

## SYDNEY WEST CENTRAL PLANNING PANEL

<b>Panel Reference</b>	2017SWC021
<b>DA Number</b>	DA 906/2015/JP/A
<b>LGA</b>	THE HILLS SHIRE COUNCIL
<b>Proposed Development</b>	SECTION 96(2) MODIFICATION TO AN APPROVED RESIDENTIAL FLAT BUILDING DEVELOPMENT
<b>Street Address</b>	LOT 14 DP 280013, NO. 98 CADDIES BOULEVARD, ROUSE HILL
<b>Applicant</b>	AUX REAL ESTATE & DEVELOPMENT PTY LTD
<b>Date of DA Lodgement</b>	02 FEBRUARY 2017
<b>Number of Submissions</b>	NIL
<b>Recommendation</b>	APPROVAL OF THE MODIFICATION
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	SECTION 96(2) MODIFICATION TO A DEVELOPMENT EXCEEDING \$20 MILLION
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Section 79C (EP and A Act, 1979)</li> <li>• Section 96 (EP and Act, 1979)</li> <li>• LEP 2012</li> <li>• SEPP 32 - Urban Consolidation</li> <li>• SEPP 65 – Design Quality of Residential Apartment Development</li> <li>• SREP 19 – Rouse Hill Development Area</li> <li>• SREP 20 – Hawkesbury/Nepean River</li> <li>• Apartment Design Guidelines</li> <li>• DCP Part D – Section 6 Rouse Hill Regional Centre</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Nil
<b>Report prepared by</b>	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER
<b>Report date</b>	Electronic Determination

<b>Summary of S.79C matters</b> Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report	Yes

## EXECUTIVE SUMMARY

Development Application 906/2015/JP was approved by the then Joint Regional Planning Panel (JRPP) (now Sydney West Central Planning Panel) on 16 December 2015. The approval was for a residential flat building containing 58 units comprising 18 x 1 bedroom units, 35 x 2 bedroom units and 5 x 3 bedroom units.

The applicant seeks to amend the proposal to provide a chamber substation which has resulted in changes to the access driveway, parking layout and modified design to unit G01. Unit G01 which was approved as a two bedroom unit will become a 1 bedroom unit.

The modified development produces further variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front setbacks, unit size and mix, and landscape area. Most of the variations arise from the constrained nature of the site with its narrow depth adjacent to the Town Centre.

The development site has a relatively narrow depth of approximately 19-30 metres. The site is adjacent to the Rouse Hill Town Centre and therefore has good access to a range of services. The site is also in close proximity to Caddies Creek and is therefore located in a park setting. The variations are considered reasonable in that context.

The proposal has been necessitated by the need to provide a substation and the consequential variations to development controls are minor.

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

The modification application is recommended for approval subject to revised conditions.

**BACKGROUND****MANDATORY REQUIREMENTS**

Owner:	AUX Real Estate and Development Pty Ltd	1.	<u>LEP 2012</u> – Satisfactory.
Zoning:	B4 Mixed Use	2.	<u>SEPP 65 Design Quality of Residential Apartment Development</u> – Satisfactory, see report.
Area:	1888m <sup>2</sup>	3.	<u>Apartment Design Guidelines</u> – Variation required, see report
Existing Development:	Clearing has commenced.	4.	<u>SEPP 32 – Urban Consolidation</u> – Satisfactory.
		5.	<u>SREP 19 – Rouse Hill Development Area</u> – Satisfactory.
		6.	<u>SREP 20 – Hawkesbury/Nepean River</u> – Satisfactory.
		7.	<u>DCP Part D – Section 6 Rouse Hill Regional Centre</u> – Variations required, see report.
		8.	<u>Section 79C (EP and Act, 1979)</u> – Satisfactory.
		9.	<u>Section 96 (EP and A Act, 1979)</u> – Satisfactory.
		10.	<u>Section 94 Contributions</u> – No, however a Planning Agreement is in place and a payment is required under the Planning Agreement.

**SUBMISSIONS****REASON FOR REFERRAL TO SWCPP**

1. Exhibition:	Not required	1.	Section 96(2) Modification to an application approved by the then JRPP (now SWCPP).
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	Six		
4. Submissions Received:	Nil		

**HISTORY**

- 16/12/2015** Development Application 906/2015/JP approved by the then Joint Regional Planning Panel (now Sydney West Central Planning Panel).
- 02/02/2017** Subject Modification Application lodged.
- 20/02/2017** Email sent to the applicant requesting additional information regarding parking, landscape works, DCP compliance, roof top works, ADG compliance, setback and substation design.
- 21/02/2017** Further email sent to the applicant regarding parking spaces and aisle width.
- 21/02/2017 and 27/03/2017** Additional information submitted by the applicant.
- 30/05/2017** Email sent to the applicant regarding front setback, landscape works and separation between buildings.

<b>07/06/2017</b>	Further email sent to the applicant clarifying the landscape requirements.
<b>26/06/2017</b>	Additional information submitted by the applicant.
<b>06/07/2017</b>	Email sent to the applicant requesting further landscape information.
<b>11/07/2017</b>	Additional information submitted by the applicant.
<b>20/07/2017</b>	Email sent to the applicant requesting further section plans.
<b>11/08/2017</b>	Additional information submitted by the applicant.
<b>16/08/2017</b>	Email sent to the applicant requesting further section plans.
<b>22/08/2017</b>	Additional information submitted by the applicant.

## **PROPOSAL**

Development Consent 965/2015/JP for an apartment building development was approved by the then JRPP (now SWCPP) on 16 December 2015.

The subject Section 96(2) modification application seeks to amend the approval as follows:

- a. The addition of a chamber substation is required to provide the apartments with electrical services. As a result of the new substation, the following changes are required:
  - the access driveway off Caddies Boulevard providing entry into the basement carpark requires minor narrowing to 5.5m so as to create additional space on the basement and ground floor levels.
  - Reconfiguration of the basement parking.
  - Unit G01 has been reduced in size from a two bedroom unit to a one bedroom unit.
- b. The relocation of the mechanical air-conditioning units from the individual balconies to the roof to reduce the potential for noise impact to apartments.
- c. The approved solar panels are to be removed from the roof to facilitate the repositioning of the mechanical air-conditioning plant onto the roof. Additionally, water heating plant is now located on the roof and metal cladding has been deleted.
- d. A sprinkler booster assembly is required on the ground floor level, with direct access to Caddies Boulevard.
- e. A mechanical plenum has been added along the southern and eastern sides of the basement, necessitating a minor increase in the footprint of the approved basement level.

## **ISSUES FOR CONSIDERATION**

### **1. Assessment under Section 96 Provisions**

Under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, Council may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved.

The proposed modification seeks approval for minor changes to the plans. The built form remains consistent with the original approval and is in keeping with the modern character of the Town Centre.

The proposed modification is considered to be substantially the same development as originally approved by Council.

The original development was determined by the then JRPP (now SWCPP) as the Capital Investment Value exceeded \$20 million. In addition, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 96(2) of the EP & A Act. As the proposed modification is under the provisions of Section 96(2) of the EP & A Act, the SWCPP is the determining body for the application.

### **2. Assessment under SEPP 65 – Design Quality of Residential Flat Development and the Apartment Design Guidelines**

The original application was lodged on 16 January 2015. At the time of lodgement of the original Development Application, the original application was assessed under the previous SEPP 65 and Residential Flat Design Code (RFDC).

At that time, the Draft SEPP 65 and the associated Apartment Design Guide had been placed on exhibition but had not come into force. As such the original application was assessed under the previous SEPP 65 and Residential Flat Design Code (RFDC) as there was a 'savings provision' which stated that for applications lodged prior to the new SEPP, the previous SEPP continued to apply.

The subject modification application has been considered under the current SEPP 65 requirements and the Apartment Design Guidelines.

#### **a. Design of Unit G01**

The proposed modifications include the reconfiguration of Unit G01 from a two bedroom unit of 90m<sup>2</sup> to a one bedroom unit of 70m<sup>2</sup>.

The ADG requires that a one bedroom unit have a minimum floor area of 50m<sup>2</sup>. The dwelling exceeds the minimum floor area required.

In regard to the design and layout of the unit, the unit achieves the required solar access, depth requirements and balcony area. The proposed balcony faces north-east and will achieve a reasonable level of amenity for residents.

The ADG also requires that units at ground level or on a podium or similar have a private open space area of 15m<sup>2</sup>. The private open space area for the subject unit is 16m<sup>2</sup>. The area is directly accessible from a living area and will have appropriate screening to provide privacy from the street.

The proposed design of Unit G01 is satisfactory in regard to the ADG requirements and can be supported.

## **b. Parking**

The original proposal included a variation to the ADG requirements in regard to the split between resident and visitor parking. In this regard the ADG requires consideration of the RMS parking rates. The RMS rates required the provision of 50 resident parking spaces and 12 visitor spaces, being a total requirement of 62 spaces. The approved development provided 74 spaces comprising 68 resident spaces and 6 visitor spaces.

The proposal includes the reconfiguration of parking spaces with the basement parking. Whilst the arrangement of spaces differs from the original approval, the proposal maintains 74 spaces comprising 68 resident spaces and 6 visitor spaces.

## **c. General Considerations**

The proposed modifications do not adversely impact on the approved design in regard to the requirements of the Apartment Design Guidelines including cross ventilation, building depths, deep soil zone and apartment layout.

It may be noted that the original approval allowed variations to separation between buildings (to the approved apartment development located to the north), deep soil zone, common open space provision and daylight access. There are no further variations proposed as a result of the amended design.

The proposal continues to be satisfactory in regard to the ADG requirements.

## **2. Compliance with DCP Part D Section 6 – Rouse Hill Regional Centre**

The proposed modifications do not amend the general layout or external design of the building. The area which is subject to the proposed changes is the northern corner of the building at ground level and the roof.

It may be noted that the original approval permitted variations to the side setback and separation between buildings adjacent to the western boundary. The amended plans, while changing works adjacent to the western boundary, do not further reduce the approved side setback.

The following table details the relevant parts of the DCP where they relate to the proposed changes:

<b>DEVELOPMENT STANDARD (CLAUSE NO.)</b>	<b>BHDCP REQUIREMENTS</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
3.1.6 Building Height	Building heights to be consistent with LEP 2012.	LEP 2012 has no building height limit.	Yes
3.1.7 Setbacks	Front setback for building height 5 storeys or above: 5 metres.	Nil setback to the substation and 3.92m setback to unit G01.	No - see comments below.
3.1.8 Building Appearance, Articulation, Orientation and Design	Buildings are required to address the street, entries points are to be clearly articulated, corner buildings to address both street frontages.	The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the building adequately addresses both street frontages.	Yes

3.1.9 Apartment Layout and Design	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit mix and sizes.	No – see comments below.
3.1.11 Roof Design	Use of a variety of roof forms which are in character with modern design principles.	The proposed roof design is satisfactory.	Yes
3.1.16 Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m <sup>2</sup> (whichever is greater) ground level open space is to be provided on natural ground.	A landscape area 476.4m <sup>2</sup> is provided which is 25.2%.  An area of 137m <sup>2</sup> is provided at natural ground level which is 7.2%	No – see comments below.
Car Parking	Residential flat buildings: Off-street parking is to be provided for each dwelling at the rate of: 1 bedroom: 1 space/ dwelling 2 bedrooms: 1.5 space / dwelling 3 + bedrooms: 2 spaces/ dwelling	Based on 19 x 1 bedroom, 34 x 2 bedroom and 5 x 3 bedroom units, 80 resident spaces are required.  There are 68 resident spaces proposed which includes 20 stacked spaces.	No – see comments above.
	Visitor parking: 2 spaces/5 dwellings for development with up to 60 units.	Based on 58 units, 24 visitor spaces are required. There are 4 visitor spaces proposed.	No – see comments above.
	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 58 units, 12 bicycle spaces are required. Twelve bicycle spaces are provided.	Yes

#### **a. Setback**

The DCP requires a front setback for buildings with a height of 5 storeys or above of 5 metres. The proposal is for a nil setback to the substation and 3.92m setback to unit G01.

The approved front setback to Unit G01 was 4.05 metres with a similar setback to other units fronting Caddies Boulevard.

The applicant has submitted the following justification for the proposed setback:

*The Statement of Environmental Effects relating to the approved scheme justifies the noncompliant setbacks as follows:-*

*"No specific setbacks are nominated for corner sites, such as the subject site. Compliance with the front and rear setback requirements would prevent the effective development of the site which would be contrary to the intent of the Masterplan, the Precinct Plan and the Design Guidelines. The proposed setbacks are appropriate in the circumstances and generally consistent with the Design Guidelines and with other approved developments nearby."*

*This Section 96 application does not propose any changes to the building setback as approved in the consent to DA 906/2015/JP other than for the substation kiosk. The substation kiosk must be in the location identified on the Section 96 plans and needs to have clear uninterrupted access from the street. Unit G.01 will still have street front landscaping and therefore the substation will be adjoined by street front landscaping which comprises plantings of Callistemon viminalis 'Better John' to a height of 1.2m and a Lagerstroemia 'Black Diamond Pure White' Crepe Myrtle to a height of 2.5m.*

**Comment:**

The Principles within the DCP relate to defining the built area, provision of solar access to rear yards, minimising impact to adjoining property, streetscape appearance and minimising bulk of garages, and allowing landscape works to be undertaken.

The Precinct Plan and Design Guidelines contain the following setback requirements:

Nil setback to Caddies Boulevard and 2m to White Hart Drive.

The proposed setback is consistent with the Design Guidelines.

Attachment 7 shows a photo example of the external appearance of the substation.

The site is located on a corner and is a prominent and highly visual entry point to the Town Centre. To the east of the site is a landscaped tributary (Tributary 3) across White Hart Drive. To the north is an approved residential flat building which is under construction across Caddies Boulevard. The site adjoins the Town Centre and access driveways to the south and west.

The proposed setback is considered satisfactory given the Town Centre location. The site is effectively separated from adjacent future residential development which will be located across Caddies Boulevard and the access driveways into the Town Centre. The site directly adjoins the Town Centre and is located on a main thoroughfare within the Town Centre. The site is discrete in that it has two street frontages. The variation is considered reasonable in that context.

The proposed design of the development and the setbacks and landscape planting proposed will provide a satisfactory streetscape outcome. The development will effectively define built upon area, minimise impacts to adjoining properties and allows adequate solar access.

As such the proposal is considered satisfactory in regard to the DCP requirement.

**b. Unit Mix and Layout**

The DCP requires the following in relation to unit mix and size:

Apartment Mix

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



Residential Flat Development (30 or more units)

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

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

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

The modification includes the reconfiguration of Unit G01 from a two bedroom unit of 90m<sup>2</sup> to a one bedroom unit of 70m<sup>2</sup>.

Unit G01 remains as a Type 2 unit and therefore there is no change to the unit typology.

In terms of the unit mix across the site, the amended design is for 19 x 1 bedroom, 34 x 2 bedroom and 5 x 3 bedroom units:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 19 x 1 bedroom units (32.7% of the total). The original proposal was for 18 x 1 bedroom units which represented 31% of the total.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 5 x 3 bedroom units (8.6% of the total). This has not changed from the original proposal.

The applicant has submitted the following as justification for the increase in number of one bedroom units:

*The revised unit mix (i.e. changing Unit G.01 from a 2-bedroom unit to a 1-bedroom unit) causes the proportion of 1-bedroom units to increase from 31% to 32.7%, which exceeds the 25% limit in Clause 3.11(a) in the DCP. This revised upward adjustment in proportion of one-bedroom units is minimal and only slightly increases the non-compliance against the DCP as approved in the consent to DA 906/2015/JP. The decrease in the size of Unit G.01 (and the resultant change in the unit mix as a whole) is required in order to accommodate the required substation, and gives rise to no adverse impacts. Unit G.01 will have an area of 70m<sup>2</sup> which is ample for a one-bedroom unit.*

**Comment:**

The objectives of the DCP are:

- (i) *To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) *To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) *To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

The proposal seeks to increase the number of one bedroom apartments from 31% to 32.7% of apartments. The proposed increase in one bedroom apartments is considered minor and is necessitated by the need to incorporate the substation into the site.

The proposal continues to provide a reasonable mix of apartments, with 19 x 1 bedroom, 34 x 2 bedroom and 5 x 3 bedroom units proposed within the design. The proposal meets the objectives of the DCP in that the units are a suitable size, have layouts which have a high level of amenity and usability, provides housing choice and have efficient designs.

The proposal also meets the objectives of the ADG in regard to unit mix as a range of apartment types and sizes are provided to cater for different users/household types and the apartment designs are distributed throughout the development.

The proposed unit mix is considered satisfactory and can be supported.

### **c. Landscaping**

The DCP requires that residential flat buildings be provided with a minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m<sup>2</sup> (whichever is greater) ground level open space is to be provided on natural ground.

The landscape areas proposed represents 7.2% of landscape area at natural ground level (137m<sup>2</sup>) and 25.2% total (476.4m<sup>2</sup>) landscape area.

The approved landscape areas provided 9.6% of landscape area at natural ground level (183m<sup>2</sup>).

The applicant has submitted the following as justification:

*The landscaped area of the proposal does not comply with the DCP requirements, in that narrow sleeve sites do not readily lend themselves to 30% landscaped area, and compliance with this requirement would not improve the building design. Instead, landscaping is provided along much of each street frontage and at the rear of the building at natural ground level. Whilst the landscaped area is less than 30% of the site area, this non-compliance has been deemed reasonable due to its location in a town centre. The displacement of a small section of the approved street front landscaping by the substation is a necessary consequence of providing the required electrical services to the building and does not give rise to any significant diminution of the landscape quality of the approved development as a whole.*

**Comment:**

The principles of the DCP are:

- (i) *Provide landscape areas for planting of screening and decorative trees, site amenity, open space, ground water recharge, site drainage management and other landscape outcomes.*
- (ii) *High quality landscaping and open space (including private open space) is required to each dwelling to enhance the visual appeal, improve environmental performance and increase liveability for residents.*

The proposal provides basement carparking with residential units above. Due to the extent of the basement carpark a reduced area for landscape works on natural ground level is available. The proposal is considered satisfactory given the Town Centre location.

The development is located in close proximity to the open space area along Caddies Creek, Tributary 3 and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome. In this regard the courtyards adjacent to the street frontage sit above the street level. Planter areas are provided adjacent to front fencing to provide a landscape screen. The combination of fencing and screen planting within the courtyard and on the street frontage will provide a reasonable level of privacy. The screen planting includes a variety of tree, shrub, groundcover and climbing plants.

As such the proposal is considered satisfactory in regard to the objective of the DCP.

**3. Compliance with the Masterplan and Precinct Plan****a. Compliance with the Masterplan**

Development Application 1604/2004/HB for the Masterplan for the Rouse Hill regional Centre was approved by Council at its Ordinary Meeting on 26 March 2004. The Masterplan set the broad parameters for development of the site including documents and technical reports and six plans detailing land use, open space, road hierarchy, water, residential density and maximum building height. A Masterplan condition requires that a Precinct Plan be prepared for the various precinct areas including detailed urban design guidelines.

The proposal is consistent with the Masterplan.

**b. Town Centre Precinct Plan**

Development Application 1581/2005/HB for the Town Centre Precinct Plan was approved by Council at its Ordinary Meeting on 26 July 2005. The Precinct plan approval included conditions of consent, approved plans and Design Guidelines. The following addresses the proposal's compliance with these provisions.

The proposal is consistent with the Precinct Plan.

**TREE COMMENTS**

No objection to the proposed modifications subject to a revised Condition 5 relating to planting requirements.

## **BUILDING COMMENTS**

No objection to the proposed modifications.

## **SUBDIVISION ENGINEERING COMMENTS**

No objection to the proposed modifications subject to revised Conditions 8 and 9 relating to vehicle access, parking and minor engineering works.

## **CONCLUSION**

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to front setback, unit size and mix, and landscape area.

The proposed modification application is satisfactory and is recommended for approval.

## **IMPACTS:**

### **Financial**

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

### **The Hills Future - Community Strategic Plan**

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

## **RECOMMENDATION**

The Modification Application be approved subject to the following:

1. Condition 1 be deleted and replaced with:

### **1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the following approved plans and details, stamped 906/2015/JP and as amended by 906/215/JP/A and returned with this consent except where amended by other conditions of consent.

#### **REFERENCED PLANS AND DOCUMENTS – 906/2015/JP**

DRAWING NO.	DESCRIPTION	DATE
DA-01	Location Plan	17.12.2014
DA-03	Perspective	17.12.2014
DA-04	Site Analysis Plan	17.12.2014
DA-05	Basement	17.12.2014
DA-06	Ground Floor	24.09.2015 Rev A
DA-07	Level 1	24.09.2015 Rev A
DA-08	Level 2	24.09.2015 Rev A
DA-09	Level 3	24.09.2015 Rev A
DA-10	Level 4	24.09.2015 Rev A
DA-11	Level 5	24.09.2015 Rev A
DA-12	Level 6	24.09.2015 Rev A

DA-13	Roof	17.12.2014
DA-14	Street Elevations	17.12.2014
DA-15	Rear Elevations	17.12.2014
DA-16	Sections	17.12.2014
DA-17	Sections	17.12.2014
DA-18	Shadow Diagrams	17.12.2014
DA-19	Schedule of Finishes	17.12.2014
DA-20	Cadd Images	17.12.2014
DA-100	Highlight Window - Detail	14.10.2015 Issue A
DA-15-01	Rear Elevations – Highlight Windows	Submitted 14/10/15
1167	Survey Plan	13/11/2014
LDA-000	Landscape Cover Sheet	16.12.2014 Rev. A
LDA-001	Landscape Plan – Ground Floor	09.12.2014 Draft
LDA-002	Landscape Elevations	16.12.2014 Rev. A
LDA-003	Section Elevations – Typical Courtyard, Caddies Boulevard	16.12.2014 Rev. A
LDA-004	Eye Level View – Typical Courtyard, Caddies Boulevard	16.12.2014 Rev. A
LDA-005	Indicative Planting Palette	16.12.2014 Rev. A
LDA-006	Typical Details & Specification Notes	16.12.2014 Rev. A

#### REFERENCED PLANS AND DOCUMENTS – 906/2015/JP/A

DRAWING NO.	DESCRIPTION	DATE
DA05_L14	Basement Plan	20.09.2017 Issue D
DA06_L14	Ground Floor Plan	20.09.2017 Issue G
DA12_L14	Level 6 Plan	24.01.2017 Issue B
DA14_L14	Street Elevations	24.01.2017 Issue B
DA21_L14	Building Sections 5 and 6	17.08/2017 Issue C
DA22_L1	Building Sections 7 and 8	17.08.2017 Issue A
LS96-000	Cover Sheet & Plant Schedules	11.07.17 Rev. A
LS96-101	Lot 14 Planting & Finishes Plan	11.07.17 Rev. C
LS96-501	Lot 14 Landscape Area Calculation	23.06.17 Rev. B

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

2. Condition 5 be deleted and replaced with:

#### **5. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

All ground floor planters to boundaries with Caddies Boulevard and White Hart Drive are to have minimum 800mm soil depth, as indicated on plans. Planter walls are to be provided beside entry steps to achieve planter depths where necessary.

3. Condition 8 to be deleted and replaced with:

## **8. Vehicular Access and Parking**

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. An appropriate turning bay is to be provided for visitors who need to exit the site after not gaining access to the car park.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- vi. If the entry ramp is to be separated by a raised median separator, each ramp must be designed as a one-way ramp with a minimum width of 3m. Where there is to be a kerb or barrier higher than 150mm and closer than 300mm from one edge of the ramp, the ramp shall be widened to provide a minimum of 300mm clearance to the obstruction. If there is to be a high kerb or barrier on both sides, the width increase shall be sufficient to provide 300mm on both sides.

- 4. Condition 9 be deleted and replaced with:

## **9. Minor Engineering Works**

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

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

Any variance from these documents requires separate approval from Council.

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

### **i. Driveway Requirements**

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

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

The driveway must be a minimum of 5.5m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

### **iii. Footpath Verge Formation**

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

### **iv. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. The connection of the proposed stormwater pipes into the public stormwater system is to be certified and inspected by Council's Construction Engineer via an engineering construction certificate process.

### **v. Earthworks/ Site Regrading**

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

### **vi. Service Conduits**

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

5. Condition 42 be deleted and replaced with:

#### **42. Compliance with BASIX Certificate**

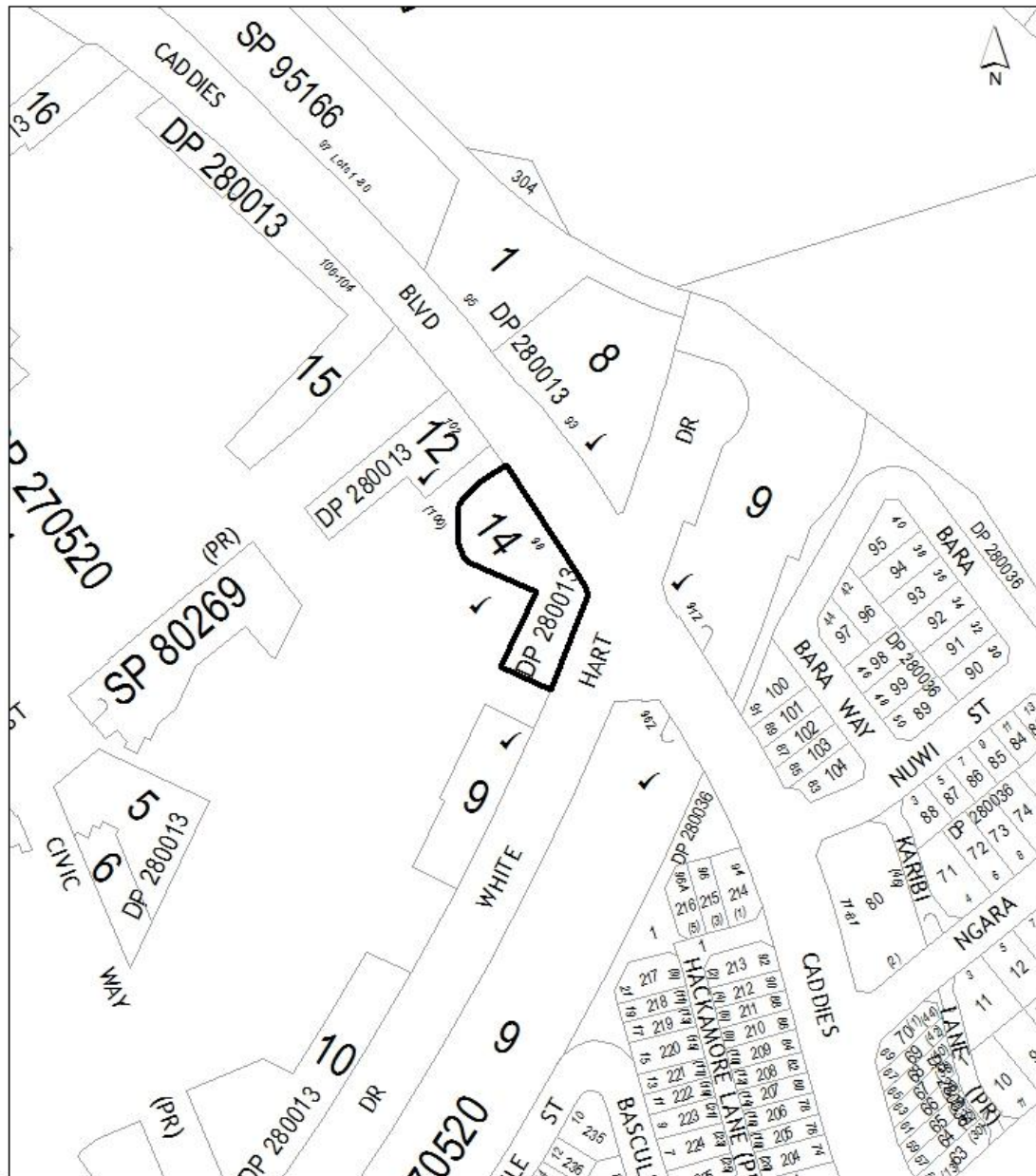
Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 596196M\_02 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Approved Site Plan
4. Proposed Site Plan
5. Unit G01 and Substation
6. Approved Basement Carpark Plan
7. Proposed Basement Carpark Plan
8. Photo Example of Substation External Finish

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ PROPERTIES NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

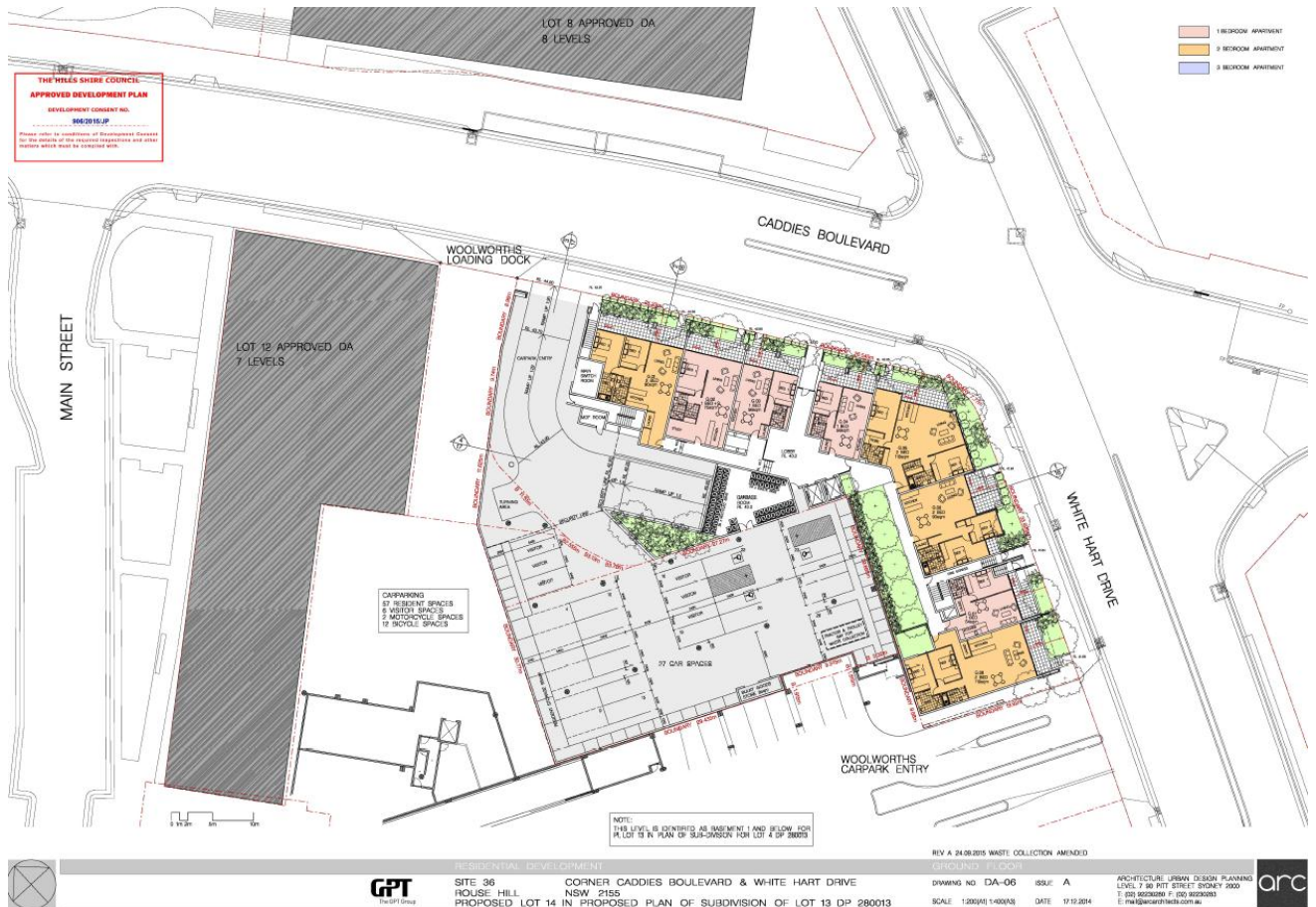
BASE CADASTRE COPY RIGHT LAND & PROPERTY INFORMATION NSW (LP I). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPY RIGHT.



## ATTACHMENT 2 – AERIAL PHOTOGRAPH



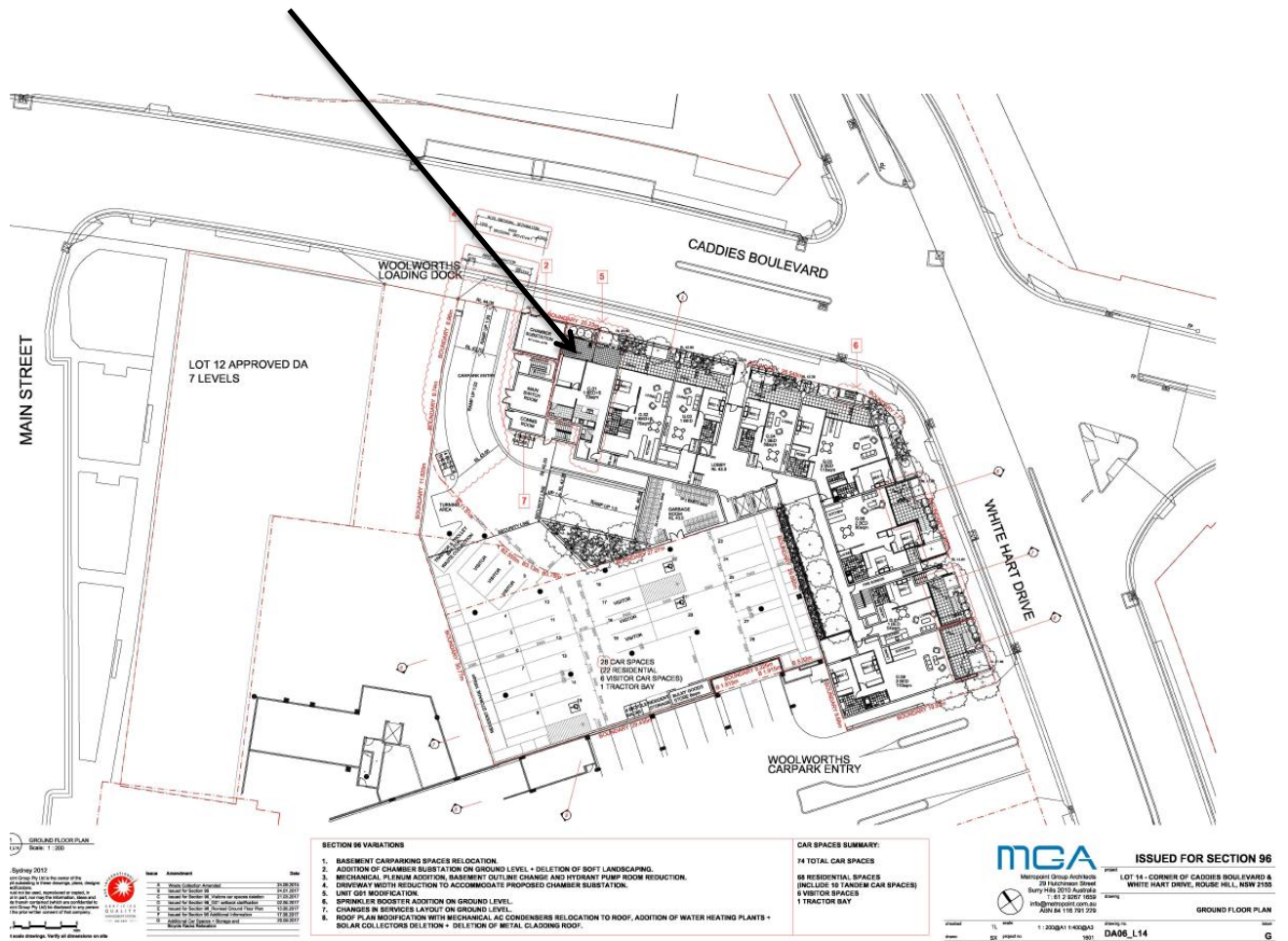
# ATTACHMENT 3 – APPROVED SITE PLAN



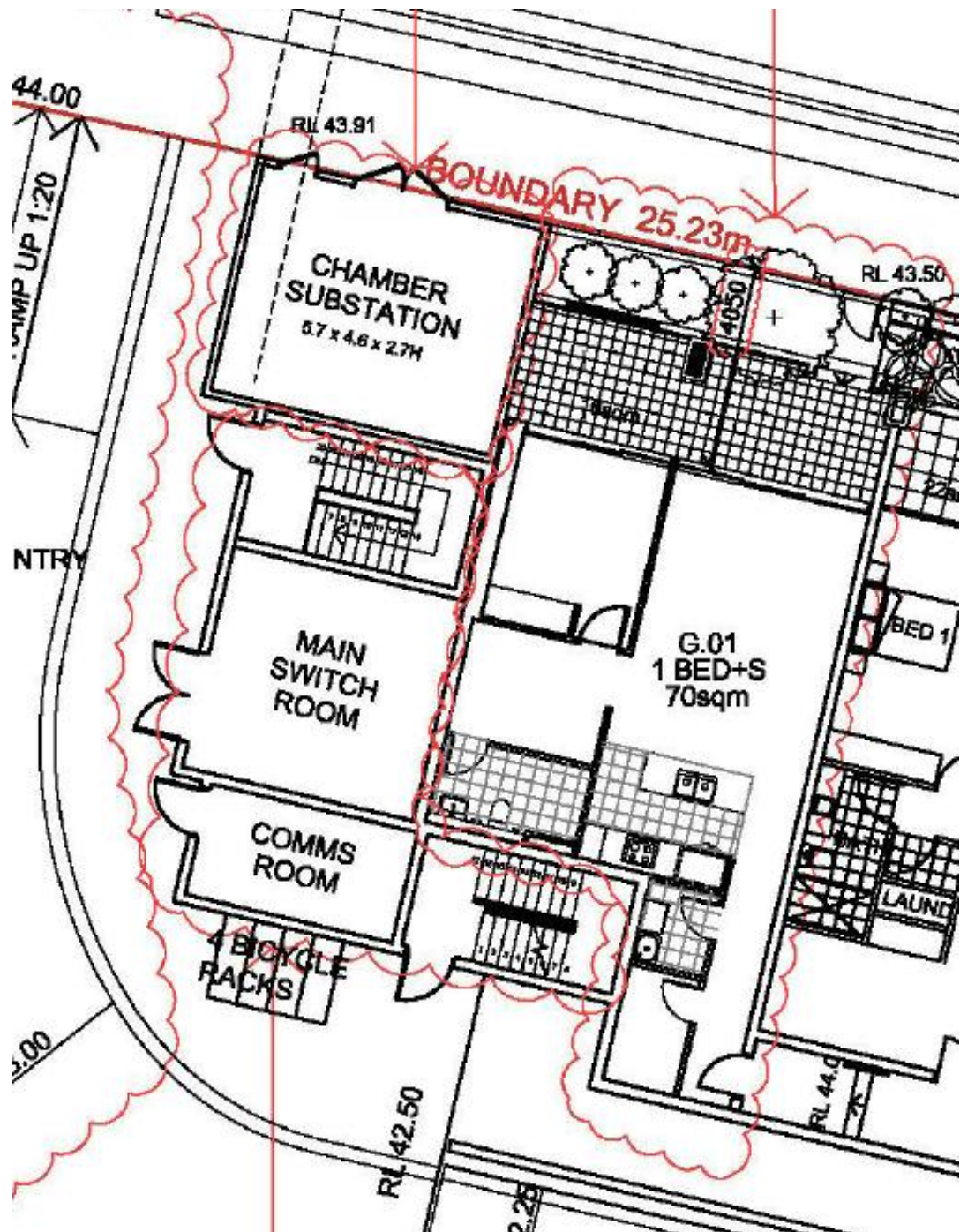


## ATTACHMENT 4 – PROPOSED SITE PLAN

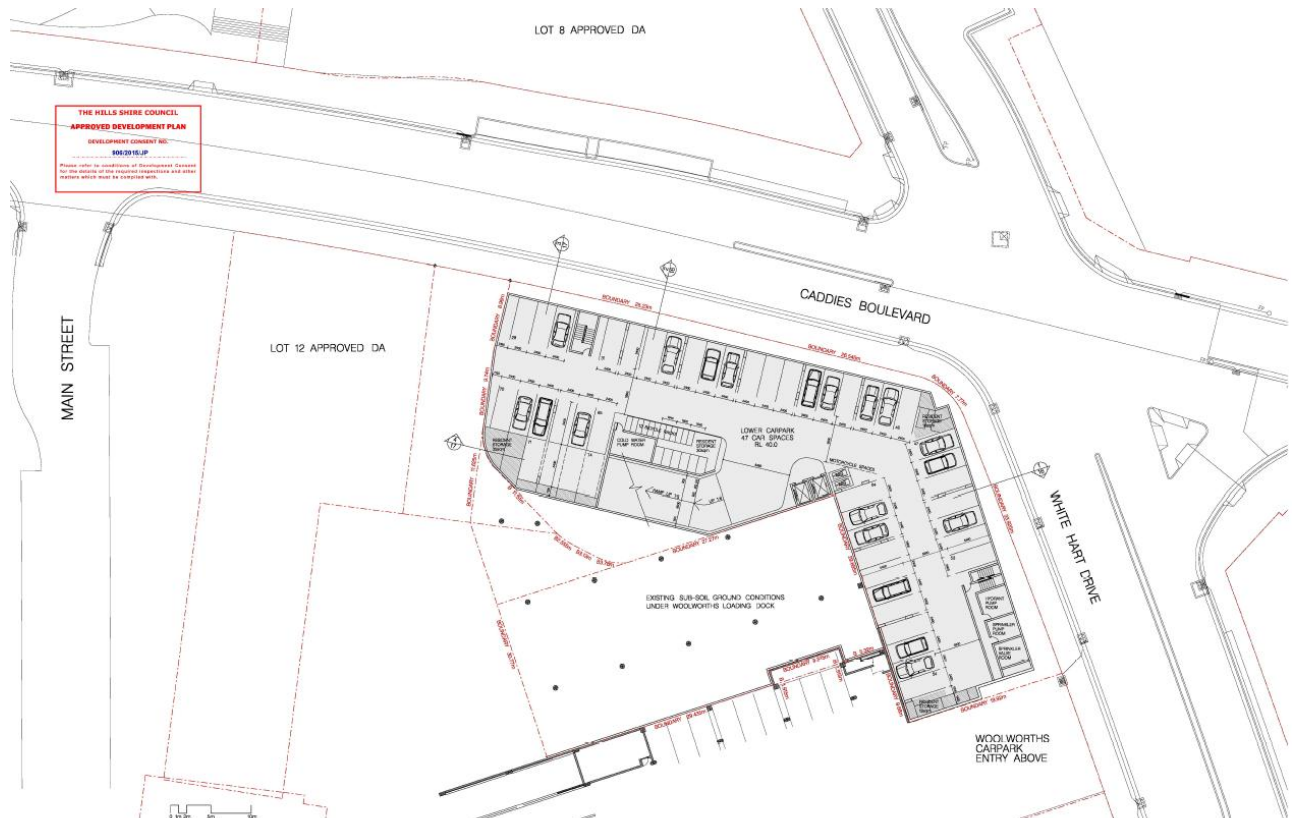
### Location of Substation and Amended Unit G01



ATTACHMENT 5 – UNIT G01 AND SUBSTATION



# ATTACHMENT 6 – APPROVED BASEMENT CARPARK PLAN



**GPT**  
The GPT Group

## PROPOSAL DEVELOPMENT

SITE 36 CORNER CADDIES BOULEVARD & WHITE HART DRIVE  
ROUSE HILL NSW 2155  
PROPOSED LOT 14 IN PROPOSED PLAN OF SUBDIVISION OF LOT 13 DP 280013

LOT 4 in DP 280013 – BASEMENT 1 AND BELOW

## DESCRIPTION

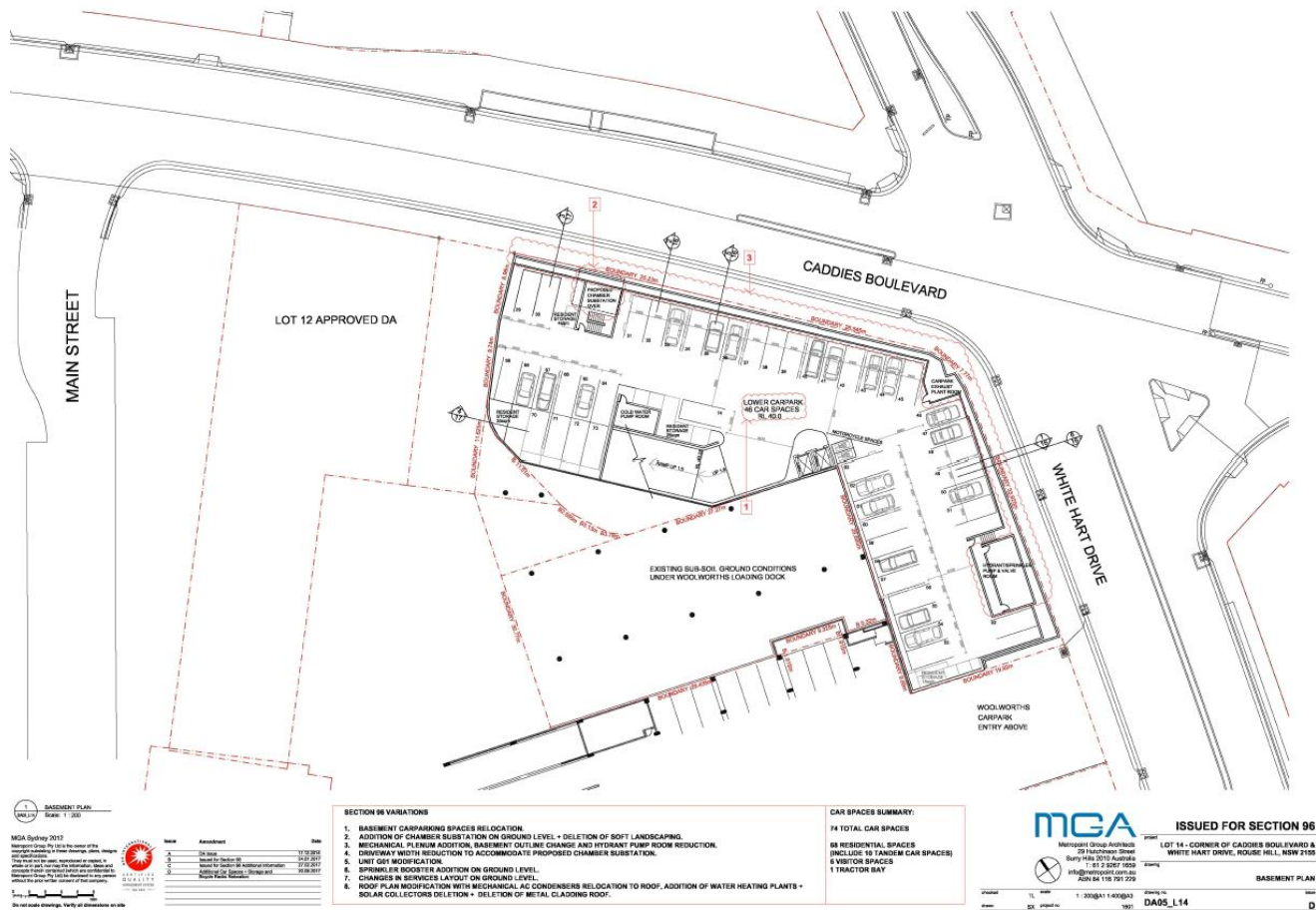
DRAWING NO. DA-05 ISSUE  
SCALE 1:200 (A1 1400X700) DATE 17.12.2024

ARCHITECTURE / CIVIL DESIGN / PLANNING  
LEVEL 7 46 PITT STREET SYDNEY 2000  
T: (02) 9230 9999 F: (02) 9230 9993  
E: [info@arcworksheds.com.au](mailto:info@arcworksheds.com.au)





ATTACHMENT 7 – PROPOSED BASEMENT CARPARK PLAN



SECTION 96 VARIATIONS		
1.	BASEMENT CARPARKING SPACES RELOCATION.	
2.	ADDITION OF CHAMBER SUBSTATION ON GROUND LEVEL + DELETION OF SOFT LANDSCAPING.	
3.	MECHANICAL PLENUM ADDITION, BASEMENT OUTLINE CHANGE AND HYDRANT PUMP ROOM REDUCTION.	
4.	DRIVEWAY WIDTH REDUCTION TO ACCOMMODATE PROPOSED CHAMBER SUBSTATION.	
5.	UNIT SET MODIFICATION.	
6.	SPIRINKLER BOOSTER ADDITION ON GROUND LEVEL.	
7.	CHANGES IN SERVICES LAYOUT ON GROUND LEVEL.	
8.	ROOF PLAN MODIFICATION WITH MECHANICAL, AC CONDENSERS RELOCATION TO ROOF, ADDITION OF WATER HEATING PLANTS + SOLAR COLLECTORS DELETION + DELETION OF METAL CLADDING ROOF.	

CAR SPACES SUMMARY:	
14	TOTAL CAR SPACES
18	RESIDENTIAL SPACES (INCLUDE 10 TANDEM CAR SPACES)
6	VISITOR SPACES
1	TRACTOR BAY

**MGA** ISSUED FOR SECTION 96

29 Macquarie Street  
Sydney NSW 2000 Australia  
T: 61 2 9257 1659  
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ABN 64 118 721 225

LOT 11, CORNER OF CADDIES BOULEVARD & WHITE HART DRIVE, ROUSE HILL, NSW 2155

BASEMENT PLAN

DA05\_L14

**ATTACHMENT 8 – PHOTO EXAMPLE OF SUBSTATION EXTERNAL FINISH**

