNE 3PM



7 21 JUNE 3PM









1 ENVELOPE SECTION DIAGRAM 1  
1/8"=1'-0"



2 ENVELOPE SECTION DIAGRAM 2  
1/8"=1'-0"



3 ENVELOPE SECTION DIAGRAM 3  
1/8"=1'-0"

LEGEND  
 BUILDING ENVELOPE CONTROL LINE  
 1/8"=1'-0" (1/8")  
 1/8"=1'-0" (1/8")  
 1/8"=1'-0" (1/8")

## 9 Solar access and Cross Ventilation Diagrams Summary

## CROSS VENTILATION & SOLAR ACCESS DIAGRAMS SUMMARY

STAGE 1A+1B	2 HOUR SOLAR ACCESS	CROSS VENTILATED	SOUTH ASPECT APARTMENTS
TOTAL APARTMENTS	115 OF 244	148 OF 244	37 OF 244
PERCENTAGE	72%	61%	15%
STAGE 1A+1B	200 OF 248	171 OF 248	44 OF 218
TOTAL APARTMENTS			
PERCENTAGE	79%	69%	15%
STAGE 1	114 OF 163	107 OF 163	21 OF 163
TOTAL APARTMENTS			
PERCENTAGE	70%	66%	13%
STAGE 1,2&3	489 OF 693	426 OF 693	162 OF 693
TOTAL APARTMENTS			
PERCENTAGE	71%	61%	15%

NOTE: 70% REQUIRED SOLAR ACCESS BETWEEN 9AM TO 3PM AT MID WINTER  
60% REQUIRED CROSS VENTILATION  
SOUTH ASPECT APARTMENTS: MAXIMUM 15% OF APARTMENTS RECEIVE NO DIRECT SUNLIGHT BETWEEN 9AM TO 3PM AT MID WINTER

## SUMMARY

SOLAR ACCESS	71%
--------------	-----

CROSS VENTILATION 61%

**SOUTH ASPECT APARTMENT 15%**











194.53  
1950



95.15  
1.500

### STAGE 2A

LEVEL	3 HOUR SQUARE FEET	CROSS VENTILATED	SOUTH-FACING APARTMENTS
9	13	13	13
8	14	14	14
7	22	22	22
6	24	24	24
5	35	35	35
4	19	19	19
3	13	13	13
2	11	11	11
1	11	11	11
TOTAL APARTMENTS	88	88	88

**STUDY DESIGN**

LEVEL	3 HOUR SOLAR ACCESS	CROSS VENTILATES	SOUTH-FACE APARTMENTS
100.00	0	12	12
90.00	20	10	
80.00	24	22	4
70.00	30	20	4
60.00	18	12	0
TOTAL APARTMENTS	94	88	34

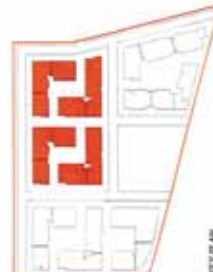
## STATION 2A.4

APARTMENT TYPE	NO. OF UNITS	DATE OF COMPLETION	DATE OF OCCUPANCY
STUDIO APARTMENTS	100	1975	1975
1-BEDROOM APARTMENTS	100	1975	1975
2-BEDROOM APARTMENTS	100	1975	1975
3-BEDROOM APARTMENTS	100	1975	1975
TOTAL APARTMENTS	400	1975	1975

NOTE: 10% REQUIRED SOLAR ACCESS BETWEEN 9AM TO 3PM AT MID WINTER  
50% REQUIRED CROSS VENTILATION  
SOUTH ASPECT APARTMENTS: 80% OF APARTMENTS RECEIVE NO DIRECT SUNLIGHT BE TWEEN 9AM TO 3PM AT MID WINTER



05/09/2016  
1:50PM



STYRENE

**SEPP 65: Design Quality of Residential Flat Development**

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project's registered architect and submitted with the application. The statement addresses each of the 9 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

<b>Principle 1: Context &amp; Neighbourhood Character</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>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.</p> <p>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.</p>	<p>The development has been set out to meet the objectives of the R3 zone within the Area 20 Precinct Plan under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).</p> <p>The concept design responds to the natural topography of the site, the site constraints including its proximity to Schofields Road and the North West Rail Link corridor.</p> <p>The concept design meets the desired future layout as identified within the precinct planning controls, including the Area 20 Indicative Layout Plan.</p>
<b>Principle 2: Built Form &amp; Scale</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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.</p>	<p>The development has been set out to comply with building setback and building separation requirements to ensure the bulk and scale of the development is appropriate for the site.</p> <p>Detailed design of the buildings and articulation is to be provided at the detailed DA stage, however, the future buildings will be oriented to address the multiple street frontages throughout the site.</p>
<b>Principle 3: Density</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p>	<p>The Growth Centres SEPP dictates the appropriate density on the site, establishing a maximum floor space ration of 1.75:1 on the site. The development is substantially below the maximum FSR, proposing an FSR of 1.175:1.</p>

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.	The density of the development is considered appropriate for the site, given its proximity to the future railway stations at Cudgegong Road and Rouse Hill Town Centre, as well as the existing facilities at Rouse Hill Town Centre, including a bus transit.
<b>Principle 4: Sustainability</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The building envelopes have been designed to comply with the Apartment Design Guide's design criteria for natural ventilation and solar access.</p> <p>The concept will maximise the number of units with direct sun access, by increasing building separation. The development is supported with the BASIX Certificate and the buildings will incorporate water efficient fittings and rain water storage. Deep soil zones have been provided throughout the development.</p>
<b>Principle 5: Landscape</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>A detailed landscape plan will be required to be submitted as part of the detailed DA stage and comply with Principle 5 of SEPP No. 65.</p>
<b>Principle 6: Amenity</b>	



Control	Town Planning Comment
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>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.</p>	<p>The building envelopes will be set out to ensure the amenity of future residents will be of a high standard. At the detailed DA stage, apartments have been design to comply or exceed the minimum floor area, solar access and natural ventilation requirements established by the ADG.</p>
<b>Principle 7: Safety</b>	
Control	Town Planning Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The detailed design development applications will be required to be supported with the Crime Prevention through Environmental Design analysis.</p>
<b>Principle 8: Housing Diversity &amp; Social Interaction</b>	
Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal incorporates a mix of 1 bedroom, 2 bedroom and 3 bedroom apartments, being 189 x 1 bedroom (27.35%), 458 x 2 bedroom (66.28%), 44 x 3 bedroom (6.36%).</p> <p>The common open space will be required to provide active and passive spaces, which encourage social interaction.</p>

Principle 9: Aesthetics	
Control	Town Planning Comment
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>Colours and finishes will be provided at the detailed DA stage.</p>

## Compliance with Apartment Design Guide (ADG)

In addition to the 9 'design quality principles' listed above, SEPP 65 requires that when assessing an application, Council must have consideration for the design guidelines provided in the Apartment Design Guide (ADG). The following table identified the relevant design concepts and numerical guidelines from the ADG, and an assessment of the proposal against these guidelines.

ADG Requirement	Proposal	Compliance
<b>Controls</b>		
<b><u>2F Building Separation</u></b>  Up to four storeys/12m: - 12m btw habitable rooms / balconies - 9m btw habitable rooms / balconies & non-habitable rooms - 6m btw non-habitable rooms  Five to eight storeys/up to 25m: - 18m between habitable rooms / balconies - 13m btw habitable rooms / balconies & non-habitable rooms - 9m btw non-habitable rooms  Nine storeys and above/over 25m: - 24m btw habitable rooms / balconies - 18m btw habitable rooms / balconies & non-habitable rooms - 12m btw non-habitable rooms	Development is 4 storeys in height and provides for a 12 m - 29 m building separation between buildings.	Yes
<b>Siting the Development</b>		
<b><u>3A Site Analysis</u></b> Satisfy the site analysis guidelines-App 1.	Site Analysis provided.	Yes
<b><u>3B Orientation</u></b> Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%.  4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. The proposal will overshadow the adjoining properties, however, a minimum 2 hours sunlight will be achieved.  N/A Adjoining properties do not contain solar collectors	Yes  N/A
<b><u>3C Public Domain Interface</u></b> Ground level courtyards to have direct access, if appropriate. Ground level courtyards to be above street level for visual privacy. Balconies and windows to overlook the public domain. Front fences to be visually permeable	Details to be provided as part of detailed DA stage.	Yes

ADG Requirement	Proposal	Compliance
<p>with max 1m height, and limited length.  Entries to be legible.  Raised terraces to be softened by landscaping.  Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.  Basement car park vents not to be visually prominent.  Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view.  Ramping for accessibility to be minimised.  Durable, graffiti resistant &amp; easily cleanable materials should be used.  On sloping sites, protrusion of car parking should be minimised.</p>		
<p><b><u>3D Communal &amp; Public Open Space</u></b>  Common Open Space (COS) &gt;25% of the site.  Direct sunlight to &gt;50% of COS for 2 hours between 9am and 3pm.  Minimum dimension of 3m.  Direct &amp; equitable access.  If COS cannot be located on Ground Level, provide on the podium or roof.  If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space &amp; facilities.  Range of activities (e.g. seating, BBQ, play area, gym or common room).  Visual impacts minimised from ventilation, substations and detention tanks.  Maximise safety.  Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>The concept plan demonstrates that 25 % of the site can be provided in common open space. Embellishment details to be provided as part of detailed DA stage.</p>	<p>Yes</p>
<p><b><u>3E Deep Soil Zones</u></b>  Minimum area = 7% of site area.  Preferred area = 15%.  If the site is between 650 to 1500 sqm then minimum dimensions of 3m.  If over 1500 sqm then min dimensions of 6m.</p>	<p>The concept plan demonstrates that 6,519 sqm of deep soil zone can be provided. Equivalent to 17 % of site area.  Suitable dimensions of deep soil zone are provided.</p>	<p>Yes</p>
<p><b><u>3F Visual Privacy</u></b>  Building Separation: refer to 2F above.  Direct lines of sight should be avoided for windows and balconies across corners.  Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density</p>	<p>The concept plan demonstrates that adequate building separation can be provided.</p> <p>N/A</p>	<p>Yes</p>



ADG Requirement	Proposal	Compliance
residential zone an additional 3m rear side setback is required.		
<b><u>3G Pedestrian Access &amp; Entries</u></b> Connect to & activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access is direct to the street frontage and easily identifiable. Internal links are direct.	Yes
<b><u>3H Vehicle Access</u></b> Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes
<b><u>3J Bicycle &amp; Car Parking</u></b> Sites within 800m of a railway station comply with Guide to Traffic Generating Developments.  <b>&lt; 20 units</b> 1 space for each unit An additional 0.2 space for each 2br unit An additional 0.5 space per 3br unit 0.2 space for visitor parking  <b>&gt;20 units</b> Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)  At least 1 loading dock.  Conveniently located and sufficient numbers of bicycle & motorbike spaces.	This is to be provided as part of detailed DA stage.	N/A
<b>Designing the Building</b>		
<b><u>4A Solar &amp; Daylight Access</u></b> Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units.  Maximum number with no sunlight access < 15%.  Suitable design features for operable shading to allow adjustment & choice.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4B Naturally Ventilation</u></b> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	This is to be provided as part of detailed DA stage.	N/A

ADG Requirement	Proposal	Compliance
<b><u>4C Ceiling Heights</u></b> 2.7m for habitable 2.4m for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7m provided for habitable rooms, with 3 m floor to floor heights.	Yes
<b><u>4D Apartment Size &amp; Layout</u></b> Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90sqm + 5 sqm for each unit with more than 1 bathroom.  Habitable Room Depths: limited to 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights)  Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window.  Bedroom sizes (excl wardrobe space): Master - 10sqm Other – 9 sqm Minimum dimensions – 3 m  Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br  Cross-over/cross-through: 4m wide	This is to be provided as part of detailed DA stage.	N/A
<b><u>4E Private Open Space &amp; Balconies</u></b> Studio > 4 sqm 1 bed > 8 sqm & 2m depth 2 bed > 10 sqm & 2m depth 3 bed > 12 sqm & 2.4m depth  Ground level/ podium apartments > 15 sqm & 3m depth  Extension of the living space.  A/C units should be located on roofs, in basements, or fully integrated into the building design.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4F Common Circulation &amp; Spaces</u></b> Maximum number of apartments off a circulation core on a single level – 8-12. Buildings over 10 storeys - maximum of 40 units sharing a single lift. Daylight & natural ventilation to all common circulation areas above ground level. Corridors greater than 12m from the lift	This is to be provided as part of detailed DA stage.	N/A

ADG Requirement	Proposal	Compliance
<p>core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors.</p> <p>Maximise dual aspect apartments and cross over apartments.</p> <p>Primary living room &amp; bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger development – community rooms for owners meetings of resident use should be provided.</p>		
<p><b>4G Storage</b></p> <p>Studio &gt; 4 m<sup>3</sup></p> <p>1 bed &gt; 6 m<sup>3</sup></p> <p>2 bed &gt; 8 m<sup>3</sup></p> <p>3 bed &gt; 10 m<sup>3</sup></p> <p>Min 50% within the apartment.</p>	This is to be provided as part of detailed DA stage.	N/A
<p><b>4H Acoustic Privacy</b></p> <p>Window &amp; door openings orientated away from noise sources.</p> <p>Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms.</p> <p>Separate noisy &amp; quiet spaces.</p> <p>Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.</p>	This is to be provided as part of detailed DA stage.	N/A
<p><b>4J Noise &amp; Pollution</b></p> <p>In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.</p> <p>To mitigate noise transmission:</p> <p>Limit the number and size of openings facing the noise sources.</p> <p>Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens).</p> <p>Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).</p>	This is to be provided as part of detailed DA stage.	N/A
<b>Configuration</b>		
<p><b>4K Apartment Mix</b></p> <p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>Mix is 189 x 1 bedroom (27.35%), 458 x 2 bedroom (66.28%), 44 x 3 bedroom (6.36%)</p> <p>A suitable and responsive apartment mix is proposed.</p>	Yes
<p><b>4L Ground Floor Apartments</b></p> <p>Maximise street frontage activity.</p>	This is to be provided as part of detailed DA stage.	N/A

<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.		
<b><u>4M Facades</u></b> Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4N Roof Design</u></b> Roof treatments are to integrated into the building design and positively respond to the street.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4O Landscape Design</u></b> <b><u>Site Area</u></b> < 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ. >1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.	The concept plan demonstrates that 6,519 sqm of deep soil zone can be provided. Equivalent to 15 % of site area. Deep soil zones to have minimum dimensions  Further details are to be provided as part of detailed DA stage.	Yes
<b><u>4P Planting on Structures</u></b> Refer to Table 5 for minimum soil standards. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4Q Universal Design</u></b> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	This is to be provided as part of detailed DA stage.	N/A
<b><u>4R Adaptive Reuse</u></b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<b><u>4S Mixed Use</u></b> Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	N/A	N/A
<b><u>4T Awnings &amp; Signage</u></b>	N/A	N/A



ADG Requirement	Proposal	Compliance
<p>Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters &amp; down pipes to be integrated and concealed. Lighting under awnings is to be provided.</p> <p>Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.</p>		
<b>Performance</b>		
<p><b><u>4U Energy Efficiency</u></b>  The development is to incorporate passive solar design. Heating &amp; cooling infrastructure are to be centrally located (e.g. basement).</p>	This is to be provided as part of detailed DA stage.	N/A
<p><b><u>4V Water Management &amp; Conservation</u></b>  Rainwater collection &amp; reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.</p>	This is to be provided as part of detailed DA stage.	N/A
<p><b><u>4W Waste Management</u></b>  Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.</p>	This is to be provided as part of detailed DA stage.	N/A
<p><b><u>4X Building Maintenance</u></b>  The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.</p>	This is to be provided as part of detailed DA stage.	N/A

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
<b>Part 5 Development controls – flood prone and major creek land</b>		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A	
Cl. 20 Development on and near certain land at Riverstone West	N/A	
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 6 – Area 20 Precinct Plan		
Clause	Proposal	Complies
<b>Part 2 Permitted or prohibited development</b>		
<b>2.1 Zoning &amp; Land Use Tables</b>	R3 – Medium Density Residential. 'Residential flat building' are permissible with consent. RE1 – Public Recreation	Yes
<b>Part 4 Principal development standards</b>		
<b>4.1AB Cl. (9) - Min. lot size for RFB in R3 zone</b> ➤ Min. 2,000m <sup>2</sup>	Site area – 60,755 sqm (including roads) 13,635 sqm (Stage 1 excluding roads) 14,989 sqm (Stage 2 excluding roads) 9,645 sqm (Stage 3 excluding roads)	Yes
<b>4.1B Residential Density</b> ➤ Min. 25ph	152 dwellings required 691 units proposed	Yes
<b>4.3 Height of Buildings</b> ➤ Max. 12m	Maximum height 15.4 m	No – Clause 4.6 exception Sought. Variation discussed in main report and is acceptable on its merits.
<b>4.4 Floor space ratio (NB. calculations to be in accordance with 4.5)</b> ➤ Max. 1:1.75	1.175: 1	Yes

<b>4.6 Exceptions to development standard</b> ➤ Request must be in writing	Lodged and discussed in report.	Yes
<b>Part 5 Miscellaneous provisions</b>		
<b>5.6 Architectural roof features</b>	N/A	
<b>5.9 Preservation of trees or vegetation</b>	Tree removal sought as part of DA. Deep soil zone planting proposed in common open space and along site boundaries.	Yes
<b>Part 6 Additional local provisions</b>		
<b>6.1 Public utility infrastructure</b>	Acceptable	Yes
<b>6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone</b>	N/A	N/A
<b>6.4 &amp; 6.5 Native vegetation</b>	N/A	N/A
<b>6.6 Zone B4 Mixed Use</b>	N/A	N/A
<b>6.7 B1 Neighbourhood Centre</b>	N/A	N/A

**Compliance with BCC Growth Centre Precincts DCP 2010**  
**Part 4.0 - Development in the Residential Zones (from main body of DCP)**

**SPECIFIC RESIDENTIAL FLAT BUILDING CONTROLS**

**Key controls for residential flat buildings (Table 4-10)**

<b>Element/Control</b>	<b>Proposal</b>	<b>Complies</b>
<b>Site coverage</b> ➤ Max. 50%	52.3 %	No – however, variation discussed in main report and considered acceptable on its merits.
<b>Landscaped area</b> ➤ Min. 30% of site area	34 %	Yes
<b>Communal open space</b> ➤ 15% of site area	25 %	Yes
<b>Principal private open space (PPOS)</b> ➤ Min. 10m <sup>2</sup> per dwelling ➤ Min. dimension of 2.5m	To be identified at detailed DA stage	N/A
<b>Front setback</b> ➤ Min. 6m ➤ Balconies and other articulation may encroach into setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	5 m setback provided to new streets, however, 18 m road reserve provided at request of Council.  6 m setback provided to existing roads (Cudgegong and Rouse Roads)	No – however, variation discussed in main report and considered acceptable on its merits.
<b>Corner lots secondary setback</b> ➤ Min. 6m	5 m setback provided to streets, however, 18 m road reserve provided at request of Council.	No – however, variation discussed in main report and considered acceptable on its merits.
<b>Side setback</b> ➤ Buildings up to 3 storeys: min. 3m ➤ Buildings above 3 storeys: min 6m	N/A as all street frontages provided.	N/A
<b>Rear setback</b> ➤ Min. 6m	N/A as all street frontages provided.	N/A
<b>Zero lot line</b> ➤ Not permitted	Not proposed.	Yes
<b>Habitable room/balcony separation distance for buildings 3 storeys and above</b> ➤ Min. 12m	Building separation of 12 m minimum	Yes
<b>Car parking spaces</b> ➤ 1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling. ➤ May be in a 'stack parking' configuration. ➤ Spaces to be located below ground or behind building line ➤ 1 visitor car parking space per 5 units	To be identified at detailed DA stage	N/A



<b>Bicycle parking</b> ➤ 1 space per 3 dwellings	To be identified at detailed DA stage	N/A
<b>Garage dominance</b> ➤ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	N/A	N/A
<b>Garages and car parking dimensions</b> ➤ Covered: min. 3m x 5.5m ➤ Uncovered: min. 2.5m x 5.2m ➤ Aisle widths must comply with AS 2890.1	To be identified at detailed DA stage	N/A
<b>Additional controls for certain dwelling types (Section 4.3 )</b> (Sub section 4.3.5 Controls for residential flat buildings)		
<b>Element/Control</b>	<b>Proposal</b>	<b>Complies</b>
<b>Street frontage</b> ➤ Minimum 30m	Exceeds 30 m requirement	Yes
<b>Access</b> ➤ Direct frontage to street or public park	Vehicle access proposed to future public road	Yes
<b>Amenity</b> ➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Solar access report submitted demonstrating compliance with ADG requirements for apartments and common open space. Adequate building separation is provided to ensure privacy and visual impact of development is satisfactory.	Yes
<b>Adaptable Housing</b> ➤ Min 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the <i>Australian Adaptable Housing Standard (AS 4299-1995)</i> ➤ Preferably on ground floor or access via a lift, including access to basement. ➤ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the <i>Australian Adaptable Housing Standard (AS 4299-1995)</i> .	To be identified at detailed DA stage	N/A
<b>Accessible parking</b> ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	To be identified at detailed DA stage	N/A
<b>Landscape Plan</b> ➤ Landscape plan to be submitted.	To be identified at detailed DA stage	N/A
<b>CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT</b>		
<b>Site Responsive Design (Section 4.1)</b>		
<b>Control/Requirement</b>	<b>Proposal</b>	<b>Complies</b>
<b>4.1.1 Site analysis plan</b>	Satisfactory	Yes

<b>4.1.2 Cut and fill</b> <ul style="list-style-type: none"> <li>➤ Max. 500mm cut/fill</li> <li>➤ Validation Report for imported fill</li> <li>➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary</li> <li>➤ Max. 600mm high walls</li> <li>➤ Max. 1200mm combined wall height</li> <li>➤ Min 0.5m between each step</li> </ul>	To be identified at detailed DA stage	N/A
<b>4.1.3 Sustainable building design</b> <ul style="list-style-type: none"> <li>➤ BASIX Certificate</li> <li>➤ Indigenous species to make up more than 50% of plant mix on landscape plan</li> <li>➤ Plant species to be selected from Appendix D</li> <li>➤ Outdoor clothes lines/drying areas required</li> </ul>	To be identified at detailed DA stage	N/A
<b>4.1.4 Salinity, sodicity &amp; aggressivity</b> <ul style="list-style-type: none"> <li>➤ To comply with Salinity Management Plan developed at subdivision phase</li> </ul>	Salinity report submitted.	Yes – This will be <b>conditioned</b> accordingly.
<b>Dwelling design controls (Section 4.2)</b>		
<b>Control/Requirement</b>	<b>Proposal</b>	<b>Complies</b>
<b>4.2.1 Summary of Key Controls</b>	N/A – tables do not relate to RFB's	N/A
<b>4.2.2 Streetscape &amp; design</b>	N/A – no specific controls for RFB's	N/A
<b>4.2.3 Front setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.4 Side and rear setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.5 Height, massing and siting</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.6 Landscaped area</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.7 Private open space</b> <ul style="list-style-type: none"> <li>➤ Principle POS to be accessible from the main living area and have a maximum gradient of 1:10.</li> </ul>	To be identified at detailed DA stage	N/A
<b>4.2.8 Garages, access &amp; parking</b> <ul style="list-style-type: none"> <li>➤ Driveways not to be within 1m of drainage facilities on gutter.</li> <li>➤ Planting/walls adjacent to driveways must not block sight lines.</li> <li>➤ Driveways to have soft landscaped areas on either side.</li> </ul>	Driveway location satisfactory.	Yes
<b>4.2.9 Visual and acoustic privacy</b> <ul style="list-style-type: none"> <li>➤ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area.</li> <li>➤ No equipment or plant to generate noise level &gt; 5dBA measured during the hours 7.00am to 10.00pm.</li> <li>➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts</li> <li>➤ Noise walls are not permitted.</li> <li>➤ Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for</li> </ul>	To be identified at detailed DA stage	N/A

Building Interiors. ➤ Development shall aim to comply with the criteria in Table 4-7.		
<b>4.2.10 Fencing</b> ➤ Front fencing max. 1m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences max. 1.8m. ➤ Side fences not on a street frontage to be a max. 1m high to a point 2m behind the primary building façade. ➤ Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4m behind the building line. ➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with max. height 1m or see-through materials for portion above 1m. ➤ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear access ways to permit casual surveillance.	To be identified at detailed DA stage	N/A

**Compliance with BCC Growth Centre Precincts DCP 2010  
Schedule 4 – Area 20 Precinct (precinct specific controls)**

Section 2 – Relevant figures	
Control	Comment
<b>Figure 2.2 Aboriginal cultural heritage sites</b>	Site not identified as an aboriginal cultural heritage site. Applicant has submitted a due diligence report and has identified low potential.
<b>Figure 2.3 Second Ponds Creek – Flood Prone Land and Riparian Corridor</b>	The site is not identified as flood prone land.
<b>Figure 2.4 Salinity Potential</b>	The site is identified as having moderate to high potential. A salinity assessment has been undertaken and a <b>condition</b> will be imposed on any consent requiring compliance with the recommendations of the report.
<b>Clause 2.3.1 Development on or adjacent to the quarry sites</b>	N/A
<b>Figure 3.1 Precinct Road Hierarchy</b>	The proposal seeks a road pattern variation which is discussed in the main report.