

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC105
DA Number	DA 282/2018/JP
LGA	The Hills Shire Council
Proposed Development	Construction of 4 x Seven to Twelve storey Residential Flat Buildings comprising 217 Units and 3 levels of Basement Car Parking.
Street Address	Lot 2 DP 1210647, 98-102 Fairway Drive, Norwest
Applicant/Owner	Arden CH NSW Pty Ltd
Date of DA lodgement	23 August 2017
Number of Submissions	First notification period: Ten Second notification period: Eight Third notification period: Three Outside the notification periods: Two
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$81,387,368)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy Infrastructure 2008 • State Environmental Planning Policy No 55 — Remediation of Land • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Submissions • Clause 4.6 variation request
Report prepared by	Cynthia Dugan Development Assessment Co-ordinator
Report date	18 October 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Yes

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

EXECUTIVE SUMMARY

The Development Application is for the construction of four 7 – 12 storey residential flat buildings comprising 217 units with basement parking for 320 vehicles. The Development Application was originally lodged for 244 units.

This Development Application is accompanied by a request to vary a development standard to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). Clause 4.3 of the LEP prescribes a maximum Building Height of 36 metres for the subject site. The proposal results in maximum height of 38.7 metres which represents a 7.5% variation (2.7 metres) to the LEP standard.

The variation to the development standard can be supported for the following reasons:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Variations are proposed to the building separation and solar access design considerations in the Apartment Design Guide. The Apartment Design Guide requires that habitable rooms/balconies require a building separation of 12m for 4 storeys, 18m for 5-8 storeys and 24m for over 9 storeys. The proposal complies with the building separation requirements for adjoining lots however does not comply with the internal building separation for Buildings A and B and Buildings C and D. Notwithstanding, the interface between the buildings provides for a design that minimises direct placement of habitable rooms and where habitable rooms do interface balconies, full height privacy screens with have been incorporated to balconies to offset direct overlooking. The Apartment Design Guide contains design criteria requiring a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter. The proposal results in 16% of apartments in the development receiving no direct sunlight during this time period. This variation is supported as the lot is constrained with an east west lot orientation and the majority of units that do not receive solar access are provided with adequate amenity as they are located at the corner of buildings, maximising ventilation and outlook.

Variations to the DCP are proposed with respect to the front setback, building length, common open space and car parking with the DCP. The DCP requires a primary front setback for residential flat buildings of 10 metres and a side setback of 6 metres. The subject development is generally setback 10 metres however Building A located on the north western corner of the site has a balcony encroachment of 3.2 metres to the front setback and a 0.5 metre encroachment to the northern side setback. This is considered negligible as Building A has been intentionally designed with varying architectural features to form an iconic building at the gateway of the Norwest precinct. Building A is also located to the south of a park and the

variations would not result in privacy or overshadowing impacts. The DCP requires a maximum building length of 50 metres. The rear buildings known as Buildings B and C are joined and result in a maximum building length of 52.5 metres is proposed. This is considered a negligible variation as the building is well articulated, located to the rear of the site and provides a building separation of 40 metres to the rear adjoining neighbour. The DCP requires the common open space area provided shall be equivalent to the rate of 20m² per dwelling. For 217 dwellings, 4,340 square metres is required however only 2,010 square metres is provided. Given the context of the site, being adjacent to a park and riparian corridor, additional recreational space will be provided for the future residents and the variation is supported in this instance.

The DCP requires a car parking rate 1 space per 1 bedroom unit, 2 spaces per 2 or 3 bedroom unit and 2 visitor spaces per 5 units. Applying this rate, the development will require 293 residents and 87 visitor spaces (total of 380 car spaces). The proposal provides 273 residential spaces and 47 visitor spaces (total of 320 car spaces). Notwithstanding, Clause 7.12 of LEP 2012 requires 1 car space per dwelling and 1 space per 5 units resulting in a requirement of 261 car spaces. This rate is higher than the 246 car spaces required by the Apartment Design Guide. The parking provided complies with the rates required under the relevant planning instruments, specifically The Hills LEP 2012 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory in this instance.

The application was advertised for a period of 31 days and notified on three occasions. Ten submissions were received during the first notification period. As the proposal has undergone substantial design changes as a result of reviews by the Design Excellence Panel including a reduction in unit yields, increased setbacks, articulated facades, enhanced amenity to corridors and open space areas, the proposal was further notified on two occasions. Eight submissions (three from previous objectors) were received during the second notification period and three submissions were received during the third notification period. Two submissions were received outside the notification periods. The key issues raised include traffic congestion, construction management, infrastructure works such as road upgrades, excessive heights, encroachment into front setbacks, overshadowing impacts to adjoining properties, devaluation of adjoining properties, impacts to the outlook for adjoining properties, lack of consideration of the site's context, unjustified increase in FSR, alternative massing arrangements would better respond to the site, increase in crime rates, security issues, insufficient car parking, noise impacts, insufficient communal open space areas, dissatisfaction with the building approved on the adjoining lot (Stage 1 of the development approved under 824/2013/JP). These matters are addressed in this report and it is considered that they do not warrant refusal of the application. It is noted that the application is consistent with the outcomes as envisaged under the planning proposal relating to the development site.

The application is recommended for approval subject to conditions.

BACKGROUND

Development Application No. 824/2013/JP was approved on 16 October 2014 by the Joint Regional Planning Panel for the construction of a residential development including 7 x four storey residential flat buildings with a total of 174 units consisting of 65 x 1 bedroom units, 89 x 2 bedroom and 20 x 3 bedroom units. Four buildings on the eastern portion of the site have been constructed. On 9 March 2015, Council approved a Section 96(1A) modification on 9 March 2015 to amend conditions of DA 824/2013/JP to facilitate the staged construction of the development (2 stages). Stage 1, located on the eastern portion of the site, comprised 3 x residential flat buildings with a total of 105 units known as the "Oakmont Development". Stage 2, located on the western portion of the site comprised 4 x four to five storey residential flat buildings with a total of 79 units. Stage 2 is now known as No. 98-102 Fairway Drive and is the subject site of this Development Application. Subdivision Certificate No. 11306 for DP

1210647 was registered on 28 July 2016 which identifies the subject site as a separate Torrens title lot (Lot 2).

Following the determination of the modification application to stage DA 824/2013/JP, the site was subject to a Planning Proposal (6/2016/PLP) to amend the Hills Local Environmental Plan 2012. Amendment No. 43 was notified on the NSW Legislation website (Notification No. 637) on 17 November 2017.

The Hills Local Environmental Plan 2012 was amended as follows:

- Increase the maximum building height applicable to the site from 16 metres (4-5 storeys) to 36 metres (12 storeys);
- Apply a 'base' floor space ratio of 1:1 to the site;
- Apply a maximum 'incentivised' floor space ratio of 3:1 to the site – this would only be achievable where future development complies with Council's new housing mix and diversity local provision for development within the Sydney Metro Northwest Corridor (Clause 7.12); and
- Amend Council's existing Design Excellence provision within LEP 2012 (clause 7.7) to apply to all development with a height of 25 metres or more, with revised considerations for design excellence and provision for a Design Excellence Panel rather than architectural design competition.

The amendment facilitates an increased residential density on the site of approximately 213 units.

The subject Development Application was lodged on 23 August 2017, prior to the making of the Planning Proposal. The plans lodged with the Development Application proposed a total of 244 dwellings comprising 61 x 1 bedroom units, 135 x 2 bedroom units and 48 x 3 bedroom units with 3 levels of basement car parking consisting of a total of 292 residential car spaces and 49 visitors spaces. The proposal included a maximum height of 39m for Buildings A and B and a total floor area of 22,475m² resulted in a floor space ratio of 3.16:1. The Application was accompanied by a written Clause 4.6 variation to vary the maximum height of 36m proposed under the then draft LEP (Clause 4.3) and a Clause 4.6 variation to vary the incentivised floor space ratio of 3:1 as proposed under the then draft LEP (Clause 7.12).

On 18 September 2017, a letter was issued to the Applicant raising concerns to the Development Application being lodged prior to the making of the Planning Proposal and that in accordance to Clause 4.6(8)(cb) of The Hills LEP 2012, a variation to Clause 7.12 is prohibited. In this regard, the Applicant was requested to amend the plans to fully comply with the incentivised provision. The letter also requested the Applicant to amend the plans to fully comply with the Hills DCP 2012 controls with regards to front setbacks and building design and demonstrate compliance with the Apartment Design Guide requirements for Solar Access. Additional information with regard to Ecology, landscaping and Land and Spatial Information was also requested.

On 21 November 2017, the Applicant provided a response insisting to rely on a Clause 4.6 variation to Clause 7.12 despite this being a prohibition under Clause 4.6(8)(cb). The Applicant was advised again that this cannot be supported and to amend the plans to ensure full compliance with the incentivised provision of 3:1.

After the making of the Planning Proposal, the Development Application was reviewed by a Design Excellence Panel on two occasions. The first panel meeting was held on 22 February 2018 whereby the Panel concluded that *"the proposal does not meet the requirements of design excellence"*. The second panel meeting was held on 13 June 2018 whereby the Panel concluded that there have been some improvements in the revised proposal, however there

were a number of outstanding matters that had not been addressed including density, internal amenity of apartment layouts and general architectural form to be more restrained.

In response to the request for additional information letters and recommendations of the Design Excellence Panel, amended plans were issued on three more occasions. Details of the amendments are as follows:

Lodgement date of amended plans	FSR	Unit Mix	Unit Yield	Car Parking	Complies with Clause 7.12 (housing mix and diversity provision)	Height in storeys
27 August 2017	3:16:1	61 x 1 BR 135 x 2BR 48 x 3BR	244	292 residents 49 visitors	No	Building A 12 storeys Building B 11 storeys Building C 12 storeys Building D 8 storeys
29 January 2018	3:1	57 x 1 BR 129 x 2BR 46 x 3BR	232	294 residents 49 visitors	No	Building A 12 storeys Building B 11 storeys Building C 11 storeys Building D 7 storeys
25 May 2018	3:1	55 x 1 BR 118 x 2BR 46 x 3BR	219	285 residents 49 visitors	No	Building A 12 storeys Building B 11 storeys Building C 11 storeys Building D 7 storeys
23 August 2018	3:1	53 x 1 BR 120 x 2BR 44 x 3BR	217	276 residents 44 visitors	Yes	Building A 12 storeys Building B 11 storeys Building C 11 storeys Building D 7 storeys

In addition to the above table, amended floor plans were received on 26 September and 27 September 2018. The amended plans indicate that there are 273 resident car parking spaces and 44 visitor spaces, resulting in a total of 320 car spaces.

Due to the significant design amendments, the Development Application was notified on three occasions.

DETAILS AND SUBMISSIONS

Owner:	Arden Ch (NSW) Pty Ltd
Zoning:	R4 High Density Residential
Area:	7,102m ²
Existing Development:	Nil
Section 7.11 Contribution	\$1,871,818. In addition, a Planning Agreement is in place which requires a contribution of \$38,342 (current as of 28 March 2017) to be paid for each apartment in addition to the first 79 apartments. Note: the value of the monetary contribution would be indexed at the time of payment in accordance with the Planning Agreement.

Exhibition:	31 days
Notice Adj Owners:	1 st - Yes, 31 days 2 nd - Yes, 14 days 3 rd - Yes, 14 days
Number Advised:	1 st - 392 2 nd - 392 3 rd - 392
Submissions Received:	1 st - Ten 2 nd - Eight 3 rd - Four One (after the notification period)

PROPOSAL

The subject application seeks consent for the construction of four residential flat buildings comprising 217 units comprising 53 x 1 bedroom, 120 x 2 bedroom and 44 x 3 bedroom units. The proposal comprises of four built forms known as Building A (12 storeys), Building B (11 storeys), Building C (11 storeys) and Building D (7 storeys).

A basement carpark comprising three levels which services all residential flat buildings. A total of 320 car spaces are proposed including 273 residential car spaces (including 14 tandem spaces) and 47 visitors spaces. 14 adaptable spaces are included in the car parking provided.

Vehicle access will be provided to the basement car park via a single driveway and ramp off Fairway Drive.

Communal Open Space is provided within a centrally located communal courtyard, a roof top terrace located on Building B and a pool on ground level between Buildings B and C.

A maximum height of 38.7m is proposed for Buildings A and B. The Application is accompanied by a written Clause 4.6 variation to vary the maximum height of 36m required under Clause 4.3 of The Hills LEP 2012.

The proposal seeks to utilise the 'incentivised' floor space ratio provision under Clause 7.12 of The Hills LEP 2012. The proposed total floor area of 21,306m² results in a floor space ratio of 3:1.

ISSUES FOR CONSIDERATION

1. Compliance with The Hills Local Environmental Plan 2012

a. Permissibility

The land is zoned R4 High Density Residential under Local Environmental Plan 2012. The proposal is a residential flat building which is permissible in the zone.

b. Zone Objectives

The site is zoned R4 High Density Residential under The Hills LEP 2012. The objectives of the zone are:

R4 High Density Residential Objectives

- To provide for the housing needs of the community within a high density residential environment.*

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

The proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will provide for a land use to meet the needs of the surrounding residents and is also considered to provide an alternative housing option for future residents.

As such the proposal is considered satisfactory in respect to the LEP 2012 objectives.

c. Development Standards

The following addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height	36 metres	38.7 metres	No
4.4 Floor Space Ratio	1:1 (base) 3:1 (incentivised) 21,306m ²	3:1 21,306m ²	Yes
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	A variation to Clause 4.3 Height of Buildings development standard is proposed and addressed below.	Yes
7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	An incentivised Floor Space Ratio can be applied if the development provides a specific mix, family friendly unit sizes and parking.	The proposal provides the required unit mix and sizes and parking in accordance with the Clause.	Yes, refer below for further discussion.

d. Variation to Height

LEP 2012 limits the height of the development site to 36 metres. The proposal has a maximum height of 38.7 metres therefore a variation 2.7 metres or 7.5% is sought:

The applicant has provided a Clause 4.6 Variation which is provided at Attachment 14.

Clause 4.6 Exceptions to Development Standards states:

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

- (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.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) 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 circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 6.1 or 6.2,
 - (cb) clause 7.12.

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

- The development is consistent with the objectives of the development standard as provided in Clause 4.3(1) of THLEP 2012.
- The proposed development seeks to vary the maximum building height controls for the site on the premise that the development is consistent with the number of storeys as intended by the strategic planning framework for the Norwest Precinct including the Northwest Rail Link Corridor Strategy (2013) and The Hills Corridor Strategy (2015).
- The scale and massing of the built form has been strategically located to respond to the immediate context of the site.
- The massing of the built form, particularly the tallest elements of the development being Buildings A and B are located to the northern side of the site which minimise overshadowing impacts on neighbouring buildings to the south. Buildings C and D are located in closest proximity to the adjoining southern development and fully comply with the height standard.
- The additional building height for Building A and B is limited to rooftop services and the roof form and does not include floor area.
- The lift overrun on Building B provides access to a rooftop garden that contributes to the high amenity offering of communal open space for the development.
- The rooftop services that exceed the height standard are centrally located and will not be perceivable from Fairway Drive or the western adjoining residential flat development.
- The proposed built form of Building A assists in defining the building's role as an iconic landmark to the side and the broader future Norwest precinct.

Comment:

The specific heights for the proposed buildings are summarised in the below table:

Building	Height from Natural Ground Level (NGL)	Maximum LEP Height	Compliance
Building A	37.5m	36m	No
Building B	38.7m	36m	No
Building C	36m	36m	Yes
Building D	23.8m	36m	Yes

Proposed Building A would comprise a maximum building height of 37.5 metres which exceeds the height development standard by 1.5 metres. Proposed Building B would comprise a maximum building height of 38.7 metres which exceeds the height development standard by 2.7 metres. The proposed variations are attributed to the lift overrun and a minor section of the modulated roof form.

The objective of Clause 4.3 'Building Height' is to ensure that the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints, is compatible with the scale and character of the future Norwest precinct strategic centre and minimises amenity impacts to adjoining development.

The development facilitates higher densities close to the Norwest precinct strategic centre. The site was subject to a planning proposal which increased the height of development on the site from 16m (five storeys) to 36m (twelve storeys). The site is within the Norwest Station Precinct and has been identified under the NSW Government's Corridor Strategy as being suitable to accommodate a built form ranging in height from seven (7) to 12 storeys. The placement of the highest building elements are located to the northern portions of the site which is considered appropriate in the the future context of the northern entry point to the Norwest Station Precinct, as well as ensuring that potential amenity impacts on any adjoining development are limited given the separation provided between the site and any adjoining development. It is considered that the proposal is generally consistant with these outcomes.

The proposed departure to the building height development standard will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The exceedance at its highest point relates to the lift over-run and is centrally located within the roof plates and is unlikely to be visible from the street or any public space. The lift overruns and roof form would not be a source of significant shadow cast and is considered to integrate well with the form of the building. The edge of the roof which marginally exceeds the height development standard is considered to integrate effectively into the design of the built form given the modulation and angle of the roof which reflects the predominant building lines of the façade. The roof form is considered to be a significant architectural roof feature in accordance with Clause 5.6 of the LEP.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height' and the R4 High Density Residential zone. In this regard, the variation to building height will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to have negligible effect on the built form outcome with respect to bulk and scale. In this regard, the variation can be supported.

Specifically, in relation to recent judgments of the Land and Environment Court, for the reasons identified in this report and the Applicant's Clause 4.6 Variation Request, it is considered that the variation can be supported as:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

It is also noted that in accordance with the Departments Circular PS 18-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

e. Compliance with Clause 7.12 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

The following table demonstrates compliance with this development standard.

Apartment Mix	LEP Development Standard	Proposal	Compliance
One bedroom dwellings	25% (Maximum)	24.42%	Yes
Three or more bedroom dwellings	20% (Minimum)	20.28%	Yes

Apartment Diversity	LEP Development Standard	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%	40%	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%	68.18%	Yes

Parking Type	LEP Development Standard	Proposal	Compliance
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units	217 residents spaces and 44 visitors spaces required. 273 residents car spaces and 47 visitor spaces provided	Yes

The proposal complies with Council's local housing mix and diversity provision under Clause 7.12. Therefore, the incentivised Floor Space Ratio of 3:1 can be applied to the proposed development.

f. Clause 7.7 Design Excellence

On 17 November 2017, The Hills LEP 2012 (Amendment No. 43) amended Clause 7.7 Design Excellence. Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,*
- (e) *the requirements of any development control plan to the extent that it is relevant to the proposed development,*

(f) *how the development addresses the following matters:*

- (i) *the suitability of the land for development,*
- (ii) *existing and proposed uses and use mix,*
- (iii) *heritage issues and streetscape constraints,*
- (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
- (v) *bulk, massing and modulation of buildings,*
- (vi) *street frontage heights,*
- (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- (viii) *the achievement of the principles of ecologically sustainable development,*
- (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (x) *the impact on, and any proposed improvements to, the public domain,*
- (xi) *the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,*

(g) *the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.*

Comment:

The design excellence of the proposal was considered at a Design Excellence Panel meeting convened by Council and held on 22 February 2018 and 13 June 2018. The meeting minutes of the Design Excellence Panel are included at Attachment 13. At its initial meeting, the Panel concluded that the proposal did not meet design excellence and recommended *“the scheme is redesigned to be more compliant with the key controls, recognising that this may result in a loss of development yield”*. The comments made to the application in the initial panel meeting included:

1. The justification for substantial encroachment into the riparian zone is not supported.
2. Selected plant species are not native species and must be amended.
3. Incentivised bonuses do not justify compromise to design quality and amenity. The built form currently presents as an overdevelopment of the site.
4. Internal amenity of some apartment blocks is poor with long corridors that do not have access to sunlight.
5. Large areas of blank walls create unacceptable urban design outcomes.
6. Fixed privacy screens to bedroom windows on south facades result in habitable rooms with poor amenity.
7. Communal courtyard amenity and function is compromised by its small footprint and imposing scale.
8. Further consideration of the location of BBQ facilities is warranted as it is visible from the public domain.
9. The general architectural form and presentation on the northern public domain to be detailed with fenestration that is more restrained.

The majority of these issues were addressed with significant design changes including the reduction of the number of units from 244 to 217, the increase in setback to the riparian zone, the use of native plant species, the façades have been designed with a variety of horizontal and vertical elements that are distinct in colour and provides contrast in terms of materiality. Blank walls on the southern elevation have been incorporated with more interesting fenestration including windows, feature cladding and a contrast of materials and colours. The BBQ facilities were relocated to the rear of the development, adjoining the community room and pool. All access corridors have windows for daylight and ventilation.

The amended design was further reviewed by the Design Excellence Panel. The comments made to the application in the latter panel meeting included:

1. The panel raised concerns about the bulk and scale of the built form not being sufficiently integrated into the existing or likely future urban context. Notwithstanding, the Panel noted the height/form on the north-west corner achieves the “gateway” site and enables a sense of threshold entry into the Norwest Strategic Centre.
2. The general architectural form and presentation is reasonable in principle. However, the panel recommended the detailed fenestration is overworked and a calmer, more restrained approach will result in a better long term outcome.
3. The street setback should match that provided on 104 Fairway Drive (now known as 47 Spurway Drive).
4. Refine car parking basements and provide for deep soil planting provision in the front setback.
5. The proposed density of development of the site compromises both integration with likely future built form context and amenity outcomes for both residents and the public.
6. The larger apartments required by Council appear to offer no additional amenity when compared to standard size apartments. It was suggested that consideration be made to provide more family efficient internal planning of required larger apartments with more flexibility in layout such as extra media rooms.
7. The internal arrangement of units could be more carefully considered with respect to privacy and outlook.
8. The panel questioned why there was no delineation between the private and public realm in address to the Park. Direct entry is not permitted into the park. A proper boundary needs to be established between the park and the development to ensure privacy and safety for the residents and restrict access into the private communal open space by the general public. CPTED issues may result from the current proposal.
9. The panel queried a number of SEPP 65 ADG compliance issues including the following:
 - Further detail required between the interface with Fairway Drive Reserve.
 - Deep soil zones are not to include the area identified as being Riparian offset.
 - Building separation does not comply. Dimensions should be shown on the plans.
 - Screening and blade walls to mitigate inadequate building separation prevent solar access to main living spaces in a number of apartments.
 - Natural ventilation was not clearly demonstrated for this development, and only totals 48% of all units.
 - In some open plan apartments the room depth is greater than 8m.

In relation to comments above the following comments are provided in response to the matters raised above by the panel:

- The bulk and scale of the built form has been reduced with increased setbacks generally to 10 metres with balcony encroachments, some components including a reduction in level for the buildings on the southern portion of the site. The general architectural form and presentation is consistent within the strategic context of the site. The architecture on the north and western side of Building A has been considered so articulation and outlook for dwellings is balanced with a clear expression of form and materiality.
- A general front street setback of 10 metres has been provided with the exception of balcony intrusions in the middle section of Building A. Building D has a 10 metre setback which is in line with the adjoining building envelope concept for Building A1 as

approved in the master plan consent under 46/2018/JP. The proposal has been modified to include a 6m front setback from basement level (previously a nil setback) which would provide adequate deep soil landscaping for large canopy trees.

- The unit yield has now been reduced to 217 units from the 244 units original proposed with the Development Application. This is more consistent with the density as envisaged with the planning proposal.
- The applicant has provided larger apartments in accordance with Clause 7.12 of the LEP. Most apartments are generously proportioned with larger living spaces and private open space areas.
- The internal arrangement of units complies with the objectives of the Apartment Design Guide with respect to privacy. Louvred screens with oblique angles are proposed where internal building separation distance is not achieved.
- A delineation between the private and public realm has been more clearly defined and a detailed assessment against the provisions of SEPP 65 and Apartment Design Guide has been undertaken in Section 3 of this report.

The other matters raised by the panel have been addressed in this report. However, it is considered that the proposal exhibits design excellence and satisfies Clause 7.7 of the LEP.

g. Other Provisions

The proposal has been considered against the relevant provision of LEP 2012. Specific regard has been given to Clauses:

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

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

2. State Environmental Planning Policy No. 55 Remediation of Land

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

Clause 7 of the SEPP states:-

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

Comment:

A Stage 1 Environmental Site Assessment has been undertaken by Environmental Investigation Services (EIS). The investigation found that the potential for widespread soil and groundwater contamination at the site and the potential for human health or environmental risks posed by contaminants are below the required levels and recommended that the site was suitable for the proposed residential use. Since the investigation had been undertaken, the Stage 1 Oakmont residential flat building development has been constructed as approved under consent No. 824/2013/JP. A site inspection was conducted by Council's Environmental Health Officer and no signs of recent contamination were observed. It is noted that if any, the contamination would be at surface level and removed as part of the basement construction.

The investigation also found that asbestos was not detected above the reporting limit in the soil samples analysed for investigation. As such, asbestos contamination, if present, is unlikely to pose an unacceptable risk to future site users. A condition is recommended that requires all asbestos material to be removed from the site (refer condition No. 59).

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

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

The required Design Verification Statement was prepared by John Ferres, registration number 4955 of Scott Carver Architects.

The Development Application has been assessed against the relevant design quality principles contained within SEPP 65 as follows:

Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and desired context and neighbourhood character of the Norwest precinct. The proposal seeks to respond to and contribute to the context of Norwest both in its present state as well as the desired future character and is consistent with the NSW Government's Corridor Strategy and The Hills Corridor Strategy.

The locality is comprised of a mixture of existing residential buildings, low to medium and high density, multi-residential and single dwellings, with the future vision of the area zoned to encourage an increased scale of high density residential development adjacent to the site.

Principle 2: Built form and scale

The proposal is consistent with the requirements of the Hills Council LEP, and is appropriately articulated to minimise the perceived scale. Generous rear setbacks to the existing adjoining eastern residential flat building development, separation and variety along the elevations and layering of façade elements, assist in creating an iconic building to the entry of the future Norwest precinct as well as expressive street frontages which enhance the developments relationship with the public domain.

Principle 3: Density

The subject proposal provides for 217 dwellings for the site. The applicant sought consent for a site specific planning proposal to increase the additional yield of the site to 250 additional units. The planning proposal was finalised with an amendment to the LEP to allow an incentivised floor space ratio of 3:1 provided the proposal complies with Council's local provision of housing diversity, unit mix, sizes and car parking. The amendments to the LEP facilitated approximately 213 units on the site subject to some variation as a result of the final design and configuration of the development. In this regard, the proposal is not inconsistent with the density as envisaged in the planning proposal. The density is consistent with the site's strategic location and the surrounding character of adjoining development. It is considered that the proposal is appropriate for the site and future Norwest precinct.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guidelines. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

Principle 5: Landscape

The landscape plan indicates that all open spaces including ground floor and roof top areas will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations will be recommended as a condition of consent.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the family friendly unit mix and internal floor areas as required under Clause 7.12 of the LEP. The application includes 53 x 1 bedroom, 120 x 2 bedroom and 44 x 3 bedroom units where at least 40% of two bedroom units contain a floor area of 110m² and at least 40% of three bedroom units contain a floor area of 135m².

Principle 9: Aesthetics

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

Apartment Design Guide

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes, 28% of the development site area (2,010m ²). The communal open space area will receive at least 56% direct sunlight for 2 hours at during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes, 7% of the development site area is true deep soil zones as defined within the ADG. It is noted that this calculation does not include open space located within the riparian area (approximately 1,800m ²) which will also provide for deep soil planting.
Separation	For habitable rooms, 12m for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	<p>No.</p> <p>The internal building separation generally complies with the exception of the following:</p> <p>Building A – B 9m (balcony to habitable) Levels 1 – 3.</p> <p>15.1m (habitable to habitable) Levels 4 – 10.</p> <p>Building C – D 12m (habitable to habitable) Levels 4 – 6.</p> <p>It is noted that the building separation complies with the ADG for all adjoining properties to the east and south of the development.</p>

Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	<p>Yes.</p> <p>The visual privacy of the development has been duly considered with the placement of windows and balconies. Screening devices set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.</p>
Car parking	<p>Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p>	<p>Yes</p> <p>The site is located within 800m of the future Norwest Station. 246 Spaces would be required utilising the RMS rate, 320 spaces are provided.</p>
Designing the Building		
Solar and daylight access	<p>1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9</p>	<p>Yes.</p> <p>The proposed development will achieve two hours solar access for 70% (151 of 217) of apartments between 9am and 3.00pm. There are 25% (54 of 217) of apartments that will not receive any solar access between 9.00am and 3.00pm.</p> <p>No. There are 16% (35 of</p>

	am and 3 pm at mid-winter.	217) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes. A total of 61% of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>Yes. The maximum overall depth is 18 metres for a cross through apartment.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30⁰ minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	<p>Yes. Floor to ceiling height approx. 2.7 metres for all apartments.</p> <p>NA</p>
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Yes.</p> <p>1 bedroom 50 - 56m² 2 bedroom 75 -109m² 3 bedroom 95 - 137m²</p> <p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>No four bedroom units proposed.</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.	Yes.

	<p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>All rooms comply.</p> <p>Yes.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>Yes.</p> <p>All balcony sizes and depths comply.</p> <p>Yes.</p>
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Yes.</p> <p>Yes.</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Yes.</p> <p>Each unit contains the minimum storage area.</p>
Apartment mix	<p>A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.</p>	<p>Yes.</p> <p>The apartment mix accords with Clause 7.12 of The Hills LEP 2012 and is considered satisfactory.</p>

a. Building Separation

The Apartment Design Guide requires that habitable rooms provide a 12m building separation for 4 storeys, 18m for 5-8 storeys and 24m for over 9 storeys.

The minimum separation distance between Building A and B is 9 metres for Levels 1 to 3 where the Apartment Design Guide requires 12 metres, 15.1 metres for Levels 4 to 10 where the Apartment Design Guide requires 18 metres for levels 4 to 8 and 24 metres for levels 9 and 10. The separation distance between Building C to D is 12 metres for Levels 4 to 6 whilst the Apartment Design Guide requires a separation distance of 18 metres.

The Apartment Design Guide provides the following objectives relating to building separation:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.

The applicant has submitted the following justification:

The proposed building separation and particularly separation and privacy of balconies and living spaces has been carefully considered, as reflected by the floor plan layout of each building and façade treatment of each elevation.

The architectural form of each building includes a 'horizontal-stepped' design that seeks to minimise sight lines and promote acoustic and visual privacy between habitable rooms. In addition, the private balconies fronting the communal courtyard and proposed residential development to the south are treated with timber cladding and vertical metal screen to allow solar access and high levels of residential amenity in without compromising the acoustic and visual privacy of residents.

The architectural design of the Building A and B floor plans seek to generally orientate all habitable areas towards Fairway Reserve to the north. In addition, Building B's eastern elevation includes a solid pre-cast wall pattern treatment, limiting potential visual outlook from Building B and mitigating any adverse acoustic or visual privacy impacts as a result of the departure to the design criteria.

Comment

Whilst the separation distance between Building A and B does not meet the separation distance as required by the Apartment Design Guide, this only occurs internally within the site and the amenity within apartments and open space is not unduly compromised. It is noted that the building separation complies with the Apartment Design Guide for all adjoining properties to the east and south of the development.

The proposal still provides for a development that is consistent with the desired future character of the Norwest precinct, assists in providing residential amenity including visual and acoustic privacy, natural ventilation and solar access and provides for suitable areas for communal open spaces, deep soil zones and landscaping.

The interface between the buildings provides for a design that minimises direct placement of habitable rooms. Where habitable rooms do interface balconies, full height privacy screens with have been incorporated to balconies to offset direct overlooking whilst capturing direct sunlight given the northerly aspect. Similarly, whilst the separation distance between Building C and D does not meet the separation distance of 18 metres for levels 4 to 6, privacy mitigation measures such as highlight windows, privacy screens at oblique angles are provided on windows and balconies that interface.

In this regard, a variation to the guide can be supported.

b. Solar Access

The ADG requires that living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter and a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

Whilst 70% of apartments would receive at least 2 hours solar access during the winter solstice, there are 16% (34 of 217) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.

The Apartment Design Guide provides the following objectives relating to solar and daylight access:

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

The applicant has provided the following justification for the variation:

It is noted that this minor variation is justified as all apartments have access to the Roof Garden on Building B, the extensive landscaping areas in the Park to the northwest and along Strangers Creek to the north-east. Beyond the winter solstice, all these apartments will have increasing sunlight access, as no apartments are orientated with a due south aspect, seeking to maximise the sunlight for all apartments.

Comment

The proposal results in a numerical variation of 1% of apartments or 2 units that will not receive any solar access between 9.00am and 3.00pm. The proposal on a whole provides for satisfactory energy efficiency and residential amenity. It is noted that at least 70% of apartments for the development would be provided with adequate solar access. In addition, the lot is constrained with an east west lot orientation and the majority of units that do not receive solar access are provided with adequate amenity as they are located at the corner of buildings, maximising ventilation and outlook.

In this regard, the variation to the guide can be supported.

4. Compliance with The Hills Development Control Plan 2012

The proposal has been against the relevant provisions of The Hills Development Control Plan 2012 noting that some standards such as density, number of storeys, unit mix, sizes and parking are superseded by the site specific provisions in the LEP.

The proposed development achieves compliance with the relevant requirements of the development controls with the exception of the following:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a)	Front Setback 10m.	Building A Setback to Fairway Drive 9m to facade (6.8 metres to balcony levels 1 to 11).	No.
	Side Setback 6m.	Building A side setback 5.5 metres	No.
Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a)	Building Length 50m.	Building B and C are joined and comprise a building length of 52.5 metres.	No.
Part B Section 5 Residential Flat	Common Open Space 20m ² per	2,010m ² provided.	No.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Buildings - Clause 3.3(2)(a)	dwelling. For 217 units, 4,340m ² required.		
Part C Section 1 Parking	Residential Flat Buildings 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom unit 2 visitor spaces per 5 units Required for the development: 293 residents and 87 visitor spaces	273 residential spaces provided. 47 visitor spaces provided.	No.

a) Building Setbacks

The proposed development seeks variations to the front and northern side setback provisions of the DCP.

The relevant objectives of this clause of the DCP are:

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

The applicant has provided the following justification for the variation.

The proposed development seeks to vary the 10m setback to Fairway Drive. The proposal complies with the 10m setback, with the exception of a maximum 3.1m variation for non-habitable balconies and façade treatment on Building A. Although strict compliance with the HDCP control is not achieved, the proposed design has been amended to reduce the extent of basement intrusion in the 10m setback. This has enabled an additional deep soil planting zone along the entire front of 100 Fairway Drive (access ways accepted). The proposed landscaping will assist in mitigating the scale of this building and the minor variation, resulting in an unperceivable impact from the public domain.

Comment:

The DCP requires a front setback for residential flat buildings of 10 metres. Building A is set back 9 metres to the building façade and a cantilevered balcony set back 6.8 metres.

Building A includes balconies and architectural features such as blade walls and a roof form that encroaches within the front setback. The variation is considered to be satisfactory given the adequate separation to Fairway Drive and the proposed landscape scheme which will result in the front setback being used exclusively for landscaping purposes. The setback area will respond appropriately to the context of the building being the 'gateway' and 'iconic entry marker' to the Norwest precinct. It is noted that Building D is located to the south of Building A, adjoins the southern property boundary and complies with the 10 metre setback control and front setback as approved under the Masterplan Development Application 736/2017/JP.

The DCP requires a side setback of 6 metres where the Building A provides a side setback of 5.5 metres to the northern property boundary. The building façade generally complies with the 6 metre side setback requirement, apart from a number of architectural feature elements and angled balconies that encroach up to 500mm into the side setback. These elements are considered to enhance the overall design of the built form and negligible amenity impacts would result as the façade fronts a public open space area. The proposal allows for sufficient landscaping to be provided and no overshadowing impacts would result from the variation.

In this regard, the variation to the setbacks control is supported.

b) Building Length

The DCP limits the maximum linear length of any residential flat building to 50 metres. Buildings B and C are joined and comprise a length of 52.5 metres.

The relevant objectives of this clause of the DCP are:

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

The applicant has provided the following justification for the variation.

The Façade of Building B & C continues the same ethos and design philosophy as the iconic Entry Marker of Building A; and is articulated to break up the linear bulk with different materials used to the façade. The feature framing of the lower levels is darker in colour with a textured palette to contrast the white building and with the upper levels to have a timber clad framing to break down the vertical hierarchy scale. In addition to the materials and articulation, balconies above the pool/gym area have been recessed either side to further accentuate the linear bulk.

We believe that finessing these areas the linear bulk is clearly broken up and defined. Strangers Creek Façade reads as three different elements: the two ends one with a solid base and a timber clad frame at the top and the middle part as a light and recessed element. A 3D image will be provided in due course to clearly illustrate the articulation and materials.

Comment:

Buildings B and C incorporate a design that includes a number of horizontal steps which assists in modulating the façade of the building to reduce the perceived bulk and scale. In addition, the buildings are located at the rear of the development with a substantial setback of approximately 40 metres from the adjoining eastern residential flat building development which is buffered by the riparian corridor. It is noted that the variation in building length will not

result in overshadowing impacts to adjoining properties. In this regard, the variation is supported in this instance.

c) Common Open Space

The DCP requires that for residential flat buildings, the common open space area provided shall be equivalent to the rate of 20m² per dwelling. In this regard, for 217 units, 4,340m² is required. The proposal provides common open space areas that total 2,010m².

The relevant objectives of this clause of the DCP are:

- (i) *To provide open space for recreation and for use by residents within the residential flat buildings.*
- (ii) *To enhance the quality of the built environment by providing opportunities for landscaping.*

The application has provided the following justification for the variation.

The proposed development provides 1,927sqm of common open space (28% of the site area for 217 residential units). This exceeds the minimum requirements in accordance with the ADG of 25%. This space is provided by a mix of the internal courtyard and roof top garden, which will be directly and equitably accessible to all residents.

Comment:

In addition to the common open space provided within an internal courtyard and roof top garden, the site contains a riparian corridor and adjoins Fairway Drive reserve which includes a park and playground which can be utilised by the residents for recreation. The proposal incorporates extensive landscaping throughout the site and adequate deep soil as required by the Apartment Design Guide. Given the context of the site, the variation to the common open space area is considered to be suitable for the site.

d) Car Parking

The DCP requires that residential flat buildings provide 1 space per 1 bedroom unit, 2 spaces per 2 or 3 bedroom unit and 2 visitor spaces per 5 units. Applying this rate, the development will require 293 residents and 87 visitor spaces. The proposal provides 273 residential spaces and 47 visitor spaces resulting in a total of 320 car parking spaces.

Comment:

While the development will provide 51 fewer car parking spaces, the car parking provided is well in excess of the 246 spaces specified by the RMS' *Guide to Traffic Generating Development* for developments within 800 metres of a railway station. The subject site is within 800m walking distance to Norwest Station. The proposal complies with the Apartment Design Guide which utilises the RMS guide and Clause 7.12 of The Hills LEP 2012 which applies to development on certain land within the Sydney Metro Northwest Urban Renewal Corridor. In this regard, whilst there is a departure to the DCP car parking control, the proposal complies with the requirements of SEPP 65 Apartment Design Guide and The Hills LEP 2012.

5. Issues Raised in Submissions

The application was advertised for a period of 31 days and notified on three occasions for 14 days. In total, submissions from 17 properties were received. Ten of these properties are within the Stage 1 Oakmont Development to the east of the subject site. Two submissions were received outside the notification periods.

During the first notification period submissions were received from 10 properties. The applicant submitted amended plans to address concerns raised by Council officers, the Design Excellence Panel and objectors. During the second notification period, submissions from eight properties were received (including three submissions from the same objectors during the initial notification period). During the third notification period, submissions from four properties were received (including three submissions from the same objectors during the previous notification periods).

Given the amendments made by the applicant to the plans, the submissions have been divided into three sections addressing each notification period. Only additional concerns raised are included under the second and third notification periods.

First Notification

ISSUE/OBJECTION	COMMENT	OUTCOME
Approval of more apartments would result in an increase in traffic generation and congestion of existing local roads including Fairway Drive, Spurway Drive and Norwest Boulevard. Whilst the Sydney Metro Northwest will alleviate some of the traffic in the Norwest area, the number of units proposed and approved in the area will "choke the already congested roads with more traffic".	Applying the RMS rates utilised within the RMS Technical direction of 0.19 AM peak hour trips and 0.15 PM peak hour trips to the 217 residential apartments results in a total of 41 & 33 AM and PM peak hour trips respectively which is considered to have negligible impacts on the operational performance of the surrounding road network or nearby intersections.	Issue addressed.
Concerns raised that the roads are of poor quality, are too narrow and needs significant upgrading. There is also only one road in and out. Suggestion made that Fairway Drive be turned into four lanes.	<p>Fairway Drive is a 2.0km long 12.0m wide local road performing a collector road function within Councils road hierarchy, linking Windsor Road at its north/eastern extremity and providing access to the Norwest Business Park off Solent Circuit to the south.</p> <p>Due to the relatively small number of peak hour trips expected to be generated from this proposal and therefore no significant negative impacts on the operational performance of the surrounding road network or nearby intersections, the imposition of conditions requiring traffic improvements is difficult to justify.</p>	Issue addressed.
The height of the buildings is not appropriate for the locality as the subject site is surrounded by two storey dwellings to the north (Horatio Ave), south (Central Park Ave and Kimber Crescent) and a	The site was subject to a planning proposal which sought to increase the height from 16m (five storeys) to 36m (twelve storeys). The site is within the Norwest Station Precinct and has been identified under the NSW Government's	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
four storey residential development to the west. The owner already has consent for four storey residential flat buildings under a previous consent which is more appropriate for the site. Objection is raised to any building over 6 storeys in height on the subject site.	Corridor Strategy as being suitable to accommodate a built form ranging in height from 7 to 12 storeys. The placement of the highest building elements are located to the northern portions of the site which is considered appropriate in the the future context of the northern entry point to the Norwest Station Precinct, as well as ensuring that potential amenity impacts on any adjoining development are limited given the separation provided between the site and any lower density adjoining development.	
The height of buildings would result in overlooking impacts to adjoining two storey homes directly opposite on Fairway Drive and on Horatio Ave. The proposal would also result in overlooking impacts to the Oakmont Property to the west of the subject site.	The Apartment Design Guide recommends a minimum building separation distance of 24m for buildings 9 storeys and above. The north eastern face of Building C (eleven storeys) is located approximately 40 metres south of the closest Oakmont buildings, 23 metres south west of the closest dwellings on Horatio Ave and approximately 39 metres to the closest dwellings on Fairway Drive. This is considered sufficient separation via distance.	Issue addressed.
The proposal would overshadow Council's playground and park adjoining the site.	The adjoining playground and park are located to the north of the subject site. In this regard, no detrimental overshadowing impacts would occur from the proposed development.	Issue addressed.
The proposal would overshadow the adjoining Oakmont residential flat buildings at 3pm. Request is made that the buildings proposed be lowered to prevent overshadowing of the adjoining Oakmont property.	The proposed development complies with Council's DCP controls with regards to solar access as it provides at least 4 hours solar access between 9am and 3pm on 21 June to the adjoining buildings/open space areas in the Oakmont development.	Issue addressed.
Devaluation of surrounding apartments due to increase in supply and overlooking of adjoining properties. The units proposed are smaller than the larger, existing surrounding units.	There is no evidence to suggest this would occur. The proposal provides family friendly unit sizes in accordance with Clause 7.12 of The Hills LEP 2012 which require at least 40% of 2 bedroom units with an internal floor area of at least 110m ² and at least 40% of 3 bedroom units with an internal floor area of at least 135m ² .	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
An increase in density results in an increase in crime rates.	There is no evidence to suggest this would occur.	Issue addressed.
Developer only wants to maximise profits. Questions the developers "fitness to be allowed to develop properties within The Hills Shire".	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act. The proponent can lodge a Development Application for any site within The Hills. Each application will be considered on its own merits in accordance with the Act.	Issue addressed.
Insufficient car parking. The rate of one parking space per dwelling is unsatisfactory. Previous development on Horatio Ave has resulted in the residents and visitors parking on street rather than in designated onsite parking spaces.	<p>Clause 7.12 of The Hills LEP allows for an incentivised provision if Council's local provision of housing diversity, mix and car parking is achieved and applies a car parking rate of 1 space per dwelling and 1 space per 5 dwellings for visitors.</p> <p>Notwithstanding, the requirement of car parking has been assessed under the Apartment Design Guide. For sites 800m of a railway station, the Apartment Design Guide applies the RMS Guide to Traffic Generating Development for Metropolitan Sub-Regional Centres which is:</p> <ul style="list-style-type: none"> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking). <p>The proposal is located within 800 of the future Norwest Railway Station and includes the provision of 330 car parking spaces (286 residents and 44 visitors) which is a surplus 84 spaces to the Apartment Design Guide. In this regard, the proposal is considered satisfactory.</p> <p>It is noted that residents and visitors can choose to park on streets provided it is in accordance with NSW Road Rules.</p>	Issue addressed.
Concerns raised regarding Contractor Management. Previous construction from the same developers resulted in	It is recommended that conditions be imposed requiring a Construction Management Plan and Traffic Management Plan be	Issue addressed. Refer Condition Nos. 54 and 67.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>unauthorised parking of construction vehicles/contractors on private land on Horatio Avenue. Contractors also threatened residents who parked on the street. Construction Traffic Management Plan requested.</p>	<p>prepared and submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate. Appropriate access paths will be considered prior to construction commencing.</p>	
<p>Residents in Oakmont Development are dissatisfied with the quality of the built form of their development citing false advertising, design flaws, building defects and unfinished and low quality landscaping. Concerns also raised regarding a concrete barrier located within the driveway approved in the original consent, breaches in the existing consent for driveways, car parking areas not being prominently and permanently line marked, sign posted and maintained, having to pay for own building inspectors and tap installation to cater for the shortage of water points to maintain gardens and the Developer signing with a contractor that is over charging residents for electricity.</p> <p>Questions raised about warranty of the building and claims that builders are not fixing defects due to financial issues with developers, as well as workmen/contractors having to constantly fix building defects.</p>	<p>This is not a matter for consideration for the subject Development Application which is now located on a separate site. Notwithstanding, it is acknowledged that several service requests have been received from residents within the Oakmont Estate and are currently being dealt with as a compliance matter by Council's Development Monitoring Team.</p>	<p>Issue addressed.</p>
<p>Dissatisfaction with Council's previous assessment for modifications to the pool and landscape design in the Stage 1 Oakmont Development under consent No. 824/2013/JP.</p>	<p>This is not a matter for consideration under the subject Development Application.</p>	<p>Issue addressed.</p>
<p>Noise impacts to adjoining lower density properties. Large massing of trees could provide a noise buffer to reduce this impact.</p>	<p>An acoustic assessment prepared by GHD dated May 2017 was provided with the report. The report identifies the highest noise sources to be from the</p>	<p>Issue addressed. Refer Condition Nos. 45, 75, 76, 77, 93 and 109.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	mechanical plants and car park exhaust fan however concludes that the noise emission levels are predicted to be compliant with the acoustic criteria at all existing receivers surrounding the site. Noise mitigation measures have been incorporated into the design of the development and acoustic conditions have been recommended as conditions of consent (refer to conditions No. 45, 76, 77, 93 and 109).	
Insufficient recreation/communal open space available for 244 units.	There are now 217 units proposed for the subject development. The proposal provides 1,927m ² of common open space area (28% of the site area for 217 residential units) which complies with the ADG requirements that at least 25% of the site area is provided for communal open space. This has been addressed in the body of the report.	Issue addressed.
If Council approves the Development Application the Developer, "in concert with Council will be burdening unsuspecting buyers with similar problems" as experienced by existing Oakmont residents.	The existing problems associated with the development approved for Stage 1 Oakmont development is not a matter for consideration under the subject application. In addition, Council is not the consent authority for this Development Application as the development is considered to be regionally significant development in accordance with SEPP (State and Regional Development) 2011.	Issue addressed.
Oakmont Owners Corporation cannot provide the high standards for landscaping and general maintenance of the Stage 1 Oakmont Development without additional investment and were dissatisfied with the current landscaping contractor for their property.	This is not a matter for consideration for the subject Development Application.	Issue addressed.
The Development Application does not specify boundary changes from the previous consent which may result in security problems around the Strangers Creek crossing.	The application was referred to NSW Police who raised no objections to the proposal. Crime Prevention Through Environmental Design conditions have been recommended such as surveillance, lighting and technical	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	supervision, environmental maintenance and access control measures (refer condition No. 3).	
Splitting the Strata Plan to two separate plans separated by Strangers Creek was not reflected in the Strata Management documentation supplied at the time the contracts were signed by Oakmont residents. This needs to be corrected and costs should be borne by the developer. Council needs to ensure this issue will be addressed if the Development Application is approved.	This is not a matter for consideration under the subject Development Application. Subdivision Certificate No. 11306 for DP 1210647 was registered on 28 July 2016 which identifies the subject site as a separate Torrens title lot (Lot 2).	Issue addressed.
If consent is granted to the Development Application, Council should insist that the names, phone numbers and email addresses of at least two directors of the Developer be provided to deal with individual owners and the owners corporation.	This is not a requirement under the Environmental Planning and Assessment Act, 1979.	Issue addressed.
Council should impose a condition of consent refusing to allow the developer to use private certifiers.	This is not permitted under the Environmental Planning and Assessment Act, 1979.	Issue addressed.

Second Notification

The applicant submitted revised plans for consideration on 25 May 2018. The revised plans proposed the following key amendments:

- Increased front setbacks
- Decrease in unit yields from 244 to 219
- Alteration of the maximum height in storeys of Building C (previously 12 storeys to 11 storeys and D (previously 8 storeys to 7 storeys)
- Modifications to the external facades of elevations
- Removal of units encroaching into the 20 metre riparian offset zone

ISSUE/OBJECTION	COMMENT	OUTCOME
The road network should be improved rather than just planned to be approved.	This matter does not directly relate to the Development Application.	Issue addressed.
The traffic documentation submitted with the Development Application is inadequate and contains basic errors and thus give no confidence in its findings.	The traffic impacts and Traffic Report has been reviewed by Council's Principal Traffic Co-ordinator who raises no objections to the proposal with regards to traffic impacts.	Issue addressed.
Owners of the units at Oakmont Estate purchased	This is not a matter for consideration for the subject	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>their units on the pretence that they would be surrounded by four storey residential flat buildings (approved under consent No. 824/2013/JP). The proposed 12 storey development is inconsistent with previous marketing advice supplied by the developer. In addition, there appears to be one additional building proposed compared to the buildings approved under the previous consent.</p>	<p>Development Application.</p>	
<p>Issues with rental tenants in adjoining apartment buildings who do not take care of properties. Lucinda Avenue and Horatio Avenue are now looking like "Mount Druitt".</p>	<p>This is not a matter for consideration under the subject Development Application.</p>	<p>Issue addressed.</p>
<p>Errors identified on architectural plans including the location of the site being at 27 Brighton Drive.</p>	<p>This is noted, however the Applicant has submitted amended plans indicating the correct property address.</p>	<p>Issue addressed.</p>
<p>Building A encroaches within the 10m front setback and 6m side setback.</p>	<p>This issue has been addressed in the body of this report. The setbacks proposed are consistent with the objectives of the control. The minor encroachments relate to balconies and architectural elements that would result in a negligible impact on the streetscape.</p>	<p>Issue addressed.</p>
<p>The Clause 4.6 variation to the height development standard should not be supported. It does not meet the objectives of the zone. It is not compatible with the two storey development on the other side of Fairway Drive. If the exceedance in height relates to the extra roof structures, one of the residential floors should be deleted to ensure full compliance with the height limit. The claim that the variation does not result in additional floor space is incorrect. The proposal is not compatible with surrounding development as the adjoining land has a maximum height restriction of 18m. The</p>	<p>The Clause 4.6 variation request is considered to be well founded, the proposed variation results in a development that is consistent with the objectives of Clause 4.3, 7.12 and the R4 High Density zone objectives and compliance with the standard is unnecessary in this instance. This is addressed further in the body of the report.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
adjoining southern development by Sekisui House complies with the front and side setback requirements and is only 6 storeys in height.		
Building A (12 storeys) should be the same height as Building D (7 storeys) as it fronts a main road.	Clause 4.3 Height of buildings permits a height of 36m (12 storeys) on the subject site. There is no requirement for Building A to be 7 storeys in height. In fact, the height of Building A provides a gateway into the Norwest precinct.	Issue addressed.
The proposal does not meet Council's objectives seeking to satisfy demand for affordable and high amenity housing.	The proposal complies with Clause 7.12 which allows for an incentivised FSR if Council's local provision for housing diversity, unit mix and car parking is met. These unit sizes exceed the minimum requirements in accordance with the Apartment Design Guide.	Issue addressed.
The claim that a compliant building prevents the provision of public benefits associated with a new road through the site is misleading as there are no new roads indicated on the plans.	This concern is acknowledged. It is agreed that there are no roads proposed as part of the subject Development Application. It is also noted that the site is subject to a Voluntary Planning Agreement to accommodate the additional infrastructure required for the uplift in residential units as previously approved under consent No. 824/2013/JP.	Issue addressed.
Shadow diagrams are incorrect and appear to have an alignment issue. Overshadowing impacts are to the public domain.	Shadow diagrams have been resubmitted to ensure that the alignment issue has been corrected. Whilst there are some overshadowing impacts to the public domain (Fairway Drive), the proposal complies with the objectives of the setback requirements and does not warrant refusal of the application.	Issue addressed.
The claim that a compliant scheme with the height standard would result in a larger building footprint with reduced residential amenity is flawed as the number of units could be reduced to achieve a reduced building footprint.	This concern is acknowledged.	Issue addressed.
Excessive overshadowing impacts on the masterplan approved building envelopes	Part B Section 5 Residential Flat Buildings of the DCP requires that buildings are designed to ensure	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>on the adjoining southern property at No. 47 Spurway Drive. It is noted that the Stage 5 indicative masterplan has not been placed in the submitted solar access diagrams. At least 15 apartments within Stage 5 will be rendered noncompliant with ADG requirements, resulting in a 10% reduction in overall ADG mid-winter solar access compliance for the masterplan.</p>	<p>that adjoining residential buildings and the major part of their landscape receive at least 4 hours of sunlight during mid-winter. Shadow diagrams and a 3D solar model were submitted with the application to demonstrate that the proposal achieves this control. It is also noted that the adjoining site contains development consent for a master planned concept development. The concept plans for the building directly adjoins the subject site known as Phase 7a (A.1) comprise an 8 storey building with a length of 90m. As this is a concept plan, the built form is not yet certain and will be assessed in a future development application. The proposed development provides a 7 storey building to the southern portion of the site and an 11 storey building which complies with the building separation and privacy criteria as recommended in the Apartment Design Guide. The major part of the landscape of the adjoining site will receive at least 4 hours of sunlight during mid-winter. In this regard, the concern raised does not warrant refusal of the application.</p>	
<p>The detrimental effects on the outlook that will be available to residents on the adjoining southern site.</p>	<p>The proposal has been modified to include southern facades that are well articulated and include a variety of colours and finishes, interesting fenestration and the southern side setback includes substantial landscape screening to provide satisfactory amenity to the future residential flat buildings on the adjoining southern site.</p>	<p>Issue addressed.</p>
<p>The poor ground level communal open space environment adjoining the southern property boundary. The large eucalyptus trees proposed along the southern property boundary is unlikely to thrive and will block light to the understory. In addition, a pathway, as well as gas and cold water meters are proposed on the property</p>	<p>Council's landscape assessment officer has reviewed the proposal and has determined that the proposed trees indicated on the landscape plans are suitable for the site. A 1.8m high boundary fence on the property boundary could provide screening of the service meters on the subject site.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
boundary limiting opportunity for low level screening to improve amenity and outlook. It was suggested these items are relocated.		
The lack of proper consideration of the site's immediate future approved context and the proposed massing on the site, building character and treatments.	The context of the site has been considered in the proposal.	Issue addressed.
Unjustified increase in FSR resulting in increased massing and impacts.	The proposal complies with Clause 7.12 of the LEP 2012 which allows a maximum FSR bonus provided the unit mix, internal floor areas and car parking requirements are met.	Issue addressed.
The availability of alternative massing arrangements that would moderate impacts and better respond to its future approved context.	Whilst this is acknowledged, the Development Application is being assessed for the proposed design.	Issue addressed.
A lack of regard to the SEPP 65 Apartment Design Guide and acceptable urban design practice in general.	The application has been assessed against the requirements of SEPP 65 ADG and considered satisfactory. In addition, the design of the development has been reviewed by a Design Excellence Panel.	Issue addressed.
Inconsistency with the objectives of the relevant height of building, floor space ratio and Clause 7.12 provisions under The Hills LEP 2012.	The proposal meets the objectives of all development standards under The Hills LEP 2012.	Issue addressed.
The veracity of relevant statement and plans within the Development Application.	Council officers have requested further plans, documentation, revised statements to correct errors made in previous submissions.	Issue addressed.
The need for consistent treatment of moderating amenity impacts on existing and planned development within the Norwest Station Precinct.	Whilst each development application is considered on merit, the existing and future context of developments within the Norwest Precinct is also considered in the assessment of a Development Application.	Issue addressed.

Third Notification

The applicant submitted further revised plans for consideration on 23 August 2018. The revised plans proposed the following amendments:

- Decrease in unit yield from 244 to 217

- Increased building separation and setbacks
- Increased overall landscaping and deep soil zones
- Reduced maximum building heights
- Modifications to unit numbers and unit mix
- Inclusion of solar panels on roof

ISSUE/OBJECTION	COMMENT	OUTCOME
The traffic report is based on an outdated methodology and does not take into consideration the cumulative impact of other approved developments within the vicinity of the site.	Council's Principal Traffic Coordinator has reviewed the methodology utilised in the traffic report and raises no objection to the proposal and concludes that the traffic impacts would be negligible. The cumulative impact of other approved development within the vicinity of the site cannot be used as a reason for refusal for the subject Development Application.	Issue addressed.
If the development is approved, an alternative safe pedestrian access should be provided (with consultation with residents) if construction work impedes pedestrian access along Fairway Drive.	This is acknowledged. A construction traffic management plan is required as a condition of consent which would address this issue.	Issue addressed. Refer to Condition No. 54 and 67.
What traffic projects are currently being considered by Council to alleviate traffic generation in and around Norwest?	This is not relevant to the subject Development Application. A traffic model is currently being undertaken to ascertain what measures are required to alleviate traffic generation for the Norwest precinct.	Issue addressed.
The proposal will result in the overshadowing of 12 units that were previously counted as compliant under the masterplan DA for the adjoining site.	The proposal complies with the building separation as required by the Apartment Design Guide. The masterplan Development Application only contains concept plans for Phase 7A and 7B that would need to be embellished as part of a built form Development Application. On this basis, the concern does not warrant refusal of the application.	Issue addressed.

6. A Metropolis of Three Cities – the Greater Sydney Region Plan

The Central City District Plan contains 'Directions for Liveability' which include:

- Housing the City – Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- A City of Great Places – Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage.

The plan seeks to provide housing supply which is diverse and affordable and which meets the needs of residents and which bring people together. The plan seeks to provide housing in locations which are easily accessible by public transport to reduce commuting time. Housing should be located in places which are liveable, walkable and cycle friendly. Housing should also respond to the changing needs of residents and consider single person and aging households. Great places are defined as areas which have a unique combination of local people, built form and natural features which reflect shared community values and which attract residents, workers and visitors. Local centres act as a focal point for neighbourhoods and provide essential access to day to day goods and services.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 4: Housing the City: Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. Housing affordability is also a challenge that can affect job and lifestyle choices.

Direction 5: A City of Great Places: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

The proposed development meets the intent of the Plan as follows:

- The proposal will provide a range of units types which will assist in meeting housing demands;
- The site is located in an area serviced by existing and future public transport and is in close proximity to the Norwest station; and
- The proposed will result in an appropriate built form outcome which responds to the desired future modern character of the Norwest Precinct area;

The proposal is considered satisfactory in regard to the Central City District Plan.

DEPARTMENT OF PRIMARY INDUSTRIES - WATER

The proposal was lodged as Nominated Integrated Development under the provisions of the Environmental Planning & Assessment Act, 1979 as approval is required from the Department of Primary Industries - Water under the provisions of the Water Management Act, 2000. The Department of Primary Industries - Water have provided their General Terms of Approval (refer Attachment 15).

ROADS & MARITIME SERVICES COMMENTS

The proposal was referred to the Roads & Maritime Services. No objections was raised to the proposal subject to conditions.

ENDEAVOUR ENERGY COMMENTS

The subject site contains an easement over the site benefitting Endeavour Energy being the former Parklea Zone Substation to West Castle Hill Zone Substation 132,000 volt / 132kV Overhead Feeder 230 with the works to underground the overhead section the feeder having been completed but the release / reduction of the easement still in the process of being finalised. In addition there are low voltage, 11,000 volt / 11 kV high voltage and 132 kV high voltage underground cables to the road verge / roadway, underground earth cables and pilot

cables (carry protection signals or communications between substations) in the road verge / roadway and low voltage overhead power lines including two low voltage overhead extended service conductors / customer owned poles (indicated by green circle).

Endevour Energy have reviewed the Development Application and raise no objections to the proposal subject to a network capacity/connection condition (refer condition No. 4).

NSW POLICE COMMENTS

The proposal was referred to the NSW Police. No objections were raised to the proposal. A number of Crime Prevention Through Environmental Design (CPTED) conditions of consent have been recommended to ensure that the site is appropriately protected (refer condition No. 3).

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions.

TRAFFIC MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The variation to the LEP Height control is addressed in the report and considered satisfactory.

In relation to the Clause 4.6 Variation requests, it is considered that the Applicant's request is well founded, and the proposed variation results in a development that is consistent with the relevant objectives, and compliance with the standard is unnecessary in this instance as outlined in this report.

The issues raised in the submissions have been addressed in the report. Further amendment or refusal of the application is not warranted.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within “Hills 2026 – Looking Towards the Future” as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

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

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

The amendments in red include: -

- Refer to Landscape Drawing Nos. LD-DA100, LD-DA101, LD-DA102, LD-DA103, LD-DA110 for ground floor relative levels (RL's) only. Refer to Landscape Drawing Nos. LD-DA120, LD-DA121, LD-DA122, LD-DA123, LD-DA124, LD-DA125, LD-DA128 for detailed planting.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
AD-DA002	Site Plan	P	17/08/2018
AD-DA101	Floor Plan Basement Level 3	S	27/09/2018
AD-DA102	Floor Plan Basement Level 2	S	27/09/2018
AD-DA103	Floor Plan Basement Level 1	V	27/09/2018
AD-DA111	Floor Plan - Ground	JJ	5/10/2018
AD-DA112	Floor Plan – Level 1	JJ	27/09/2018
AD-DA113	Floor Plan – Level 2	BB	27/09/2018
AD-DA114	Floor Plan – Level 3	X	27/09/2018
AD-DA115	Floor Plan – Level 4	EE	27/09/2018
AD-DA116	Floor Plan – Level 5	C	27/09/2018
AD-DA117	Floor Plan – Level 6	Y	27/09/2018
AD-DA118	Floor Plan – Level 7	M	27/09/2018
AD-DA119	Floor Plan – Level 8	EE	27/09/2018
AD-DA120	Floor Plan – Level 9	EE	27/09/2018
AD-DA121	Floor Plan – Level 10	BB	27/09/2018
AD-DA122	Floor Plan – Level 11	EE	27/09/2018
AD-DA123	Roof Plan	W	17/08/2018
AD-DA200	Elevations 01 (including finishes schedule)	Q	17/08/2018
AD-DA201	Elevations 02 (including finishes schedule)	Q	17/08/2018
AD-DA202	Elevations 03 (including finishes schedule)	P	17/08/2018

	schedule)		
AD-DA203	Elevations 04 (including finishes schedule)	P	17/08/2018
AD-DA210	Sections 01	K	17/08/2018
AD-DA350	Adaptable Dwellings	I	17/08/2018
AD-DA421	Entry Ramp Setout	J	17/08/2018
LD-DA100	General Arrangement - Landscape Plan	3	17/08/2018
LD-DA101	Ground Floor Detail Plan 1	3	17/08/2018
LD-DA102	Ground Floor Detail Plan 2	3	17/08/2018
LD-DA103	Ground Floor Detail Plan 3	2	17/08/2018
LD-DA110	Rooftop – Level 12	3	17/08/2018
LD-DA200	Podium Section AA and BB	3	17/08/2018
LD-DA201	Typical Sections CC/DD/EE/FF	3	17/08/2018
LD- DA202	Riparian Section GG/Podium Section HH	3	17/08/2018
LD-DA121	Planting General Arrangement Plan	1	21/08/2018
LD-DA122	Ground Floor Planting Plan 1	1	21/08/2018
LD-DA123	Ground Floor Planting Plan 2	1	21/08/2018
LD-DA124	Ground Floor Planting Plan 3	1	21/08/2018
LD-DA125	Ground Floor Planting Plan 4	1	21/08/2018
LD-DA128	Rooftop – Level 12 – Planting Plan	1	21/08/2018

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. Compliance with Department of Primary Industries - Water

Compliance with the requirements of the Department of Primary Industries - Water attached as Appendix (A) to this consent and dated 17 November 2017.

3. Compliance with NSW Police Force Requirements

The following is required or as otherwise agreed by NSW Police and Council in writing:

Surveillance:

- CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.
- Paint the lift shaft points and perimeter walls in the basement white to reflect light.
- Vegetation to be kept trimmed at all times.
- Installation of a security intercom system is required to access the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.

Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

Environmental Maintenance:

- Use of anti-graffiti building materials.
- High fencing during construction is to be used.
- Use of security sensor lights and a security company to monitor the site during construction phase are required.

Access Control:

- Ground level units are required to have upgraded security measures in place such as doors/ windows being alarmed, thickened glass and sensor lights.
- High quality letter boxes that meet AS ISO9001:2008 are required.
- Lift from car park into the residential buildings to be used with a fob or pin code.
- Entry into car park to be secured by a fob, remote/code access and camera are required.
- Ensure improved strength to security roller shutters/garage doors is used.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism are to be used.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- External doors that can be used to enter the car park or into the complex are required to have a plate installed to the door.
- Devices are to be fitted to enable windows to be locked at 12.5cm when the devices are engaged

4. Compliance with Endeavour Energy Requirements

Network Capacity / Connection

The following site plan from Endeavour Energy's G/Net master facility model shows there are a number of 'Work Polygons' (shown by the coloured highlighting and/or hatching of the lot) over the site (but not specifically / only to the extent of the site to which works are proposed) indicating enquiries and applications for proposed contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply to the development for urban residential subdivision (Endeavour Energy's reference is a URS18291). As such, Endeavour Energy's Network Connections Branch are managing the conditions of supply with the proponent and their authorised service provider (ASP). However there is no specific 'Work Polygon' for the site, the applicant will need to contact Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm if this Development Application:

- Includes any contestable works projects that are outside of the existing approved / certified works.
- Results in an electricity load that is outside of the existing Supply / Connection Offer requiring the incorporation of the additional load for consideration. This is due to load being based on a desktop assessment using an After Diversity Maximum Demand (AMMD) where demand is aggregated over a large number of customers providing an ADMD for the site / per lot. Depending on the actual development proposed for the site, the ADMD provided may not be sufficient.

5. Roads and Maritime Requirements

- All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
- All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

6. External Finishes

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

7. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

8. Construction Certificate

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

9. Building Work to be in Accordance with BCA

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

10. Adherence to Waste Management Plan

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

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

11. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

12. Property Numbering for Residential Flat Building & Multi Unit Housing

The responsibility for property numbering is vested solely in Council.

The property address of this development is: **100 Fairway Drive, Norwest NSW 2153.**

Approved unit numbering for this development is as per Amended Numbering Plan marked up by Council dated 14/6/18.

Level	Building A	Building B	Building C	Building D
Ground	G01 - G05	G06 - G08	G09 - G15	G16 - G18
Level 1	101 - 105	106 - 109	110 - 117	118 - 123
Level 2	201 - 205	206 - 209	210 - 217	218 - 223
Level 3	301 - 305	306 - 309	310 - 317	318 - 323
Level 4	401 - 405	406 - 409	410 - 416	417 - 421
Level 5	501 - 505	506 - 509	510 - 516	517 - 521
Level 6	601 - 605	606 - 609	610 - 616	617 - 621
Level 7	701 - 705	706 - 709	710 - 716	
Level 8	801 - 805	806 - 809	810 - 816	
Level 9	901 - 905	906 - 909	910 - 916	
Level 10	1001 - 1005	1006 - 1009	1010 - 1016	
Level 11	1101 - 1105			

Under no circumstances can unit numbering be repeated throughout the development. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

13. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, approval from Australia Post is required. Written correspondence from Australia Post certifying that they agreed to the proposed location of the letterbox must be obtained prior to issue of Construction Certificate.

Australia Post contact is Graeme O'Mullane at the Seven Hills Delivery Centre – email Graeme.omullane@auspost.com.au or phone 02 9674 4027.

The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

14. Separate Application for Strata Subdivision

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

15. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

16. Planning Agreement

The obligations in the Planning Agreement between The Hills Shire Council and Arden CH (NSW) Pty Ltd dated 28 March 2017 (Planning Agreement) must be performed in accordance

with the terms of the Planning Agreement including, but not limited to, the payment of Development Contributions identified in Schedule 2 of the Planning Agreement.

17. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

18. Salinity Assessment and Site Salinity Management Plan

The recommendations of the Salinity Assessment and Management Plan prepared by Environmental Investigation Service, referenced as E26168KBrpt2-sal, dated November 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

8.5 Surface-water, Stormwater and Drainage

Surface water, storm water and drainage design should include the following:

- The disturbance of natural drainage patterns should be avoided;
- Where the drainage patterns are altered, appropriate, alternative artificial drainage should be installed;
- Slabs, foundations and retaining walls should be designed with subsoil drains and good drainage to avoid water logging;
- Stormwater should be managed appropriately in order to reduce infiltration. Stormwater infrastructure should be designed to minimise leakage;
- Guttering and down pipes should be properly connected and maintained;
- Subsoil drains should be provided in areas where seepage discharge from the underlying natural soil may occur, such as retained cuts, cut slopes, low lying areas or significant changes in grade, etc; and
- Surface water runoff should be directed around all stockpiles and work areas.

19. Liquid Storage - Pool Chemicals

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

20. Management of Construction Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be

achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

21. Disposal of Surplus Excavated Material

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

22. Commencement of Domestic Waste Service

Adequate domestic waste services must be commenced with Council for the entire development. The service must be arranged no earlier than one week prior to occupancy and no later than two days post occupancy of the development. All requirements of Council's domestic waste collection service must be complied with at all times. Contact Council's Resource Recovery Team for the commencement of domestic waste services.

23. Construction of Waste Rooms and Bin Stores

All work involving construction of the four waste rooms and two bin stores must comply with the minimum requirements below. The bin stores must be sized to hold a combined minimum of 24 x 1100 litre bulk garbage bins and 40 x 660 litre bulk recycling bins. The waste rooms must be sized to accommodate all waste equipment (1 x 2-bin (1100 litre) bin linear track and 1 x 2-bin (660 litre) linear track), plus spare garbage and recycling bins for ease of transfer with full bins underneath the dual chutes, as specified in the Waste areas Management Plan submitted as part of the development application.

1. The rooms must be of adequate size for all waste areas equipment and to comfortably store and manoeuvre the minimum required number of bins.
2. The layout of the rooms must ensure that each bin is easily accessible and maneuverable in and out of the areas with minimal or no manual handling of other bins.
3. The floor of the rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The rooms must have a waste areas servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste areas servicing doors are single or double swinging doors and roller doors.
5. The rooms must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
6. All doors of the rooms, when fully opened, must be flush with the **outside wall** and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
7. The rooms must be adequately ventilated (mechanically). Ventilated areas should not be connected to the same ventilation system supplying air to the units.

8. The rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply, to facilitate bin washing. If the tap is located inside the areas, it is not to conflict with the space designated for the placement of bins.
9. The rooms must be provided with an internal light (artificial) such as automatic sensor lights.
10. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance are these grades to be exceeded. They are to allow safe maneuvering and servicing of the full bins by waste collection operators.
11. The rooms must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be permanently maintained by the Owners Corporation.
12. A room or caged area must be provided, which opens directly onto the waste collection area, with a minimum floor area of 18m², for the interim storage and management of unwanted bulky goods.
13. Finishes and colours of the rooms are to complement the design of the development.

Bin Measurements (mm)

660L: 850 (d) 1370 (w) 1250 (h) **1100L:** 1245 (d) 1370 (w) 1470 (h)

24. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be provided and designed in accordance with Australian standard 2890.2-2002 for the standard 8.8m long Medium Rigid Vehicle, with the exception that the minimum clear vertical clearance is 3.5m. The following additional requirements are applicable:

1. All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
2. The requirement for reversing is limited to a single reverse entry maneuver into the designated service bay. The service bay must allow additional space for access and loading and have appropriate signage such as no parking at any time.
3. All manoeuvring areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian standard 2890.1 to warn waste collection contractors of the low headroom area. Note all manoeuvring areas for waste collection vehicles must have minimum clear headroom of 3.5m.
4. The loading area must have a sufficient level of lighting, and allow additional space for access and loading (e.g. wheeling a bulk bin to the back of the collection vehicle for rear load collection).
5. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium and heavy vehicles, remote access or other measure to ensure there is no requirement for collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

25. Dual Waste Chute System

A dual waste chute system must be provided to enable chute disposal of both garbage and recycling. Openings must be provided on every residential floor. The openings must be

accessible to all units on that same level. The dual chutes must terminate in one of the four waste rooms. A two-bin (1100 litre) linear conveyor must be provided in each waste room for garbage bins.

26. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

27. Street Trees

Street trees must be provided for the section fronting the development site spaced between 7m and 10m apart. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

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

28. Recycled Water – Rouse Hill/ Sydney Water

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

29. Road Opening Permit

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

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

30. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

31. 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:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- 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.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- A turning bay must be provided at the end of blind aisles within visitor parking areas, specifically where blind aisles exceed six spaces on one side. Two turning bays are required to satisfy this clause.
- A turning bay must be provided just prior to the residential access boom gate within the basement. A half bay as shown in the DA plans do not satisfy this and hence, must be amended to ensure the full bay is accessible by the turning vehicle.
- The residential access boom gate must be relocated to increase visitor spaces by a minimum of three spaces – a consequence of the above two clauses. This will ensure compliance with the incentivised FSR provisioning for the development.

32. Excavation/ Anchoring Near Boundaries

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

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

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

33. Finished Floor Level – Flooding

The finished habitable floor levels of Building B must reflect the approved plans and are to be no lower than RL 68.8m AHD (FPL3) in accordance with the Hydraulic Impact Assessment prepared by ADG Engineers dated 16 August 2018.

The finished habitable floor levels of Building C must reflect the approved plans and are to be no lower than RL 69.2mm AHD (FPL3) in accordance with the Hydraulic Impact Assessment prepared by ADG Engineers dated 16 August 2018.

34. Front Boundary Wall

Front boundary wall to western boundary at Fairway Drive is to be setback a minimum 1m from boundary to allow for landscaping in front of wall. Proposed landscaping to front boundary wall to western boundary at Fairway Drive is to be minimum 1m high at maturity.

35. Planting Requirements

- a) 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/m².
- b) For all planting on slab and planter boxes allow the following minimum soil depths:
 - 1.2m for large trees or 800mm for small trees;
 - 650mm for shrubs;
 - 300-450mm for groundcover; and
 - 200mm for turf.

Note: this is the soil depth alone and *not* the overall depth of the planter.

- c) Allow to plant additional screen planting to south west of site adjacent site service access path for length of Building D. Species to be selected from the following list and planted at maximum 1m centres.
 - Syzigium 'Resilience'
 - Syzigium australe 'Select'
 - Acmena smithii 'Sublime'
 - Hakea salicifolia
- d) Provide landscaping between front wall and boundary at Fairway Drive. Planting to reach a minimum height of 1m at maturity.
- e) Nominate tree species to western front setback and update plant schedule

36. Replacement Planting Requirements

To maintain the treed environment of the Shire four (4) 75 litres trees from the following list are to be planted to deep soil zones

<i>Eucalyptus amplifolia</i>	Cabbage Gum
<i>Eucalyptus creba</i>	Narrow Leaved Ironbark
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus tereticornis</i>	Forest Red Gum

37. Provision of Parking Spaces

The development is required to be provided with 320 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

38. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

39. Section 7.11 Contribution – Balmoral Road Release Area

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom units: 30	No. of 2 Bedroom units: 40	No. of 3 Bedroom units: 9	Sum of Units	No. of Credits: 1	Total \$94
Open Space - Land	\$ 10,210.58	\$ 17,872.72	\$ 22,454.15	\$ 22,454.15	\$ 306,317.40	\$ 714,908.80	\$ 202,087.35	\$ 1,223,313.55	\$ 22,454.15	\$ 1,200,859.40
Open Space - Capital	\$ 2,858.11	\$ 5,002.57	\$ 6,285.29	\$ 6,285.29	\$ 85,743.30	\$ 200,114.80	\$ 56,567.61	\$ 342,425.71	\$ 6,285.29	\$ 336,140.42
Transport Facilities - Capital	\$ 2,406.57	\$ 4,212.49	\$ 5,292.30	\$ 5,292.30	\$ 72,197.10	\$ 168,499.40	\$ 47,630.66	\$ 288,327.16	\$ 5,292.30	\$ 283,034.86
Community Facilities - Land	\$ 181.23	\$ 317.23	\$ 398.55	\$ 398.55	\$ 5,436.90	\$ 12,689.00	\$ 3,586.91	\$ 21,712.81	\$ 398.55	\$ 21,314.26
Drainage Facilities - Capital	\$ 259.07	\$ 453.48	\$ 569.72	\$ 569.72	\$ 7,772.10	\$ 18,139.20	\$ 5,127.48	\$ 31,038.78	\$ 569.72	\$ 30,469.06
Total	\$ 15,915.56	\$ 27,858.78	\$ 35,000.00	\$ 35,000.00	\$ 477,466.80	\$ 1,114,351.20	\$ 315,000.00	\$ 1,906,818.00	\$ 35,000.00	\$ 1,871,818.00

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

This condition has been imposed in accordance with Contributions Plan No. 12.

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

40. Special Infrastructure Contribution – Growth Centres

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment website:

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

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

41. Planning Agreement

In accordance with Schedule 2 of the Planning Agreement, a contribution of \$38,342 (current as of 28 March 2017) is to be paid for each apartment in addition to the first 79 apartments. The value of the monetary contribution would be indexed at the time of payment in accordance with the Planning Agreement.

Written evidence is to be submitted to Council prior to the issue of a Construction Certificate, demonstrating that the relevant obligations of the Planning Agreement have been satisfied including, but not limited to, the payment of Development Contributions identified in Schedule 2 of the Planning Agreement.

42. Irrigation

Automatic watering system to be installed as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council's Manager Environment and Health or Private Certifier prior to issue of the construction certificate.

43. Erosion & Sediment Control Plan

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

- Allotment boundaries
- Location of the adjoining roads
- Contours
- Existing vegetation
- Existing site drainage
- Critical natural areas
- Location of stockpiles
- Erosion control practices
- Sediment control practices
- Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

44. Disposal of Surplus Excavated Material

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

45. Acoustics - Protection of Internal Noise Levels

An acoustic statement is required to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the report *28 Fairway Drive, Kellyville Noise emission and road traffic assessment prepared by GHD, dated May 2018 and referenced as 2126408*, have been included in the construction plans of the development.

46. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded medium rigid garbage collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

47. Security Bond Requirements

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

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

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

48. Stormwater Pump/ Basement Car Park Requirements

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

49. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$193,800.00 is required to be submitted to Council to guarantee the

protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (190m) multiplied by the width of the road (12m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

50. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

51. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Fairway Drive	Road Type: DCP Enhanced Collector Road with Cycle Path 3.5m/ 12.0m/ 4.5m (20m) Pavement Design: Enhanced Collector (Design Guidelines Section 3.12)

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

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

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

The wider 4.5m verge must be located on the eastern side of Fairway Drive correlating with the cycleway required at this location.

Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

Except where a one-way cross fall is required (such as for roadside bio-retention swales) all roads are to have a two-way cross fall with a crown in the middle of the carriageway.

b) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

c) 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 driveway must be built to Council's heavy duty standard.

The driveway must be a minimum of 6m 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 vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

d) 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.

e) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the eastern side of Fairway Drive in accordance with the DCP and the above documents. The cycleway must run along the entire frontage.

f) Service Conduits

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

g) 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.

h) Stormwater Drainage – Pipe Extension

A new kerb inlet pit must be provided in Fairway Drive fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

i) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Department of Primary Industries – Water (even where the receiving waterbody is not a natural watercourse) as well as Sydney Water, in the case of stormwater management land.

j) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of the rainwater tanks (80,000L total volume as a minimum) and proprietary treatment pods and devices, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

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

Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

52. Irrigation

Automatic watering system to be installed as a minimum to all common areas . Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council's Manager Environment and Health or Private Certifier prior to issue of the construction certificate.

53. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

54. Construction Management Plan

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

PRIOR TO WORK COMMENCING ON THE SITE

55. Principal Certifying Authority

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

56. Builder and PCA Details Required

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

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

57. Management of Building Sites – Builder's Details

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

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

58. Consultation with Service Authorities

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

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

59. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

60. Approved Temporary Closet

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

61. Stabilised Access Point

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

62. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

63. Erosion and Sedimentation Controls

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

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

64. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with "*Managing Urban Stormwater - Soils and Construction*" (*Blue Book*) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

65. Erosion & Sediment Control Plan Kept on Site

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

66. Construction Waste Management Plan Required

Prior to the commencement of works, a Construction Waste Management Plan for the construction of the development must be submitted to and approved by the Principal Certifying Authority. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction of the development.

67. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

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

68. Erection of Signage – Supervision of Work

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

- The name, address and telephone number of the Principal Certifying Authority;

- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

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

69. Contractors Details

The contractor carrying out the public works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

70. Public Infrastructure Inventory Report

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

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

71. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum of five days written notification of the works.

DURING CONSTRUCTION

72. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifying Authority during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

73. Dust Control

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

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

74. 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. 817435M_04 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

75. Compliance with Critical Stage Inspections and Inspections Nominated by the PCA

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

76. Construction Noise

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

77. Rock Breaking Noise

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

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

78. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

79. Stockpiles

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

80. Standard of Works

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

81. Critical Stage Inspections – Public Works

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

82. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff.

Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

83. Roof Water Drainage

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

84. Filtration Motor

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

85. Pool Discharge Water

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

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

86. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

87. Resuscitation Warning Notice

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

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

88. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

89. Temporary Fencing of Pools

This condition applies to unoccupied land.

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

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

90. Compliance with Department Primary Industries - Water Requirements

The submission of documentary evidence from the Department of Primary Industries - Water that all requirements have been satisfied, prior to the issue of the Occupation Certificate or Subdivision Certificate.

91. Design Verification Certificate

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

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

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

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

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

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

93. Acoustics - Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report 28 Fairway Drive, Kellyville Noise emission and road traffic assessment prepared by GHD, dated May 2017 and referenced as 2126408. Certification is to be provided to the Principal Certifying Authority.

94. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by the approved garbage collection vehicle when fully laden.

95. Final Inspection of Waste Storage and Management Areas

Prior to any Occupation Certificate being issued, a final inspection of the waste storage areas and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

96. Completion of Engineering Works

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

97. Subdivision Works – Submission Requirements

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results

- Site Fill Results
- Structural Certification

The works as executed plans must be prepared by a suitably qualified engineer or registered surveyor.

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

A template public asset creation summary is available on Council's website and must be used.

98. Performance/ Maintenance Security Bond

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

99. Confirmation of Pipe Locations

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

100. Stormwater CCTV Recording

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

101. Public Asset Creation Summary

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

102. Creation of Restrictions/ Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

a) Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

b) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

c) Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

d) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

103. Public Infrastructure Inventory Report - Post Construction

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

104. Pump System Certification

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

105. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

106. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

107. Provision of Telecommunication Services

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

108. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 128

THE USE OF THE SITE

109. Offensive Noise - Acoustic Report

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*. Ventilation systems, car park exhausts and pumps and filters associated with the swimming pool shall be treated to minimise noise so that the noise is not more than 5 dB above the background noise level when measured at the boundary of any adjoining premise or at the window or balcony of any unit within the site.

110. Lighting

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

111. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the approved waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. A caretaker must be appointed by the Owners Corporation to undertake all instructions issued by Council to enable domestic waste collection. Additionally, the caretaker must be responsible for appropriately managing the waste chute system and cleaning the bins following servicing.

112. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Floor Space Ratio Map
5. LEP Height of Buildings Map
6. Site Plan
7. Floor Plans
8. Elevations and Sections
9. Landscape Plans
10. Shadow Diagrams
11. Solar Views
12. Perspectives
13. Design Excellence Panel Minutes
14. Applicant's Clause 4.6 Variation Request
15. Department of Primary Industries – Water – General Terms of Approval

<< Insert ALL attachments below the section break >>