

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC095
DA Number	DA 198/2019/JP
LGA	The Hills Shire Council
Proposed Development	Residential Flat Building Development
Street Address	Lot 26 DP 270520 Commercial Road, Rouse Hill
Applicant	GPT Funds Management 2 Pty Ltd C/- BBC Consulting Planners
Consultant/s	BBC Consulting Planners Cox Architecture Oculus Arcadis Geo Strata Property Surveying Morris Goding Accessibility Consulting Steve Watson & Partners Acoustic Logic GTA Consultants Intergreco JK Geotechnics Elephants Foot Recycling Solutions Bylett and Associates
Date of DA lodgement	02 August 2018
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV Exceeding \$30 Million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP State and Regional Development 2011 • SEPP 55 – Remediation of Land • SEPP Design Quality of Residential Flat Development • SREP 20 – Hawkesbury Nepean River • Apartment Design Guidelines • LEP 2012 • DCP Part D Section 6 – Rouse Hill Regional Centre • DCP Part B Section 5 – Residential Flat Buildings
List all documents submitted with this report for the Panel's consideration	Nil
Report prepared by	Kristine McKenzie Principal Executive Planner
Report date	Electronic Determination

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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
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?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	NA
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential flat building development containing 141 units. The proposed building will be part six, part 10 and part 11 storeys.

The development includes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to rear setback, building length, unit size and mix and parking. In addition, variations are proposed to the Town Centre Precinct Plan in regard to the location of land uses, vehicle access points, maximum building height and the level of the ground floor units above the and also to SEPP 65 – Design of Residential Flat Buildings and the Apartment Design Guidelines in relation to visitor parking and direct sunlight.

The design provides a range of unit sizes to cater for all future occupants. The units provide a high level of amenity and provide housing diversity. The unit sizes all comply with the minimum requirements of SEPP 65.

The site is adjacent to the Rouse Hill Town Centre and has good access to a range of services. The site is also in close proximity to Caddies Creek and is therefore located in a park setting. The variations are considered reasonable in that context.

The proposal has been assessed and it is considered that the design and layout of the proposal is satisfactory.

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

The proposal is recommended for approval subject to conditions.

BACKGROUND

The Development Application was lodged on 02 August 2018. The applicant was requested to provide additional information on 06 September 2018 in regard to compliance with the

DCP, Precinct Plan and Design Guidelines and Apartment Design Guidelines (ADG), vehicle manoeuvring, drainage, landscape works and waste management. The proposal was also considered by the Design Excellence Panel (DEP) on 13 September 2018.

The applicant submitted additional information on 05 November 2018 to address the matters raised in the letter and to respond to the DEP.

An email was sent to the applicant on 18 December 2018 requesting additional information regarding unit mix, compliance with the DCP and Precinct Plan, waste management, vehicle manoeuvring and drainage. The proposal was also considered by the Design Excellence Panel (DEP) on 14 January 2019.

The applicant submitted additional information on 29 January 2019 to address the matters raised in the letter. Additional information regarding drainage was submitted on 08 March 2019 and 02 April 2019.

DETAILS AND SUBMISSIONS

Owner:	GPT Funds Management 2 Pty Ltd
Zoning:	B4 Mixed Use
Area:	4300m ²
Existing Development:	Vacant land
Section 7.11 Contribution	Not applicable – site is subject to a Planning Agreement
Exhibition:	Not required
Notice Adj Owners:	Yes, 14 days
Number Advised:	Nine
Submissions Received:	Nil

PROPOSAL

The proposal is for a residential flat building development containing 141 apartments, comprising 39 x 1 bedroom units, 91 x 2 bedroom units, 10 x 3 bedroom units and 1 x 4 bedroom units. The proposed building will have a varying height of part six, part 10 and part 11 storey.

The apartment development contains 167 parking spaces in basement parking which comprise:

152 resident spaces; and

15 visitor spaces.

In addition, four motorcycle spaces and 29 bicycle parking spaces are provided.

The site is part of the Northern Precinct of the Rouse Hill Regional Centre and will adjoin part of the proposed future expansion of the Town Centre.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to a Regional Planning Panel:-

Development that has a capital investment value of more than \$30 million.

The proposed development has a capital investment value of \$50,748,669 thereby requiring referral to, and determination by, a Regional Planning Panel.

2. SEPP 55 – Remediation of Land

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

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

A Stage 1 Preliminary Site Investigation report was undertaken by the then Department of Urban Affairs and Planning (DUAP) in 2000. A Stage 2 Environmental Site Assessment was subsequently undertaken which accompanied the Masterplan application. The report concluded that:

Based on the scope of work undertaken for this assessment, the site is considered to be suitable for the most sensitive residential development provided that the additional investigation, general rubbish and asbestos removal activities outlined in this report are undertaken.

The proposal is considered satisfactory in regard to the requirements of SEPP 55.

3. Compliance with SEPP No. 65 – Design Quality of Residential Flat Buildings

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

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Required: 1075m ² Provided: 1582m ² which is 36.8%. Solar access is required to be achieved to an area of

		537.5m ² . The roof top common open space area achieves solar access to 549m ² of the roof area between 9am and 3pm.
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 .	An area of 366m ² or 8.5% of the site is deep soil planting.
Separation	For habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	The building is the first development within the precinct and there are no adjoining developments.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Appropriate visual privacy is achieved through window placement, use of balustrades and screens and separation between buildings.
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Adequate overall parking is provided however the visitor parking is not provided in accordance with the SEPP. See comments in Section 5(d) below.
Designing the building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	72.3% of units achieve solar access for a minimum of 2 hours midwinter.
Direct Sunlight	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	19.1% of units (27 units) receive no solar access.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	62.4% of units are naturally cross ventilated.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m.	All floor to ceiling heights are 2.7

	<p>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.</p> <p>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>	metres.
Apartment size	<p>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>	All units comply with the minimum unit area requirements.
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	The unit depths do not exceed 8 metres.
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>	All units comply with the minimum balcony areas and are useable and are directly accessible off living areas.
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>	All units are provided with an appropriately sized storage area.
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>	The proposal provides a reasonable apartment mix.

a. Direct Sunlight

The ADG requires that a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. A total of 19.1% of units (27 units) receive no solar access.

The applicant has submitted the following justification for the application:

With regard to design criteria No.3 in this part of the ADG, the proposal seeks to exceed the maximum percentage of apartments that do not receive direct sunlight between 9am to 3pm at mid-winter by 4% (total of 19% or 27 units). However, this variation is supported by Objective 4A-1, which states:

'Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.*
- on south facing sloping sites.*
- where significant views are oriented away from the desired aspect for direct sunlight.*

Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective'.

The subject lot has a north-west orientation which results in only two (eastern and northern façade) of the four building elevations gaining solar access on June 21. To compensate (for the poor orientation that precludes meeting this design criteria No.3), additional emphasis has been placed on orientating units with no solar-access at June-21 towards 'significant views' - that being of the communal landscaped open space above the podium level and the Town Centre beyond.

Furthermore, units 19, 35, 52, 69, 86 and 126 (4.3% of units) have their respective living room windows originated southward. The internal layouts of these units could all be re-configured so that the internal living space gains compliant solar access at June 21 which would result in the total amount of units not receiving solar access on June-21 being 15%. However, the building design seeks to orientate views southward because, as noted above, the southern side offers a superior aspect and outlook towards the large landscape communal open space and town centre beyond, which is considered to result in greater amenity overall for the above-mentioned units. If the planning of these units was modified to obtain some sunlight access in midwinter it would offer an inferior outlook towards another building. It would also only achieve around 20 minutes of sunlight in midwinter. Whilst they would be compliant under section 4A-1 of the ADG, it would result in an inferior amenity outcome for the occupants of the units.

In order to satisfy design criteria No.3 of objective 4A-1 in the ADG on the subject site additional 1 bedroom units would have to be placed along the northern or eastern facades in lieu of current 2 or 3 bedroom units. This would result in the apartment mix of the proposed building significantly exceeding the maximum 25% for such units and further reducing beneath the 10% minimum the number of 3 bedroom units as specified in the DCP (section 3.11, development control A and B). A change to unit mix as set-out above would result in a proposed building that would be less suitable to meet the needs of future residents and nor would it accommodate a sufficient range of household types.

Comment:

The objective of the ADG is:

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

The ADG also states as part of the design guidance:

Achieving the design criteria may not be possible on some sites. This includes:

- *where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source;*
- *on south facing sloping sites;*
- *where significant views are oriented away from the desired aspect for direct sunlight.*

The proposed units are considered to be satisfactory in terms of design and layout and as such a reasonable level of amenity is achieved for future residents. All units are provided with a balcony area which meets or exceeds the ADG requirements. In addition, solar access is achieved to the roof top common open space area from 9am – 3pm.

The design of the building allows for alternate views either across the Caddies Creek open space area or across the Town Centre for broader urban views.

The proposal is considered satisfactory in regard to the provision of direct sunlight in this instance.

4. Compliance with LEP 2012

a. Permissibility

The subject site is zoned B4 Mixed Use. The proposed development is defined in LEP 2012 as follows:

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

A residential flat building is a permissible use in the B4 Mixed Use zone.

b. Lot Size for Residential Flat Building Development

Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The subject site has an area of 4300m² and as such complies with the LEP requirement.

c. 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.*

It may also be noted that development within the Rouse Hill Regional Centre is also subject to a Design Review Panel which consists of an independent urban designer, independent architect, Council representative, Landcom representative and a Lend Lease/GPT representative. The proposal was considered by the Rouse Hill Design Review Panel on 11 May 2019.

Comment:

The design excellence of the proposal was considered at a Design Review Panel meeting held on 13 September 2018. The Panel concluded that the proposal did not meet design excellence and advised that whilst the proposal in general was supported given the future intensification of land within the Northern Precinct, further work was required to address amenity of open space within the site, public amenity around the site and design considerations. The Panel concluded as follows:

The Panel recommends that further work on the proposal is required to meet the requirements of design excellence. It is recommended that regardless of the FSR outcome the applicant addresses the issues identified in this report and presents a revised application to the Panel.

The applicant submitted additional information to address the matters raised by the Panel on 05 November 2018 and the matter was further considered by the Panel on 14 January 2019. The Panel concluded as follows:

The applicant has made minor changes in relation to concerns raised by the Panel at the previous meeting. The Panel notes that there have been some improvements in the revised proposal, however there are outstanding matters that have not been addressed.

The Panel recommends that the comments from both DEP meetings are further considered in order to achieve a uniformly high quality outcome. It is noted that the Panel is advisory and the applicant may elect to proceed with the DA application without further consideration of the Panel comments.

The matters raised by the Panel in regard to Clause 7.7 of LEP 2012 include:

- The development should provide a higher quality presentation to the street compared to other recent developments on Caddies Boulevard, notwithstanding the bulk and scale of the development resulting from the unbroken length of the building.
- It is recommended the DA officer condition the provision of materials as illustrated and noted in the DA drawings and the finishes/materials schedule.
- The Panel remains concerned that the master plan levels together with the unbroken form of the development inhibit universal, clear access between Caddies Boulevard and nearby residential dwellings to the station.
- Utility and emergency services located between the building line and street boundary (Hydrant Sprinkler Booster Valve set, Gas and Water meters etc) to be integrated/screened in a manner to match the aesthetic of the proposed development.
- The lower levels address to the street and park interface will provide a fine grain appearance and activation to the street interface. As noted previously there remains concern that residential amenity (acoustic, air quality) for ground and level 1 residential dwellings is compromised by proximity to the carriageway and turning lane into a regional shopping centre main carpark/loading dock entry.
- The impact on the built form on the proposed adjacent site to the south appeared to be acceptable in principle, however further documentation to confirm this with council officers is recommended.
- The development presents a number of non-compliances with the following council controls in regard to building length and unit size and mix.
- The land is designated mixed use with residential uses being an allocated land use.
- The proposal partially in keeping with the approved precinct master plan land use designation. The mixed use designation and imagery provided very strongly suggest retail and commercial activities at the ground level with residential uses on the higher levels representing a land use more in keeping with description of mixed use.

- The development provides setbacks based on an indicative future masterplan which has not been approved. Setback dimensions were provided by the applicant as requested. Subject to the masterplan not changing the Panel is satisfied with the reduced setback to the north-western boundary.
- The setbacks to the proposed residential flat building south of subject site indicated in the Proof of Concept sketches appear largely compliant with SEPP65. Subject to detailed design these are required to be fully compliant.
- The height and façade length of 80m despite the highly articulated façade treatment, presenting a building of significant bulk and scale that is a new and challenging paradigm for the area.
- The street frontage of 11 storeys at the southern end substantially exceeds the Built Form Guidelines of 5-8 storeys in height. This contributes significantly to the buildings perceived bulk and mass.
- Potential wind downdraft may impact on the residential and common adjacent public open spaces, and should be discussed with council.
- The development demonstrates major non-compliance with the minimum requirements of ADG 4A Solar and daylight access and 4B Natural ventilation.
- The Panel noted that the proposed reliance on the slots shown in the plans to provide natural ventilation does not comply with the ADG and would not be accepted by a number of metropolitan councils including the City of Sydney.
- The Panel notes that minor design adjustments such as the alignment of breezeways and breaking up of the upper level building into several blocks would provide a more immediately efficient and verifiable outcome in addition to mitigating the scale of the development.
- Reliance on skylights to meet solar access requirements does not meet ADG requirements.
- The Panel considers this is a large unencumbered site in a new urban precinct and that full compliance for parts 3 & 4 of the ADG should be provided.
- The public domain treatment to Caddies Boulevard and the proposed public park to the west of the site are positive.
- The public domain address to the East gate interface has improved with the landscape terracing adjacent to the stair.
- There is limited public access to the site. Communal open space appears to be acceptable, primarily through sunny roof top area provision.

The proposal was not required to be considered at a further DEP meeting.

In response to the above, the applicant provided additional plans and information to respond to the matters raised including an updated solar access report and acoustic report. The following comments address the key comments raised by the DEP:

- Additional landscape works are proposed within the common open space area along the interface of the site and the entry to the shopping centre carpark to improve amenity for future residents;
- The proposal provides 72.2% of units which received more than 2 hours of direct sunlight (The ADG requires 70%);
- The proposed balconies are considered to be useable areas and are directly accessible from living areas. The balconies provide adequate area for the placement of items such as a table, chairs, barbeque or similar;
- The ground level units facing Caddies Boulevard will achieve a reasonable levels of amenity, with landscape and fencing provided to ensure that visual and acoustic privacy is maintained;
- All services (boosters, water meters, gas regulators etc) will be screened and enclosed;
- An independent wind assessment was undertaken which conclude that subject to some window openings being amended the proposal will comply with the ADG requirement for cross ventilation, with amended plans submitted to address this requirement. The amended proposal provides 62.4% of units being cross ventilated which exceed the ADG requirement of 60%.

The other matters required to be addressed under Clause 7.7 have been assessed as satisfactory by the Design Excellence Panel or addressed in other sections of this report. It is considered that the proposal exhibits design excellence and satisfies Clause 7.7 of the LEP.

5. Compliance with DCP Part D Section 6 – Rouse Hill Regional Centre

The following criteria applying to residential flat buildings are contained in the Rouse Hill DCP. In terms of the prevailing instrument, the DCP states:

All residential development within the Rouse Hill Regional Centre is required to comply with the provisions of this Section of the DCP. In addition, the provisions of other residential Sections of the DCP will also apply where relevant. Depending upon the type of development proposed the provisions of the following Sections of the DCP may also apply:

- *Part B Section 2 - Residential*
- *Part B Section 4 - Multi Dwelling Housing*
- *Part B Section 5 - Residential Flat Buildings*

For example where residential flat buildings are proposed within the Regional Centre, the relevant provisions of this plan will apply in addition to Part B Section 5 – Residential Flat Buildings.

In the event of any inconsistency between this Section of the DCP and any other Section of the DCP, the provisions of this Section of the DCP shall prevail only to the extent of the inconsistency.

The following table outlines the proposal's compliance with the relevant standards:

DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.1.2 Density Per Hectare	In the Northern Frame, a minimum of 40 dwellings/net hectare. There is no maximum density.	A minimum of 17.2 dwellings are required on the site, with 141 units proposed.	Yes
3.1.5 Site Frontage	20m	Proposed Lot 29 has a proposed site frontage to Caddies Boulevard of 81.74m and frontage of 40.025m to 'Laneway' (proposed under DA 2084/2018/ZA). Note: Rouse Hill Drive will be closed and will become the entry to the Town centre expanded carpark.	Yes
3.1.6 Building Height	Building heights to be consistent with LEP 2012.	LEP 2012 has no building height limit.	Yes
	Attached Dwellings and Residential Flat Buildings: (i) Ground floor/ living Spaces: minimum of 2.7 metres floor to ceiling; and (ii) Upper Levels/ Bedrooms: 2.55 metres.	The floor to ceiling height is 2.7 metres.	Yes
3.1.7 Setbacks	Front setback for building height 5 storeys or above: 5 metres.	5.6m to Caddies Boulevard frontage	
	Side setback: 1.5 metres. The setback is not applicable if there is no shared boundary.	As there is no shared side boundaries the DCP requirement is not applicable. However a 2.7m setback to the Rouse Hill Drive boundary and a 2.9 m setback to the north-western boundary are proposed.	NA
	Rear setback: 4 metres. The setback is not applicable if there is no shared boundary.	There is a shared boundary and as such the setback applies. Units 7, 19 and 20 and above have a 2m rear setback to the	No – see comments below.

		building and the rear part of the site adjoining the common open space has a nil setback.	
	The minimum separation between buildings is 12 metres.	There is only one building proposed.	Yes
	The maximum length of a building is 50 metres.	77 metres.	No – see comments below.
3.1.8 Building Appearance, Articulation, orientation and Design	Buildings are required to address the street, entries points are to be clearly articulated, corner buildings to address both street frontages.	The proposed design of the building is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the building adequately addresses the street frontages.	Yes
3.1.9 Apartment Layout and Design	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit mix and size requirements.	No – see comments below.
3.1.10 Storage	Storage is to be provided in units or lockable garages as follows: Studio/1 bed: 6m ³ 2 bed: 8m ³ 3+ bed: 10m ³	All units are provided with an appropriately sized storage area.	Yes
3.1.11 Roof Design	Use of a variety of roof forms which are in character with modern design principles.	The proposed roof design is satisfactory.	Yes
3.1.12 Driveways	Buildings of 4 or more storeys may have access to a basement car park. Access to a public street should be in a forward direction.	The proposal has a basement carpark with access off Caddies Boulevard.	Yes
3.1.13 Car Parking	Residential flat buildings: Off-street parking is to be provided for each dwelling at the rate of: 1 bedroom: 1 space/ dwelling 2 bedrooms: 1.5 space / dwelling 3 + bedrooms: 2 spaces/ dwelling	Based on 39 x 1 bedroom, 91 x 2 bedroom, 10 x 3 bedroom units and 1 x 4 bedroom units, 161.5 resident spaces are required. There are 152 resident spaces proposed.	No – see comments below.
	Visitor parking: 1 space/5 dwellings for development with 60 or more units.	Based on 141 units, 29 visitor spaces are required. There are 15 visitor spaces proposed.	No – see comments below.

	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 141 units, 29 bicycle spaces are required, with 29 spaces provided.	Yes
3.1.14 Garage Design	Ensure that garages are not dominant and that materials and colours are in keeping with the proposed building.	The proposed parking is located within basement style which is appropriate for this form of development and is not considered to be dominant.	Yes
3.1.15 Solar Access	Solar access for residential flat buildings is to be in accordance with SEPP 65.	The proposed solar access is satisfactory – see comments above in Section 4.	Yes
3.1.16 Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m ² (whichever is greater) ground level open space is to be provided on natural ground.	An area of 2167m ² of the site is landscaped which is 50.4% At least 269m ² of ground level open space must be on natural ground level, with 355m ² provided which is 33%.	Yes
3.1.17 Open Space (Private and Common)	Residential flat buildings: Private Open Space: Must be accessible from living areas. Ground level units to have a minimum width of 4m and minimum depth of 3m. Above ground levels units to have a minimum area of 8m ² and minimum depth of 3m. Solar access to be in accordance with SEPP 65.	All open space is accessible from living areas. All ground and upper floor units have an area which complies. See comments above on ADG requirements.	Yes
	Common Open Space: A minimum 10m ² of open space per dwelling (including	Based on 141 units, a common open space area of 1410m ² is required.	Yes

	courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces.	The proposal provides 1582m ² of common open space which comprises 1075m ² on podium level and 507m ² as roof top on Level 7.	
3.1.18 Fencing and Courtyard Walls	There are no standards applicable to residential flat buildings. The principles relate to providing fencing which contributes to the character of the street.	The front fencing comprises slats, in part located atop a retaining wall. Landscape works will be provided forward of the retaining wall to provide a screen and soften the fencing.	Yes
3.1.19 Designing for Privacy	Provision of at least one semi-private balcony. Minimise direct overlooking to internal living areas and private open space through design.	Given the location, the site is effectively separated from adjoining development. There is adequate privacy provisions within the design.	Yes
	Acoustic privacy is to be protected to ensure that potential noise sources are appropriately addressed.	An acoustic report has been submitted to address potential noise from the future Town Centre expansion and road noise and appropriate conditions have been recommended.	Yes
3.1.20 Waste Management	The submission of a waste management plan for construction and on-going.	The proposed waste management arrangements are satisfactory.	Yes

a. Rear Setback

The DCP requires a rear setback of 4 metres. Units 7, 19, 20 and above have a 2m rear setback. The basement parking has a nil setback along the southern boundary.

The applicant has submitted the following as justification:

The predominant setback from the rear site boundary is approximately 24m. That part of the proposed building which is setback 2.0m has a length of only 9m. The boundary length is around 84.0m, therefore the average setback is well in excess of the 4.0m minimum required by the DCP.

The Applicant owns the adjacent land to the west of the R5 site and acknowledges that the design of the proposal on that adjacent land (i.e. the R6 site) will need to be cognizant of the 2.0m minimum rear setback which is proposed. In this regard, details have previously been provided to Council of a 'proof of concept' scheme for the R6 site.

The south western boundary wall of the car park (on Level 1) extends partially above existing ground level. The intention here is that Level 2 of the proposed building will match

the finished podium level of the northern expansion of the Stage 2 Town Centre (as currently proposed in DA 968/2019/JP). In turn, that will tie into the finished ground level of Lot 8 which adjoins Lot 5 to the south west. (Lot 8 forms part of the Concept Plan DA currently before Council: DA 1614/2019/JP). The proof of concept site testing drawings for Lot 8, provided in DA package for DA 1614/2019/JP, illustrate how the western boundary of the site will tie into the future podium expansion. As a result, the “exposed” boundary wall will be abutted by a future building on Lot 8.

Variation to the rear setback control is therefore justified on the basis that the adjoining land to the southwest is land in a redevelopment precinct which, once developed, will match the finished “ground” level (i.e. on Level 2) of the proposed building on site R5, thereby creating a continuous ground plane in the future form of the Town Centre.

During such time as the development of the adjacent future Lot 31 (pursuant to DA 1614/2019/JP) is carried out, the temporarily exposed section of the basement carpark sitting above the ground will be the subject of interim mounding and landscaping works.

The proposed mounding shown on the landscape drawings will soften the majority of the blank wall as an amelioration measure to the temporary visual impacts. Where mounding along the wall is not possible due to the proximity of the overland swale, tree and shrub planting is proposed. These temporary works are considered appropriate to mitigate any visual impact of the blank wall until such time as future built form is constructed along the western interface to the subject site. The proposed landscape mound is approximately 30m length x 9m width and is located where the wall height is greatest. These works will mitigate the visual impact of the wall from the public domain as the western adjoining site, being future Lot 29 DP 270520 (to which DA1614/2019/JP applies) is a privately owned vacant lot (by GPT Funds Management 2 Pty Limited) that is not accessible by the public due to perimeter fencing.

The proof of concept “site testing report” for Lot 8, provided for DA 1614/2019/JP, shows the interface between Building 10 and R5). It shows a separation of 9m at Level 1 between Unit 7 in the R5 building and the proposed units in Building 10 in Lot 8. The same proof of concept then shows a distance of 13m on Level 2 between the two proposed buildings. Then for Levels 3 and above, there is no numerical measurement labelled but the diagram clearly illustrates that this distance then increases beyond what the ADG requires (to approximately 17m). This therefore shows that the building separation between the future Building 10 in Lot 8 and the future building in Lot R5 meet the minimum building separation requirements of the ADG.

The applicant has provided a section which shows the relation between the subject site and future development and the interim landscape works and mounding (See Attachments 11 and 12).

Comment:

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

The proposed rear setback to the residential units is considered satisfactory given that adequate separation will be provided under the ADG to future development. As outlined by the applicant, any future development on the adjoining lot is capable of complying with the ADG requirements for separation between buildings. In this regard it is also noted that due to

the design of the building there are a minimal number of units which are subject to the setback variation.

In regard to the setback to the car parking, a nil setback is proposed to the rear boundary which results in a wall being located along part of the boundary. The rear wall will be visible until future development occurs on the adjoining lot and as such is a temporary situation, albeit a long term situation. The applicant has proposed landscape planting and mounding to screen the rear car park wall in the interim period. A mix of tree, shrub and low/groundcover planting is proposed on the mounding to screen the wall from the south. This temporary landscape solution was utilised as part of the development of the original Town Centre until the 'sleeve sites' around the perimeter of the Town Centre were developed. The variation is considered reasonable in that context.

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

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

b. Building Length

The DCP requires that the maximum length of a building is 50 metres. The building has a frontage length of 77 metres to Caddies Boulevard.

The applicant has submitted the following as justification:

The proposed building has a length of 77m on the Caddies Boulevard frontage which exceeds the maximum linear length of 50m specified in section 3.1.7 of DCP Part D Section 6.

However, the façade of the proposed building is articulated with architectural features and a stepped built form across the upper levels. The proposed built form is consistent with the Precinct Plan and Built Form Guidelines for the RHRC Northern Precinct.

Comment:

The DCP seeks to limit building length in order to ensure that streetscape and external appearance are reasonable and will not adversely impact on character. The proposed external façade and design is modern in character and contains a reasonable level of articulation which will assist to reduce the appearance of the length.

The external façade will comprise a brick finish, which includes a patterned finish in selected locations, expressed concrete slabs and solid balustrades on lower level balconies and metal open style balustrades on upper level balconies.

The colour scheme is in a neutral palette of black, brown and cream bricks, with grey and white accents. The proposed external materials and finishes are considered appropriate for the location and the modern character.

The proposed building is considered to be satisfactory in regard to the DCP.

c. Unit Size and Mix

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

Apartment Mix

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

Residential Flat Development (30 or more units)

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

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

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

The following is proposed:

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 39 x 1 bedroom units (27.6% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 10 x 3 bedroom units and 1 x 4 bedroom units (7.8% of the total).

The proposal does not comply with the DCP unit mix requirements.

Proposed Unit Sizes:

Unit Type	Size	No. of Units	Type
1 bedroom	50.9 - 64.3m ²	39	Type 1
2 bedroom	75.1 - 85.6m ²	91	Type 1
3 bedroom	101.5 – 118.6m ²	8	Type 1
	126.5 – 126.8m ²	2	Type 2
4 bedroom	141m ²	1	Type 3

(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 138 x Type 1 apartments (97.8% of the total).

(f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 2 x Type 2 apartments (1.4% of the total).

(g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there is one Type 3 apartment (0.7% of the total).

The applicant has submitted the following as justification:

Unit Mix:

Clause 3.11 of Part B, Section 5 of the DCP relates to unit layout and design and contains provisions applying to apartment mix and unit size.

Clause 3.11(a) of Part B, Section 5 requires that no more than 25% of the dwelling yield is to comprise studio or one bedroom apartments. The proposal includes 141 units of which 39 will comprise one bedroom units. This results in 27.7% of the yield and a minor non-compliance (of 2.3%) with the specified control.

Clause 3.11(b) of Part B, Section 5 requires no less than 10% of the dwelling yield is to be 3-bedroom units. Of the 141 residential units proposed, 10 will contain 3 bedrooms and 1 will contain 4 bedrooms, which is 7.8% of the overall yield which is a minor non-compliance of 2.2% with the specified control.

A variation to these controls is sought for the non-compliant quantity of one-bedroom and three or more bedroom apartments proposed. This is justified due to the minor nature of the non-compliance and the wide range of different unit designs and sizes within each category of unit type. The proposal has been designed to maximise the site's opportunities and generally satisfies the specified objectives. The proposal has been designed to meet anticipated market demand for apartment types.

Unit Size:

In accordance with Clause 3.11(d) of Part B, Section 5 of the DCP, the size of the 4-bedroom unit is classified as Type 3, whilst the sizes of the other remaining 140 apartments proposed are either Type 1 or Type 2. This is not compliant with the control in the DCP, however compliance is not required due to the requirements of Clause 30(1)(b) of SEPP 65. Because of this, a variation to the DCP standard for apartment size is sought. All of the proposed units are equal to or exceed the minimum unit sizes set out in Part 4D of the ADG being 50m² for a 1 bedroom unit, 70m² for a 2 bedroom unit, 90m² for a 3 bedroom unit, and 102m² for a 4 bedroom unit.

The provisions of Clause 6A of SEPP 65 means that the minimum size of units in the ADG prevail over the minimum size of units in Council's DCP and as such, the proposed unit sizes is not a matter that can support refusal of the DA. The proposed 1 bedroom apartments comply with the ADG requirement with each having an area not less than 50m². The 2 bedroom, 3 bedroom, and 4 bedroom apartments minimum sizes exceed the ADG requirements with minimum areas of 75.1m², 101.5m², and 141.0m² respectively.

Comment:

The objectives of the DCP are:

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

As outlined above, the proposal includes variations to both the unit type and mix. However the variations are minor and do not result in an unreasonable built form. Strict compliance with the DCP requirements will not result in an improved outcome for future residents.

The proposal meets the objectives of the DCP in that it provides units which have a suitable size to meet resident needs, have a satisfactory level of amenity and provide housing choice and diversity.

The ADG contains the following minimum internal areas:

- *1 bedroom apartment 50 m²*
- *2 bedroom apartment 70m²*
- *3 bedroom apartment 95m²*

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

The units all meet or exceed the minimum requirements of the ADG.

The proposal provides a range of unit sizes to cater for a variety of future residents. The proposal achieves satisfactory solar access and daylight to the units and meets the required ventilation requirements.

The units are also considered to have a high level of amenity in regard to the Town Centre location, with a high level of access to retail, commercial and leisure activities.

The proposed units have been designed to have regard to the views towards the Caddies Creek and Tributary area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location with access to the Caddies Creek area and future Leisure Square. In addition Council's Iron Bark Ridge Park is located to the east.

As such the proposal is considered satisfactory and can be supported.

d. Parking

The DCP requires the following parking:

Off-street parking:

1 bed: 1 space/dwelling

2 bed: 1.5 spaces/dwelling

3+ bed: 2 spaces/dwelling

Visitor parking:

2 spaces/5 dwellings for developments with up to 60 units.

1 space/5 dwellings for developments with 60 or more units.

Total resident parking required = 197.5 spaces

Total visitor parking required = 28.2 spaces

Total spaces required = 225.7 spaces

Spaces provided: 167 parking spaces, comprising 152 resident spaces and 15 visitor spaces.

The applicant has provided the following as justification:

The parking requirements (for residents and visitors) in Clause 3.19 of the DCP are addressed in Section 5.6.3 on page 25 of the SEE. These rates are not appropriate for the proposal because they are inconsistent with the parking rates set out in the DCP for residential flat buildings in the Rouse Hill Regional Centre and with the rates set out in the RMS 'Guide for Traffic Generating Development' as referred to in the ADG. These various requirements are summarized below: -

	Clause 3.19 of DCP	Part C Section 1 of DCP	ADG/ RMS Guide
1 bedroom	1 space	1 space	0.6 space
2 bedroom	2 spaces	1.5 space	0.9 space
3 bedroom	2 spaces	2 spaces	1.4 spaces
Visitors	2 spaces per 5 units	1 space per 5 units	1 space per 5 units

Pursuant to Clause 30(1) of SEPP 65, a DA for a residential flat building cannot be refused on the ground of inadequate car parking if the amount of parking is equal to or greater than the recommended amount of parking in the ADG/ RMS Guide.

Accordingly, if the ADG/ RMS Guide parking rates are applied to the proposal 116 residential spaces are required (i.e. $39 \times 0.6 = 23$; $91 \times 0.9 = 82$; and $11 \times 1.4 = 15$; $23 + 82 + 15 = 120$). However, the proposal provides 152 resident spaces, which is 32 more than the ADG requires.

In relation to visitor parking, 15 spaces are provided whereas the ADG requirement is for 28 spaces. In the regard, the Transport Impact Assessment provided states as follows: -

The proposal includes level one, ground floor and basement level car parking with a total of 167 car parking spaces, including 152 resident car spaces, 15 residential visitor car parking spaces and one car wash bay.

The overall provision of car parking spaces therefore complies with the minimum supply as recommended by the Apartment Design Guide as it relates to the overall and resident car parking requirements, with the only exception being that the proposed residential visitor car parking supply is less than that recommended by the RMS guideline.

Taking into consideration the site's location and proximity to public parking provided within the RHTC, the provision of one visitor car space per 10 apartments is considered appropriate given the surrounding car parking opportunities provided by

the RHTC retail parking, existing on-street parking in the immediate vicinity of the site (which includes 18 unrestricted on-street spaces along the Rouse Hill Road frontage), the proximity of the site to nearby public transport services and the provision of residential parking above the Roads and Maritime requirement.

The proposal includes nine accessible car parking spaces within the ground floor car park, including eight residential and one visitor space. Furthermore, it is understood that the pick-up and drop off point will be accommodated for within the proposed adaptable units.

In addition to the above justification it should be noted that nearby residential flat buildings have been approved on Sites 14 and 15 (the two 'sleeve' sites on the western side of Caddies Boulevard either side of Main Street) with a visitor parking rate of one space per 10 apartments.

Comment:

The proposal requires the provision of 197.5 resident parking spaces and 28.2 visitor parking spaces, being a total of 225.7 spaces required. The proposal provides 167 parking spaces comprising 152 resident spaces and 15 visitor spaces.

The applicant has advised that all units will be provided with a minimum of one parking space. A condition of consent has been recommended to this effect (See Condition 2).

The principle of the DCP is:

Provide carparking for multi dwelling housing and residential flat buildings at rates which recognise the close proximity of public transport, shops and other facilities and that the rear loading will facilitate greater on street parking for visitors.

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the future rail line (under construction). Given the high level of accessibility to existing and future public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

In addition, it is noted that the Apartment Design Code provides specific parking requirements and states as follows:

On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off site.
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The subject site is approximately 686m from the future rail station (measured along Main Street to the main entry on Caddies Boulevard).

The RMS Guide to Traffic Generating Development contains the following rate for parking:

Metropolitan Sub-Regional Centres:

0.6 spaces per 1 bedroom unit.
0.9 spaces per 2 bedroom unit.
1.40 spaces per 3 bedroom unit.
1 space per 5 units (visitor parking).

Based on:

39 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 23.4 spaces
91 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 81.9 spaces
11 x 3/4 bedroom units @ 1.40 spaces per 3/4 bedroom unit = 15.4 spaces
Total of 121 (120.7) resident spaces required

1 space per 5 units (visitor parking) @ 141 units = 28.2
Total of 29 visitor spaces required.

Total spaces required under RMS Guidelines = 150 spaces

The proposal does not meet the required visitor parking requirements.

The proposal meets the overall parking rate required by the RMS guidelines in that 150 spaces in total are required by the guidelines, with 167 spaces provided overall. However the split between the resident and visitor spaces is inconsistent with the guidelines. In this regard the RMS guidelines require less than one space for a one or two bedroom unit. On this basis it is considered preferable to ensure that all units are provided with the minimum of one resident space.

The proposal has been considered in the context of Town Centre location and the high level of access to a variety of entertainment, retail and business uses. The Town Centre provides a reasonable mix of goods and services for future residents which may assist in limiting reliance of vehicles.

The high level of accessibility to existing and future public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

On the basis of the location in proximity to the Town Centre and existing and future public transport, the reduced parking rate is considered satisfactory and is supported.

6. Compliance with the Masterplan and Precinct Plan

a. Compliance with the Masterplan

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

The proposal is consistent with the Masterplan.

b. Northern Precinct Plan

Development Application 354/2013/HB for the Town Centre Precinct Plan was approved by Council at its Ordinary Meeting on 09 December 2014. The Precinct Plan approval included conditions of consent, approved plans and Design Guidelines. The following addresses the proposal's compliance with these provisions.

i. Compliance with Conditions of Consent

The following conditions of consent are relevant to the current proposal.

Condition	Comment	Satisfactory
<p><u>1. Development in Accordance with Submitted Plans</u> The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent (list of plans).</p>	<p>The proposal is generally consistent with the approved plans.</p>	<p>Yes</p>
<p><u>4. Level 3 Development Applications for Construction Works</u> Separate Development Applications (known as Level 3 DAs) are to be submitted for any construction works within the Northern Precinct and are to be generally in accordance with the approved Masterplan and as modified by 1604/2004/HB/A and Northern Precinct Plan. All Level 3 Development Applications are to be in accordance with the final endorsed Design Guidelines.</p>	<p>The subject application is a level 3 Development Application.</p>	<p>Yes</p>
<p><u>14. Acoustic report</u></p> <p>a. An acoustic report is required to be submitted to assess the impact of any activity which may acoustically impact other uses (both within and external to the Rouse Hill Regional Centre). Such noise generating activities may include loading docks, outdoor seating, outdoor markets, late trading premises, and premises where alcohol is sold.</p> <p>b. An acoustic report is required to be submitted for all proposed residential buildings within the Precinct.</p> <p>The acoustic report shall assess acoustical impacts of:</p> <ul style="list-style-type: none">• Existing and proposed adjoining land uses within and external to the Precinct (Criteria: NSW Industrial Noise Policy);• Road traffic noise (Criteria:	<p>The proposal has been accompanied by an acoustic report.</p>	<p>Yes</p>

<p>Clause 102 of State Environmental Planning Policy (Infrastructure) 2007);</p> <ul style="list-style-type: none"> • Rail noise and vibration (Criteria: Cause 87 of State Environmental Planning Policy (Infrastructure) 2007). 		
<p><u>17. Stormwater Drainage - Rouse Hill Drive Closure</u> Rouse Hill Drive currently conveys stormwater through the site from a large upstream catchment. The planned closure of this road will require amendments to the existing piped stormwater network to accommodate runoff generated during a 100 year ARI storm event within the same. Additionally, an emergency overland flow path along the length of the existing road, traversing the proposed basement car park, must also be provided. As this relates to existing and proposed public infrastructure and stormwater runoff from public roads, further design detail, modelling and the like must be provided with the relevant Level 3 development applications, generally reflective of the preliminary information provided with the Rouse Hill Regional Centre Northern Frame Precinct Stormwater Management Plan Level 2 DA Addendum Revision B prepared by Hyder and dated 11 August 2014.</p>	<p>The proposal has been reviewed by Council's Subdivision Engineer and is considered satisfactory.</p>	<p>Yes</p>
<p><u>21. NSW Police Requirements</u> All Level 3 Development Applications are required to have regard to the requirements of 'Safer by Design'.</p>	<p>The proposal was referred to Castle Hill Police for review and comment.</p>	<p>Yes</p>

ii. Compliance with Approved Plans

Condition 1 states as follows:

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA 003	Land Use Plan – Ground Floor	August 15, 2014
DA 004	Land Use Plan – Level 1	August 15, 2014
DA 005	Land Use Plan – Level 2 and Above	August 15, 2014
DA 006	Land Use Plan – Basement Levels	August 15, 2014
DA 007	Public Realm Plan	August 15, 2014
DA 008	Pedestrian and Cyclist Circulation Plan	August 15, 2014
DA 009	Road Hierarchy Plan	August 15, 2014
DA 010	Loading and Carpark Access Plan	August 15, 2014
DA 011	Maximum Building Heights	August 15, 2014

Comments regarding compliance with the plans are as follows:

- (i) DA 003, Land Use Plan – Ground Floor - the plan identifies the site as being partly for mixed use commercial and/or residential and/or retail and partly for commercial and retail carpark. The proposal is partly inconsistent – see below.
- (ii) DA 004, Land Use Plan – Level 1 - the plan identifies the site as being partly for mixed use commercial and/or residential and/or retail and partly for commercial and retail carpark. The proposal is partly inconsistent – see below.
- (iii) DA 005, Land Use Plan – Level 2 and Above – the plan identifies the site as being partly for mixed use commercial and/or residential and/or retail and partly for commercial and retail carpark. The proposal is partly inconsistent – see below.
- (iv) DA 006, Land Use Plan – Basement Levels – the plan identifies the site as being for a residential basement carpark. The proposal is consistent.
- (v) DA 007, Public Realm Plan - the plan identifies areas of public realm. This is not relevant to the subject application.
- (vi) DA 008, Pedestrian and Cyclist Circulation Plan - the plan identifies areas of pedestrian and cyclist circulation. This is not relevant to the subject application.
- (vii) DA 009, Road Hierarchy Plan - the plan identifies the road hierarchy. This is not relevant to the subject application.
- (viii) DA 010, Loading and Carpark Access Plan - the plan identifies the loading and car park access points. The plan is inconsistent – see below.
- (ix) DA 011, Maximum Building Heights – the plan identifies that the area at the corner of Caddies Boulevard and Rouse Hill Drive as a 32 metre height limit and the area at the corner of Caddies Boulevard and ‘Laneway’ as having a 20 metre height limit. The proposed height is inconsistent – see below.

a. Variations to Precinct Plan – General

As outlined above, the Precinct Plan specifies that certain land uses are required in particular locations. The applicant has addressed this matter and has advised as follows:

The Level 2 Precinct Plan approval requires that Level 3 DAs are to be generally in accordance with the approved Master Plan, as modified by DA 1604/2004/HB/A, and with the Northern Precinct Plan.

The proposal in terms of its use, location, massing, height and orientation is highly consistent with the Level 2 Precinct Plan DA approval.

Reference to approved Drawing DA005 clearly identifies the intended location for residential development in the location proposed adjacent to Caddies Boulevard and the future eastern entrance to the underground car park. The proposal will encroach into the area identified on the Level 2 Precinct Plan as “commercial and retail carpark”. This change is a result of a reduction in the overall extent of the planned Stage 2 retail podium (which will be subject to a separate DA).

Comment:

The subject site is zoned B4 Mixed Use and an apartment building is a permissible use on the site. The design for the site varies from that envisaged by the Precinct Plan however it is acknowledged that since the Precinct Plan approval the applicant has obtained an approval for an expansion of the Town Centre car parking area under DA 1009/2017/JP which was approved by the SCCPP on 11 June 2019. In addition a DA has been lodged for the expansion of the Town Centre (retail and commercial floor area) which is currently under assessment. These applications will provide appropriate areas of parking, retail and commercial floor area in an expansion of the existing Town Centre.

b. Variation to Precinct Plan - Height

The approved Precinct Plan building height plan indicates that the site is subject to two heights, being 20m and 32m. The area subject to the 32m height limit is located at the corner of entry point to the basement parking for the Town Centre expansion.

There is no LEP 2012 height limit applicable to the site.

The proposed building has the following heights:

- the south-eastern part of the of the proposed building contains 11 levels with a maximum height of 36.36m; and;
- the northern part of the proposed building contains 6 levels and has a height of 20.73m to the top of the roof slab and but 24.5m to the top of the lift overrun.

Attachments 6-8 show the approved Precinct Plan height in relation to elevations. Attachment 13 shows the approved Precinct Plan Height Map.

The applicant has submitted a detailed justification for the proposed height which has concluded as follows:

Having regard to the above, it can be concluded that strict compliance of the proposal with the 20.0m and 32.0m height “standards” in the Level 2 Precinct Plan is unreasonable and unnecessary in the circumstances of the case, that there are sufficient environmental planning grounds to justify the requested variation (including compatibility with the streetscape, and nearby development, the high quality appearance of the proposal when viewed from East Gate and elsewhere in the Northern-Precinct and Town Centre and the absence of any adverse overshadowing, privacy and visual impacts) and that the proposal is in the public interest because it is adequately consistent with the objectives of the height “standards” and with the objectives of the B4 Mixed Use Zone.

Comment:

The building height exceeds the approved Precinct Plan by a maximum of 4.5 metres.

In regard to height within the Regional Centre, Council amended the planning controls applying to the site by removing the maximum building height from the site in 2013. The justification for the planning proposal was that the approved Masterplan provided certainty with respect to the development outcomes for the site and that the Local Environmental Plan building height controls did not afford the necessary flexibility in delivering the Masterplan. The Masterplan represented a collaboration of work between the NSW Government and The Hills Shire Council and was supported by a regulatory framework that provided certainty of outcome for all parties.

The proposed building varies in height from the proposed height plan contained with the Precinct but are considered to be satisfactory in terms of streetscape and relationship to the Town Centre. The development will provide an effective screen to the Town Centre expansion parking and retail and commercial area and provide an appropriate built form outcome. The development reflects a modern urban character and is appropriately located in close proximity to retail and commercial facilities and public transport.

The proposed height is satisfactory and can be supported.

iii. Built Form Guidelines

The Development Application was accompanied by a detailed set of Built Form Guidelines as required by Condition 3 of the Masterplan which states as follows:

3. Precinct Plans

Detailed urban design guidelines are to be submitted for the Town Centre Core, Town Centre Frame, Central, South, East and Northern Precincts, with the first development application for each precinct.

The Built Form Guidelines guide the development within the broader precinct area and support the DCP. The following details the proposal’s compliance with the Precinct Plan which are specific to the subject site or to residential flat buildings:

Section	Required	Provided	Complies
Section 3.3.3: Objectives and Strategies: Street Edge Alignment (Setbacks)	5m to Caddies Boulevard and 0m to 'Laneway'.	5.6m to Caddies Boulevard frontage. 2.9m to 'Laneway' frontage.	Yes
Section 3.3.3: Objectives and Strategies: Public and Private interface	Maximise urban, active and comfortable streets and building edges by carefully considering public and private interfaces for all building frontages. Street activation at various levels.	The proposal provides two direct lobby entries from Caddies Boulevard, with courtyards and balconies facing the street to provide passive activation.	Yes
Section 3.3.3: Objectives and Strategies: Corner Treatments	Landmark and/or focal buildings that define a site may use corner treatments and elements to highlight their structural and visual importance.	The building uses a higher corner element as a landmark and uses materials to place emphasis on the design of the corner of the building.	Yes
Section 3.3.3: Objectives and Strategies: Building Access	Building entries should be appropriate to building use and should be defined and identifiable as distinct elements along the street. Residential apartment buildings shall have direct lobby access to a vehicular street and shall have a distinct street address.	The proposal provides direct lobby entries from the street which are easily identifiable as residential entry points. The residential entry points are distinct from the retail uses due to the use of a full glass fronted façade and signage. The residential lobbies will also be access controlled.	Yes
3.4: Strategic Sites: Typology	The corner of Caddies Boulevard and Rouse Hill Drive is identified as a 'Gateway Site' which should contain an architecturally significant façade and/or corner treatment.	The proposal provides a strong focal point for the corner and will define the corner as a gateway entry point to the basement parking area.	Yes
3.5.1: Built Form Housing Diversity: Apartments	5-8 storey apartment buildings provide a strong street definition.	The proposed heights vary from part six, part 10 and part 11 storey in height. A variation has been requested to the maximum building heights.	No – see comments above.

3.5.1: Built Form Housing Diversity: Apartments	Apartment buildings should contain underground car parking, with one point of exit/entry per building, with some visitor carpark at grade.	The proposal includes basement style parking with an entry/exit to Caddies Boulevard. Visitor parking is provided directly adjacent to the entry/exist point.	Yes
3.5.1: Built Form Housing Diversity: Apartments	Apartments are to provide, in accordance with DCP requirements, communal and private open space with optimal solar access, taking into account the overall public realm provided in the Northern District. Common open space can be provided as rooftop terraces, garden areas, and courtyards. Private open space can be provided as courtyards, gardens and balconies.	The proposed design provides an appropriate interface between the residential and future retail uses. Basement style parking is provided with direct access to the residential buildings. The proposal is satisfactory having regard to the DCP requirements – see comments above. Appropriate common and private open space is provided.	Yes
4.2: Central Business District Built Form: Corner Treatments	Corner treatments are encouraged on the buildings fronting East Gate as a major entry point. Corners can be expressed using techniques such as façade articulation, distinctive roof forms, materials, colours and signage.	The proposal provides a strong focal point for the corner and will define the corner as a gateway entry point to the basement parking area.	Yes
4.2: Central Business District Built Form: Building Access	All building entrances shall have weather protection.	The proposal provides direct lobby entries from the street which are easily identifiable as residential entry points and which include weather protection.	Yes
4.2: Central Business District Built Form: Building Access	Ground level residential units should be elevated 1.0 metre from the adjacent public footpath.	800mm	No – see comments below.

4.2.3: Sleeve Sites Built Form: Building Heights	Minimum and maximum building heights are specified as per the approved Precinct Plans.	The proposal complies with the minimum building height requirement of 10m and 20m. Variation required to maximum heights of 20m and 32m.	No – see comments above.
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a. Ground Level Units

The Built Form Guidelines state that ground level residential units should be elevated 1.0 metre from the adjacent public footpath. The ground levels are approximately 800mm above the adjacent footpath level.

The applicant has submitted the following as justification:

The proposed ground level units have floor levels that are at, or up to, 800mm above existing ground level. This is consistent with the requirements of Clause 3.1.8 in Part D Section 6 which requires ground floor dwellings to address, and have direct entry points on, the street (up to a maximum 1m grade separation).

Comment:

The proposed levels and interface between the footpath and floor levels are considered satisfactory. Landscape screening and fencing will be provided to provide privacy to residents from street level. The proposed floor levels are considered satisfactory and will provide an appropriate level of amenity for residents.

7. Relationship to Proposed Amended Masterplan (DA 1614/2019/JP)

The development of the Rouse Hill Regional Centre has been undertaken as follows:

Level 1 DA – Masterplan for the entire Rouse Hill Regional Centre site which sets the framework and principles for future development.

Level 2 DA – Precinct Plan for each of the precincts providing greater detail for development of the Precinct.

Neither Level 1 or Level 2 DAs allow any physical works.

Level 3 DA – application for physical works.

In 2004 Council approved a Development Application for a Masterplan for the entire Rouse Hill Regional Centre site (DA 1604/2004/HB). The Masterplan approval anticipated a total of 200,000m² of retail and commercial floor space within the Town Centre and Northern Precinct and 1800 dwellings across the entire site comprising a mixture of housing types including apartments (515), terraces (391), warehouses (54) and villas / single dwellings (840). The Northern Precinct was identified as containing a total of 330 dwellings which represented a density of 41.1 dwellings per hectare.

Development Application 1614/2019/JP seeks to replace the approved Masterplan controls relating to the Northern Precinct Area. The proposed Masterplan will provide for a total of 2,500 apartments, approximately 20,700m² of retail, commercial and community floor space, parking for approximately 3,700 cars and 1.4 hectares of open space. There are no physical works proposed with the Concept Development Application. All physical works will be subject to further Development Applications.

The proposed amended Concept Masterplan site is shown in Attachment 14. The subject site is located to the south of the Masterplan site. The amended Masterplan site is not currently subject to limitations under LEP 2012 in regard to height or floor space ratio. The development of the site was anticipated to be consistent with the approved Masterplan and subsequent Precinct Plan (DA 354/2013/HB) which limits height to a maximum of 32 metres and where a mixed use of retail, commercial and residential uses were anticipated. Overall there was a total allocation of 191,400m² of retail and commercial floorspace, comprising 130,000m² of retail floorspace and 61,400m² of commercial floorspace, to be distributed across the Northern Precinct, Interface Area and the Town Centre. The Precinct Plan also referred to a total of 375 residential dwellings.

The Concept Development Application was briefed to the SCCPP on 24 May 2019. The applicant (GPT) have been advised that a Planning Proposal would be a better planning pathway forward given the increased scale of development proposed, particularly in regard to height and residential density. GPT have advised they will lodge a Planning Proposal for the site however this application has not yet been lodged. The concept Development Application is currently under assessment.

8. 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 Rouse Hill town centre; and
- The proposed will result in an appropriate built form outcome which responds to the desired future modern character of the area;

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

9. Police Comments

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

The Police have raised no objection to the proposal and made the following comments:

- i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- ii. Materials chosen should have regard to the potential for graffiti and be durable.
- iii. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.
- iv. Paint the basement white to reflect light.
- v. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.
- vi. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit unauthorised access. The signage should also include details of what security treatment has been implemented.
- vii. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- viii. Lighting is to be utilised within the site in accordance with Australian Standards.
- ix. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.

- x. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.
- xi. Common areas should be designed to allow casual and passive surveillance.
- xii. Access control is to be provided through secure entry points to the lobbies, lifts and basement areas.

Condition recommended – see Condition 31.

10. Internal Referrals

The application was referred to following sections of Council:

- Subdivision Engineer
- Health
- Waste
- Section 7.12 Contributions
- Tree Management
- Traffic

No objection was raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The development includes variations to DCP Part D Section 6 – Rouse Hill Regional Centre in respect to rear setback, building length, unit size and mix and parking. In addition, variations are proposed to the Town Centre Precinct Plan in regard to the location of land uses, vehicle access points, maximum building height and the level of the ground floor units above the and also to SEPP 65 – Design of Residential Flat Buildings and the Apartment Design Guidelines in relation to visitor parking and direct sunlight.

The proposal is satisfactory and is recommended for approval.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
A-DA-R5-0101	Cover Sheet & Location Plan	09/10/2019 Rev. 20
A-DA-R5-1101	Site Analysis	09/10/2019 Rev. 20
A-DA-R5-2100-B1	Basement 1 Plan	09/10/2019 Rev. 20
A-DA-R5-2101-GF	Ground Floor Plan	09/10/2019 Rev. 20
A-DA-R5-2102-LV1	Level 1 Plan	00/10/2019 Rev. 20
A-DA-R5-2103-LV2	Level 2 Plan	09/10/2019 Rev. 20
A-DA-R5-2104-LV3-6	Level 3-6 Plan	09/10/2019 Rev. 20
A-DA-R5-2105-LV7	Level 7 Plan	09/10/2019 Rev. 20
A-DA-R5-2106-LV8-9	Level 8-9 Plan	09/10/2019 Rev. 20
A-DA-R5-2107-L10	Level 10 Plan	09/10/2019 Rev. 20
A-DA-R5-2108-RF	Roof Plan	09/10/2019 Rev. 20
A-DA-R5-5000	Adaptable Units	00/10/2019 Rev. 20
A-DA-R5-3000	Elevation – Rouse Hill Drive	02/10/2019 Rev. 20
A-DA-R5-3001	Elevation – Caddies Boulevard	02/10/2019 Rev. 20
A-DA-R5-3002	Elevation – Park Lane	02/10/2019 Rev. 20
A-DA-R5-3003	Elevation – Town Centre	09/10/2019 Rev. 20
A-DA-R5-4000	Sections	02/10/019 Rev. 20
A-DA-R5-4010-CP	Car Park Ramp Sections	09/10/2019 Rev. 20
A-DA-R5-6000	Shadow Study	09/10/2019 Rev. 20
A-DA-R5-6100	Development Calculations	09/10/2019 Rev. 20
A-DA-R5-7000	3D Artist's Impression – View 1	11/07/2018 Rev. 16
A-DA-R5-7001	3D Artist's Impression – Views 2 & 3	11/07/2018 Rev. 16
DA-NPR5-000	Cover Sheet	01.11.18 Issue P3
DA-NPR5-001	Legend, Surfaces and Finishes	01.11.18 Issue P3
DA-NPR5-002	Plant Schedule	27.02.18 Issue P4
DA-NPR5-201	Surface Finishes Ground	27.02.19 Issue P4
DA-NPR5-203	Surface Finishes Ground	27.02.19 Issue P2

DA-NPR5-501	Planting Plan Ground	27.02.19 Issue P4
DA-NPR5-705	Sections & Elevations	27.02.19 Issue P2
DA-NPR5-706	Sections & Elevations	27.02.19 Issue P2
DA-NPR5-707	Sections & Elevations	27.02.19 Issue P2
DA-NPR5-203	Interim Landscaping Plan	09.10.19 Issue P2
DA-NPR5-708	Interim Landscaping Sections	09.10.19 Issue P2
1167 Lot 27 Detail	Survey Plan	28/3/2016 Rev. B
----	Unit Numbering Plans (7 Pages – numbering only)	----

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

2. Resident and Visitor Parking Spaces and Bicycle Parking

The provision and maintenance thereafter of:

152 resident spaces;

15 visitor spaces;

4 motorcycle spaces;

A bike rack accommodating a minimum 29 bicycles.

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

3. Planning Agreement

Contributions for the 141 residential units are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29 December 2006.

4. Tree Removal

Approval is granted for the removal of all trees affected by proposed works within the site

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

5. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

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.

6. Interim Landscape and Mounding Works

Interim landscape and mounding works are required to be provided adjoining the rear wall of the carpark area as shown on the 'Interim Landscaping Plan' and 'Interim Landscaping Sections'. These works are to be maintained until such time as the adjoining site is developed.

7. 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.

8. 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.

9. 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.
- Access to the site is restricted to service vehicles no larger than a Medium Rigid Vehicle (MRV) as per AS 2890.2 above.

10. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

11. Minor Engineering Works

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.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local

Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

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

The driveway must be 7.1m wide at the boundary splayed to 9.1m wide at the kerb.

The driveway must be a minimum of 7.1m 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.

Specifically, only one driveway crossing is approved/ permitted.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

c) Site Stormwater Drainage

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

12. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

13. 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.

14. Water Sensitive Urban Design Handover Process

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

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

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

15. Street Trees

Street trees must be provided for the section of Rouse Hill Drive and Caddies Boulevard 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. Wherever possible, the existing street trees are to be retained and protected. Any existing trees affected by the proposed works must be clearly identified and approved for removal/ relocation by Council's Place Management team before works commence in the road verge. Details demonstrating compliance with the above must be submitted for approval before any street trees are removed, relocated or planted.

16. 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.

17. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by

Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

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

18. Stormwater Management/ Water Quality

Stormwater runoff from the subject site must be managed generally in accordance with the stormwater memorandum by Arcadis dated 11/01/2019. Specifically the Drawing NP332 Issue 02 dated 22/01/2019 amended as follows:

- The NP2 raingarden must be 100 square metres not 85 square metres as per the stormwater memorandum and Condition 8 of Development Consent 2084/2018/ZA.
- The raingarden is not to be dedicated to the public/ Council as per the letter from GPT dated 20/12/2017.

19. Staging Requirements

The following staging requirements apply:

- A Construction Certificate for this development cannot be issued until after a Construction Certificate has been issued for Development Consent 2084/2018/ZA that creates the subject site.
- An Occupation Certificate for this development cannot be issued until after a Subdivision Certificate has been issued for Development Consent 2084/2018/ZA that creates the subject site.

20. 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.

21. 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.

22. 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 www.wastelocate.epa.nsw.gov.au.

23. 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.

24. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must arrange the commencement of a domestic waste service with Council. The service must be arranged no earlier than two weeks prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

25. Property Numbering for Multi Unit Housing Developments

The responsibility for house numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire. Numbering approved by Council also follows the NSW Address Policy (March 2015).

- Land Information has prepared marked plans to reflect the correct numbering. Unit numbers cannot be repeated anywhere throughout the site – regardless of building name or number or street address.
- Please request revised unit numbering plans be submitted – numbered as below with reference to plans prepared by Land Information. Prepared numbering plan may be provided to applicant for reference, refer ECM under this DA.

The responsibility for property numbering is vested solely in Council.

The approved property address for this development is: -

Lift 1 Apartments: 114 Caddies Boulevard, ROUSE HILL NSW 2155

Lift 2 Apartments: 112 Caddies Boulevard, ROUSE HILL NSW 2155

Approved unit numbering is as per marked up plans supplied by land information; and as follows:

Level	Lift 1	Lift 2
Ground	G01 – G02	G03 – G06
One	101 – 103	104 – 112
Two	201 – 204	205 – 216
Three	301 – 305	306 – 317
Four	401 – 405	406 – 417
Five	501 – 505	506 – 517
Six	601 – 605	606 – 617
Seven		701 - 711
Eight		801 - 812
Nine		901 - 912
Ten		1001 - 1004

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

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

Should the number of units or the location of access to units change, then re-referral to Land Information will be required to review unit numbering.

26. Construction of Bin Hold Room and Waste Rooms

All work involving construction of the central bin hold room and two ground floor waste rooms must comply with the requirements below.

1. The central bin hold room and waste rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure. Minimum storage facility is outlined below.
 - 1.1 Central Bin Hold Room: 24 x 1100 litre bulk bins (8 x 1100 litre garbage bins and 16 x 1100 litre recycling bins) and 6 x 240 litre bins (3 x 240 litre garbage bins and 3 x 240 litre recycling bins).
 - 1.2 Waste Room A: 1 x 2-bin 1100 litre linear track system with compactor (2:1 ratio) for garbage bins, 1 x 2-bin 1100 litre linear track system for recycling bins, 4 x 1100 litre rotational bins and 1 x bin tug.
 - 1.3 Waste Room B: 1 x 2-bin 1100 litre linear track system with compactor (2:1 ratio) for garbage bins, 1 x 2-bin 1100 litre linear track system for recycling bins and 2 x 1100 litre rotation bins.
2. The measurements of an 1100 litre bin are 1245mm (d), 1370mm (w) and 1470mm (h).
3. The layout of the central bin hold room and waste rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the room with minimal or no manual handling of other bins. Bins must not be stacked more than two deep.
4. The walls of the central bin hold room and waste rooms must be constructed of brickwork.
5. The floor of the central bin hold room and waste rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps.
6. The central bin hold room and waste rooms must have a waste 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 servicing doors are single or double swinging doors and roller doors.
7. All doors of the central bin hold room and waste 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.

8. The central bin hold room and waste rooms must be adequately ventilated mechanically. Ventilated waste storage areas should not be connected to the same ventilation system supplying air to the apartments.
9. The central bin hold room and waste rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the rooms, it is not to conflict with the space designated for the placement of bins.
10. The central bin hold room and waste rooms must be provided with lights, such as automatic sensor lights.
11. The maximum grade acceptable for moving bins to and from waste rooms and the central bin hold room for collection purposes is 5%. Under no circumstance is this grade to be exceeded.
12. The central bin hold room, waste rooms and chute openings must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
13. Finishes and colours of the bin central bin collection room, bin storage rooms and bin storage cupboards are to complement the design of the development.

27. Construction of Bulky Goods Area

All work involving construction of the bulky goods area adjacent to the loading zone must be designed and constructed in accordance with the following requirements:

1. The area must have a minimum floor area of 4m² per 50 apartments. Floor space must be rounded up to the nearest 50 apartments for best operational outcome
2. The floor of the central bin storage room and bin storage rooms must be constructed of concrete with a smooth non-slip finish.
3. The area must have a suitable waste servicing and resident access door, with a minimum clear floor width of 2m. Suitable resident access doors are single or double swinging doors.
4. The waste servicing and resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened.
5. The central bin collection room and bin storage room must be provided with lights, such as automatic sensor lights.

28. 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. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained for safety purposes.

3. The requirement for reversing is limited to a single reverse entry manoeuvre 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.
4. All manoeuvring areas for waste collection vehicles must have minimum clear headroom of 3.5m. Surrounding areas where the clear headroom is less than 3.5m, as it is for passenger vehicles only, must have flexible striker bars and warning signs as per Australian standard 2890.1 to warn waste collection contractors of the low headroom area.
5. 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).
6. 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.

29. Provision of Ground Floor Bin Cupboards

Bin cupboards must be provided in the three ground floor lobbies for disposal of garbage and recyclables generated by Units 1-6. The three bin cupboards must be sized to comfortably store 2 x 240 litre bins. The dimensions of a 240 litre bin are 735mm (d), 580mm (w) and 1080mm (h).

30. Provision of Waste Chute System

The development must contain two single waste chute systems which include technology to separate garbage and recyclables at the chute termination points (eDiverter Discharge Systems as specified in the Waste Management Plan submitted as part of the Development Application). Chute openings must be provided on every residential floor (excludes ground floor). The waste chutes must terminate in Waste Room A and Waste Room B.

31. Police Requirements

The following is required by the NSW Police, unless otherwise agreed by the Police and Council in writing:

- I. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access. Materials chosen should have regard to the potential for graffiti.
- ii. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.
- iii. Paint the basement white to reflect light.
- iv. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.
- v. Signage is to be erected to ensure that vehicle and pedestrian entry/exit to the development is visible in order to limit access into the adjacent loading dock and retail shopping centre car park. The signage should also include details of what security treatment has been implemented.

- vi. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- vii. Lighting is to be utilised within the site in accordance with Australian Standards.
- viii. Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- ix. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.
- x. Access control is to be provided through secure entry points to the lobbies, lifts and basement areas.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

32. 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.

33. 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.

34. 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 \$150,000.00 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 \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road (and then reduced to be more commensurate with the scope/ scale of works).

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.

35. 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) 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.

b) Concrete Footpath/ Shared Path

The existing concrete footpath/ shared path across both site frontages must be retained and protected during works. Where any section is damaged or required to be removed to accommodate the works, it must be replaced in accordance with the DCP and the above documents.

c) Service Conduits

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

d) 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.

e) Water Sensitive Urban Design Elements

Water sensitive urban design elements are to be located generally in accordance with the plans and information submitted with the application, namely the stormwater memorandum by Arcadis dated 11/01/2019. Specifically the Drawing NP332 Issue 02 dated 22/01/2019 amended as follows:

- The NP2 raingarden must be 100 square metres not 85 square metres as per the stormwater memorandum and Condition 8 of Development Consent 2084/2018/ZA.
- The raingarden is not to be dedicated to the public/ Council as per the letter from GPT dated 20/12/2017.
- Runoff from the raingarden is to be directed to the street drainage network as amended by Development Consent 2084/2018/ZA approved separately.

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.

36. 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.

37. Protection of Internal Noise Levels (Residential Unit Development)

Prior to the issue of a construction certificate an acoustic statement (prepared by a suitably qualified acoustic consultant) is required to be prepared and submitted to the Principal Certifying Authority (PCA). The statement is to provide methods of noise attenuation (if any) to ensure that the following LAeq noise levels are not exceeded in any residential unit:

- a) 35 dB (A) in any bedroom between 10pm am 7am.
- b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

38. Erosion & Sediment Control Plan

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

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

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

39. 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 fully loaded 8.8m long medium rigid waste collection vehicle from the boundary to the waste collection point including any manoeuvring areas.

40. Acoustic – Construction Noise Management Plan

Prior to the issue of any construction certificate a Construction Noise Management Plan (CNMP) is to be prepared by a suitably qualified acoustic consultant and submitted to Council's Manager – Environment and Health for review and if satisfactory, written acceptance. The CNMP is to demonstrate how compliance with the *Interim Construction*

Noise Guideline published by the Department of Environment and Climate Change, 2009 can be achieved.

The accepted CNMP and any additional recommendations are to be implemented and maintained throughout the construction stage of the development.

41. Acoustic – Mechanical Ventilation

Prior to the issue of a construction certificate an acoustic assessment is to be undertaken as recommended in section 6.3 of the Rouse Hill Town Centre Site R5 – Noise Impact Assessment prepared by Acoustic Logic, referenced as 20161279.6/0106A/R0/JS and dated 1 June 2018. The acoustic assessment is to be undertaken by a suitably qualified acoustic consultant and any recommendations are to be clearly stated to demonstrate that the project specific noise level can be achieved.

The noise assessment is to be submitted to Council's Manager – Environment and Health for review and if satisfactory written acceptance will be provided in support of a construction certificate being issued.

42. Irrigation System

An automatic watering system to be installed to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be provided to Private Certifier prior to issue of the construction certificate.

43. Sydney Water Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

PRIOR TO WORK COMMENCING ON THE SITE

44. Property Condition Report – Public Assets

A property condition 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.

45. 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.

46. Management of Building Sites

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.

47. 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.

48. 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.

49. Details and Signage - Principal Contractor and Principal Certifying Authority

Details

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

50. 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.

51. 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.

52. Erosion & Sediment Control Plan Kept on Site

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

53. Construction Waste Management Plan Required

Prior to the commencement of works, a 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.

DURING CONSTRUCTION

54. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

55. European Sites or Relics

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

56. Aboriginal Archaeological Sites or Relics

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

57. 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.

58. 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.

59. Roof Water Drainage

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

60. 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.

61. 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. 931069M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

62. 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.

63. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

64. 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.

65. 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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

66. Compliance with Requirements of Development Consent

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

67. 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.

68. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate. 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.

69. 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.

70. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition 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.

71. 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.

72. 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.

73. Water Sensitive Urban Design Certification

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

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

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

74. 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 an 8.8m long medium rigid vehicle when fully laden.

75. Final Inspection of Waste Areas

Prior to any Occupation Certificate being issued, a final inspection of the waste areas and associated management facilities must be undertaken by Council's Coordinator Resource Recovery. This is to ensure compliance with Council's design specifications (as shown on approved plans and specified in other conditions of this consent) 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.

76. Procurement of Mechanical Bin Mover

Prior to an Occupation Certificate being issued, a mechanical bin mover, suitable for 1100 litre bins, must be purchased and delivered to the site. The equipment procured must have capacity to move full bins over all ramps and slopes between the waste rooms and central bin hold room. All waste moving equipment must be lawfully handed into the ownership of the Owners Corporation.

77. Risk Assessment – Domestic Waste Collection

Prior to any Occupation Certificate being issued, an onsite risk assessment relating to waste collection from the site must be undertaken by Council's Coordinator Resource Recovery and Council's Domestic Waste Collection Contractor. The time for the assessment must be arranged with Council when clear unobstructed circulation in and out of the ground floor loading zone is available for Council and its contractor to perform a mock collection run. Any additional safety measures that are an outcome of the risk assessment (convex mirrors, signage, bollards and line marking) must be provided.

78. Section 73 Certificate

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

It is recommended that applicants apply early 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 > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

THE USE OF THE SITE

79. 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*.

80. Offensive Noise - Acoustic Report

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

81. 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 designated waste areas, which include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed by the Owners Corporation to move all bins to and from the waste rooms and central bin hold room for collection purposes and to undertake all reasonable instructions issued by Council to enable waste collection. Additionally, responsibilities for cleaning waste areas and bins on a regular basis must be established.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Location Plan
4. Site Plan – Level 2
5. Elevation to Caddies Boulevard
6. Elevation to Rouse Hill Drive
7. Elevation to Park Lane
8. Elevation to Town Centre
9. Perspectives
10. Landscape Plans
11. Interim Landscape Plan and Section
12. Interface with Future Development at Rear
13. Approved Precinct Plan Height Map
14. Proposed Amended Masterplan Site (1614/2019/JP)
15. Design Excellence Panel Minutes

ATTACHMENT 1 – LOCALITY PLAN



- SUBJECT SITE
- PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

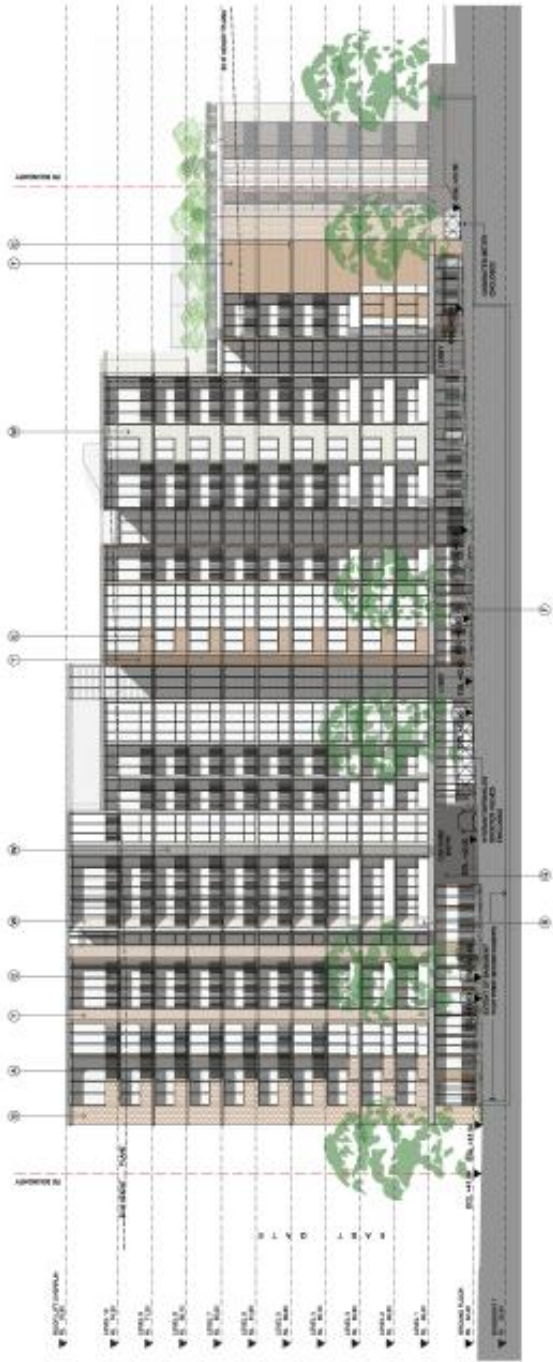
THE HILLS SHIRE COUNCIL

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ATTACHMENT 3 – SITE LOCATION PLAN



ATTACHMENT 5 – ELEVATION TO CADDIES BOULEVARD



1 ELEVATION CADDIES BOULEVARD
1/2024



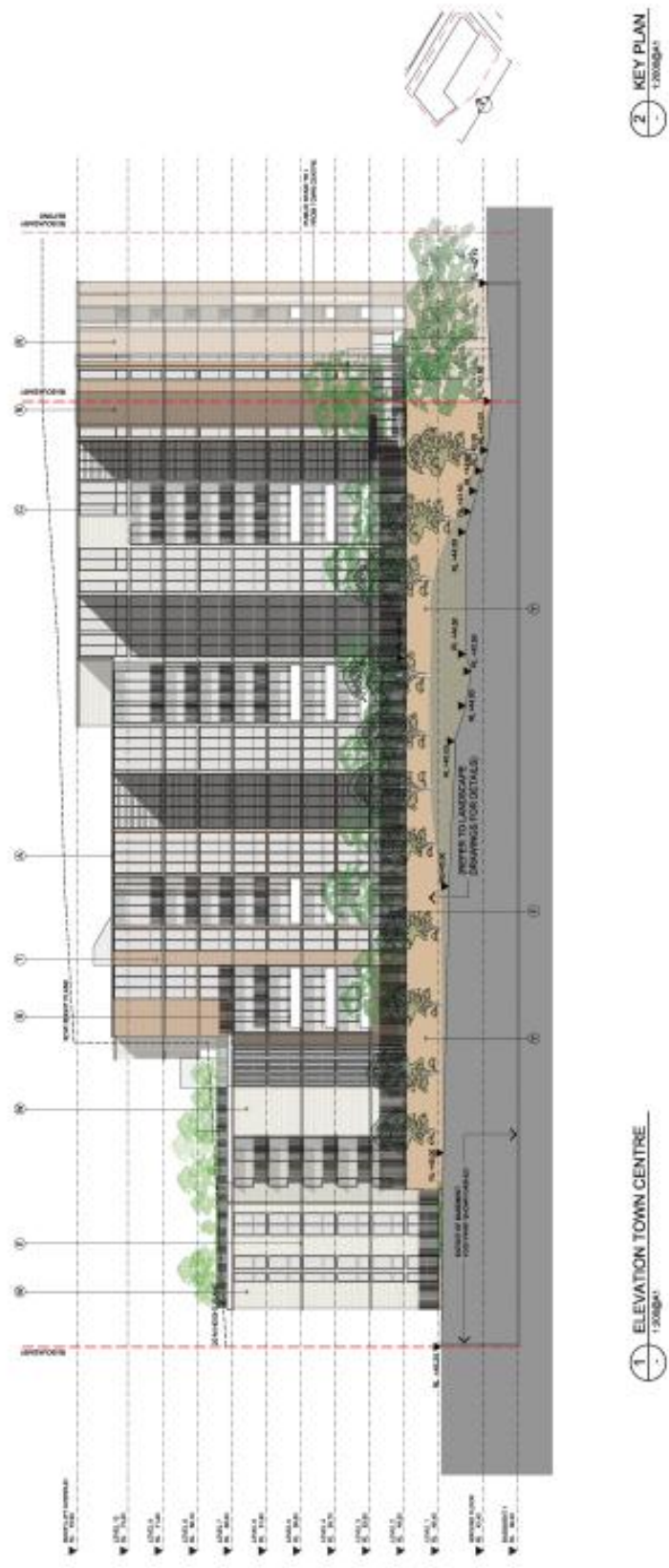
2 KEY PLAN
1/2024

ATTACHMENT 6 – ELEVATION TO ROUSE HILL DRIVE

ATTACHMENT 7 – ELEVATION TO PARK LANE



ATTACHMENT 8 – ELEVATION TO TOWN CENTRE



1 ELEVATION TOWN CENTRE
1:200(84)

2 KEY PLAN
1:200(84)

ATTACHMENT 9 – PERSPECTIVES



1 VIEW 1 - CADDIES BOULEVARD



1 VIEW 2 - NORTHERN CORNER



2 VIEW 3 - SOUTHERN FAÇADE

ATTACHMENT 10 - LANDSCAPE PLAN



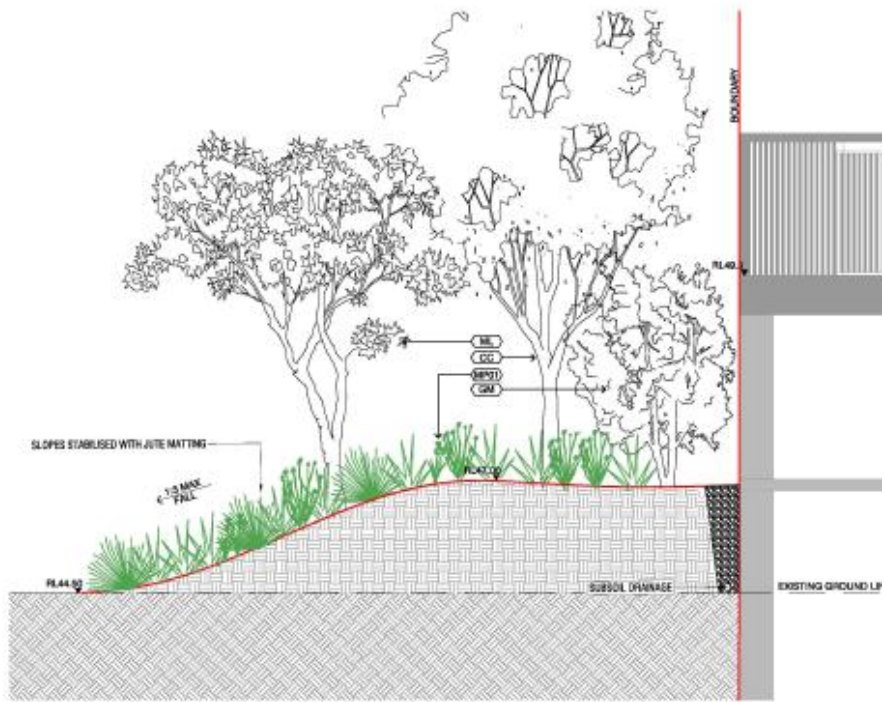
Landscape Plan Ground Level



Landscape Plan – Rooftop

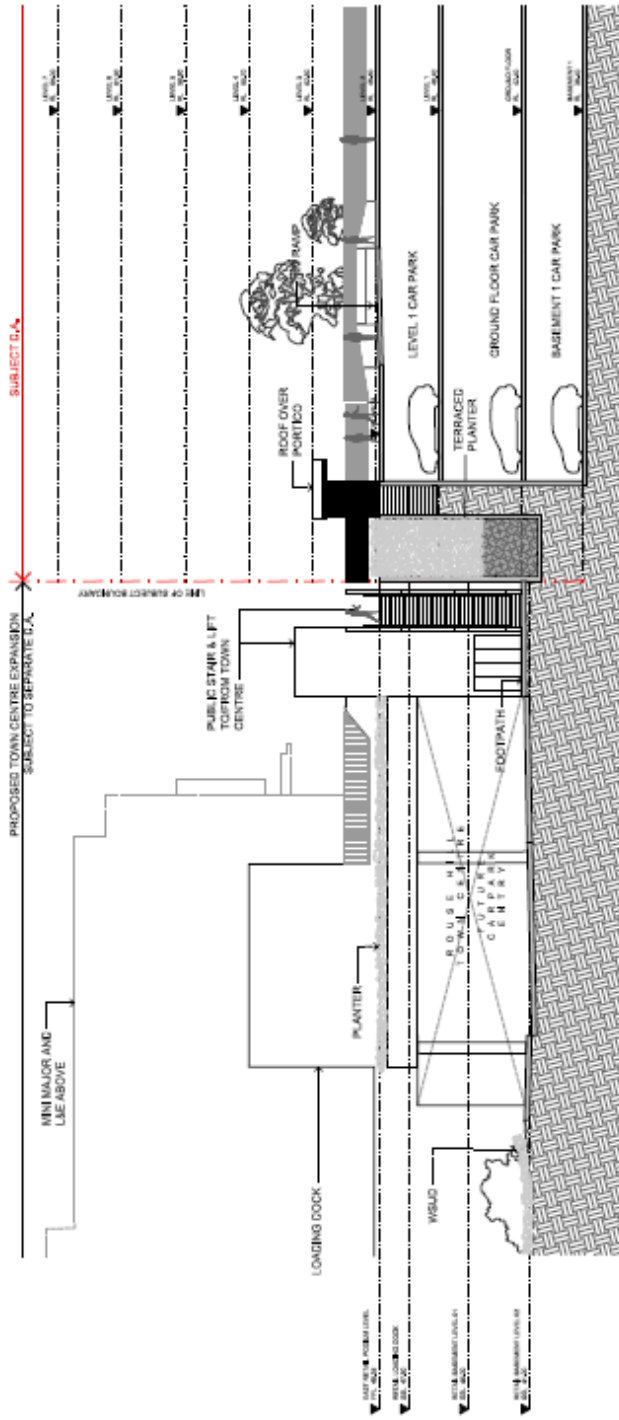
ATTACHMENT 11 – INTERIM LANDSCAPE PLAN AND SECTION



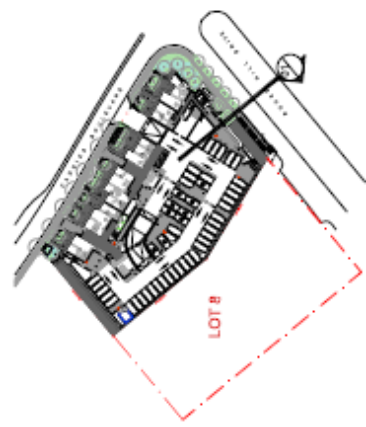


1 EXTERNAL PLANTING SECTION
1:50

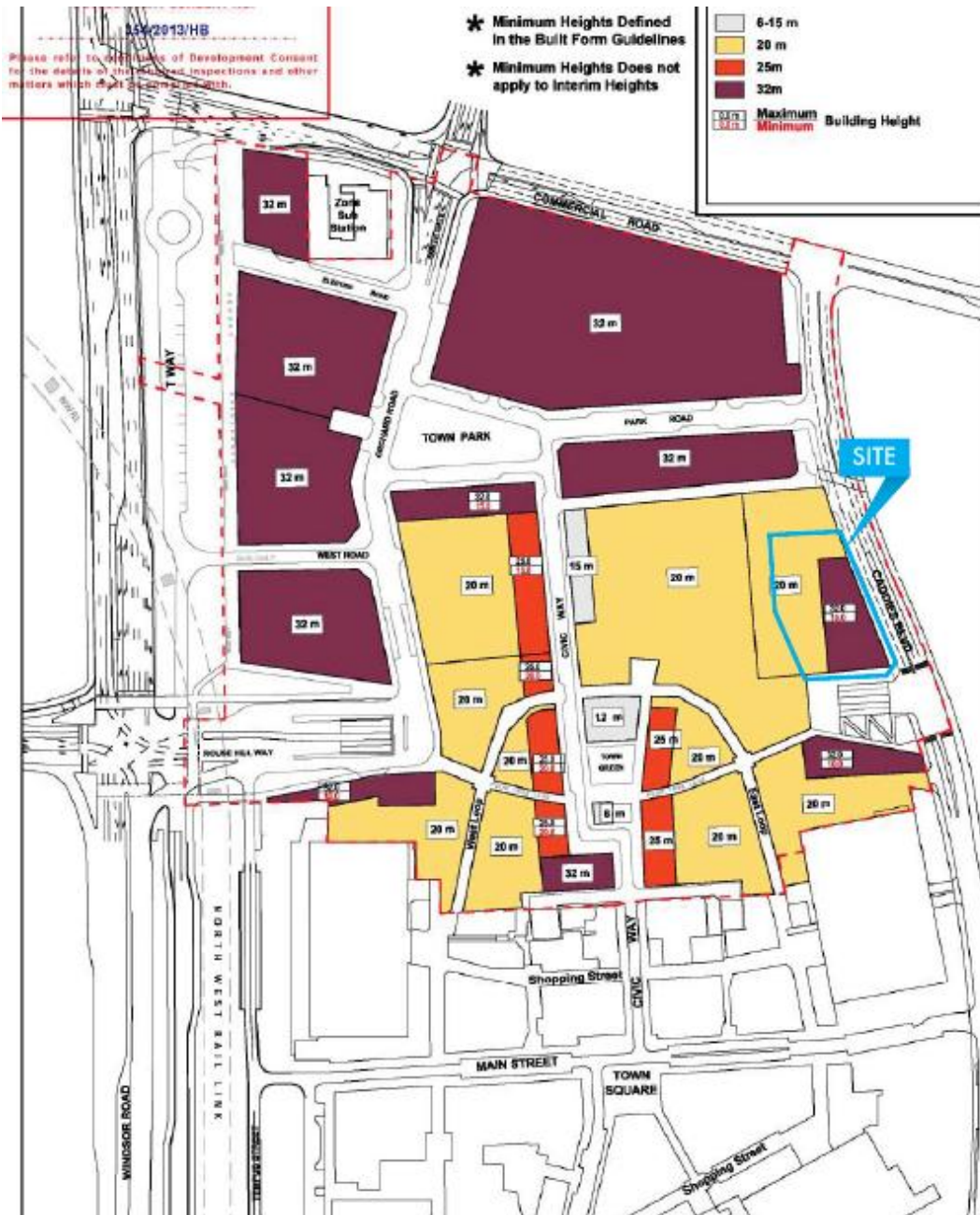
ATTACHMENT 12 – INTERFACE WITH FUTURE DEVELOPMENT AT REAR



31 DETAIL SECTION - INTERFACE WITH TOWN CENTRE



ATTACHMENT 13 - APPROVED PRECINCT PLAN HEIGHT MAP



ATTACHMENT 14 – PROPOSED AMENDED MASTERPLAN SITE (DA 1614/2019/JP)



Subject Site DA 198/2019/JP

ATTACHMENT 15 – DESIGN EXCELLENCE PANEL MINUTES



MEETING MINUTES DESIGN EXCELLENCE PANEL

Date:	14/01/19	Time:	1pm -2.30pm
Location of Meeting:	The Hills Shire Council Community Meeting Rooms 1+2		
Panel Members:	Chairperson - Stewart Seale, Project Manager, THSC Panel Member - Tony Caro, Independent Design Expert Panel Member –David Reynolds, Group Manager THSC Apologies -		
Councillors:	Non present		
Council Staff:	Cameron McKenzie, Paul Osborne, Marika Hahn		
Guests:	Avian Galanis, GPT – Applicant’s representative Ramin Jahromi, Cox Architects Felipe Miranda, Cox Architects Bob Chambers, BBC Consulting Planners		

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built form environment and ensuring new high density buildings are of a high quality design.

The Hills Shire Design Excellence Panel (The Panel), is an advisory Panel which provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in it’s consideration for development application.

The Panel provides recommendations on the following:

- any development which contains a building with a height of 25 metres or more; or
- Any strategic planning matters for which design excellence is relevant.

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence". The Design Excellence

Panel is an independent Panel, not a SEPP 65 Panel. The absence of comment with reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed

4. Presentations

Item 4.1	1.20 pm – 2.10pm
DA Number	DA 198/2019/JP
Property Address	Lots 25 and 26 DP 270520, Caddies Boulevard, Rouse Hill
Proposal	 <p>The proposal is for an apartment development comprising 141 units and basement parking. The unit mix consists of 39 x 1 bedroom units, 91 x 2 bedroom units and 11 x 3 bedroom units. Vehicle access is from Caddies Boulevard and 167 car spaces are provided. The development has a height of part six, part 10 and part 11 storey, with a maximum height of 37.4 metres.</p>
Applicant representative address to the design review panel	<p>Presentation by</p> <p>Ramin Jahromi, Cox Architects (registered)</p> <p>Felipe Miranda, Cox Architects (registered)</p>
Background	The site was inspected by the panel and council officers on Wednesday morning 13/09/18 at 9.15am
Key Issues	<ul style="list-style-type: none"> • Cross precinct permeability and equitable accessibility is compromised by the overall Stage 2 master planning approach for the centre resulting in the proposed built form having an 8m grade difference from Caddies Boulevard to the proposed Public Domain. • For the same reasons, lack of activation in proposed future development poses CPTED and public domain quality issues. • Public Domain and apartment interface with Caddies Boulevard still requires consideration re acoustic and air quality – this treatment remained unchanged from the previous Panel meeting. • Solar access to primary private communal open space is compromised by the applicant's preferred built form arrangement.

INTRODUCTION

The Panel thanks the applicant for the presentation of the development proposal and consideration of the Panel recommendations.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located on the periphery of the northern precinct of the Rouse Hill Town Centre on a corner site bounded by Caddies Boulevard to the north and Rouse Hill Drive to the east. The Northern Precinct Plan designates a mixed use land use for the subject site comprising commercial and / or Residential / and or Retail. The Northern Precinct Guidelines designate the site corner as a "gateway" to the east gate entrance to the future underground basement car parking that will service the expanded shopping centre. The development site is described as an 'activated sleeve', to the shopping centre structured car parking.

The development application is made with respect to the existing land use and height controls defined in the northern precinct plan. It is noted that the applicant presented a concept drawing for a revised precinct plan for stage 2 of the town centre and that the subject site has been designed with respect to this plan as well. The revised precinct plan is noted as being high level in nature and that it will be subject to further council consideration.

For the second Panel meeting the applicant provided Proof of Concept drawings for the R6 site, the adjacent site to the south of the proposal as requested by the Panel.

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

Rouse Hill – Residential, Site R6- Proof of Concept, 02/11/18, by COX

Updated Architectural Drawings, 02/11/18, Rev 17, Description- Issue for D.A. by COX

Rouse Hill Town Centre Site R5 - Noise Impact Assessment 01/06/18, by Acoustic Logic

Caddies Boulevard, Rouse Hill; Qualitative Natural Ventilation Assessment, 31/10/18 , by SLR

Response to Design Excellence Panel, 02/11/18, by COX

PANEL COMMENTS

DA 198/2019/J Lots 25 and 26 DP 270520, Caddies Boulevard, Rouse Hill

The architects commenced the presentation giving an overview of how the recommendations made by the Panel had been addressed. During the presentation, the Panel asked questions for clarification.

1.) East Connection Re:(items 1, 2 and 6 previous meeting minutes)

The architects provided montage images and further detail regarding the East connection.



Interface from below

Image supplied by applicant



Interface from above

Image supplied by applicant

The Panel noted that:

- The public staircase provided to traverse the 8m grade change remains confronting for pedestrians, notwithstanding that lift access is also provided.

- The appearance of the entry to the car park is visually bland, hard and unappealing despite the proposed vegetation treatment. The downturn is expressed as being 3m deep and some expression of activation on the podium level would be desirable to encourage pedestrians to use the cross site link.
- The spaces and retail frontages pedestrians reach on the podium level are noted on drawings as being "back of house" with lengthy blank walls. This is unlikely to create an activated and safe space.
- The proposed pathway to the station via the stairs is difficult for clear access and not civic in nature.

The Panel acknowledges that the fire escape had been reconfigured to provide a more satisfactory exit to the street, and the terraced planting detail along the stair/street edge will assist in mitigating the otherwise solid, hard appearance of the development at this threshold to the town centre.

- The applicant confirmed that the vegetation as shown in the renderings and in plan was specified and detailed by the Landscape Architect for longevity.

2.) Solar Access

The applicant has provided Sun eye diagrams as requested by the Panel to clarify solar access provision.

- The applicant confirmed that the red shown on the model indicates a living area not a terrace.
- The north-south single aspect double loaded corridor floor plan arrangement makes it difficult to achieve compliant residential solar access. The sun eye diagrams clearly illustrate that a significant number of apartments receive no solar access.

Note that ADG Objective 4A-2 states that skylights can only be used as a secondary light source and do not satisfy the objectives of the design criteria 4A-1.

- Consequently the Panel is of the view that ADG compliance for solar access falls well short of the required 70%, and may be only half of this requirement.
- The floor plans have been revised but the solar compliance tables appear not to have been updated in the resubmission.

The Panel is not convinced that adequate solar access is achieved in accordance with SEPP 65 requirements. An independent quantitative assessment is required to be provided to the DA officer demonstrating Solar access as per the ADG criteria in Objective 4A-1 is achieved for the Design as presented to the Panel for DA approval.

3.) Lifting strategy Re: (items 10 previous meeting minutes)

The applicant has satisfactorily demonstrated that equitable access to the level 7 roof top garden also allows for access into the western portion of the building, thus enabling alternative access for residents to the lower levels of the building in the instance of the lift being out of operation.

4.) BBQ location Re: (items 5 previous meeting minutes)

Previously the Panel has questioned the useability of the balconies, commenting that the angular plan forms made using the balcony with conventional furniture such as BBQ and furniture difficult. The applicant demonstrated the placement of a BBQ on two balconies. There is further work to be done here to ensure that the BBQ is preferably integrated and positioned discreetly located away from the view out of the primary living spaces.

5.) Noise Re: (items 3, 4 previous meeting minutes)

The applicant stated that the acoustic assessment concluded that the noise impact was acceptable.

- The Panel continues to challenge this. The acoustic assessment does not adequately address the future increased traffic increase on Caddies Boulevard nor the impact of being adjacent to the turning lane into the entryway of a regional shopping centre. As the residential development is proposed to be in place for many years including the time period in which the shopping centre is in operation, the cumulative noise impact of increased traffic flows is required to be addressed.

6.) Service Plant Screening Re:(item 9 previous meeting minutes)

The applicant has now provided a raised parapet to visually screen air conditioning plant located on the roof.

- The Panel noted that as this roof plant is likely to be visible from future surrounding taller buildings, and that screening be provided to conceal the equipment from these upper level views.
- Screening of all other visible services provision in the public domain was not addressed as requested. Note: this has been recommended as a condition of the DA.

SEPP 65 items to be clarified and or amended:

4A Solar and daylight access.

4B Natural cross ventilation.

- As per previous minutes these items have not been demonstrated to satisfy the requirements of SEPP 65.
- Re: 4A Solar and daylight access. An independent quantitative assessment by a suitable accredited professional is required to demonstrate that the minimum required solar access as per the requirements of the ADG are met. Note the ADG criteria is less than that required by Council in THSC DCP 2012. At a minimum the ADG design criteria must be satisfied. This has not been demonstrated in the documentation provided.
- Re: 4B Natural ventilation. The design criteria for Objective 4B-3 clearly states that at least 60% of the apartments are naturally cross ventilated. The assessment provided by the SLR consultants dated 31-10-18 states that the current design shown to the Panel demonstrates 30.4% (38 of 125) of residential apartments are naturally cross ventilated in accordance with ADG design standards. This is, by any measure a substantial non-compliance, and in the Panels view not acceptable despite the applicants assurance that this would be addressed post DA.

It is suggested that the particularly long unbroken building length orientated along a north south axis has compounded non-compliance with both these design criteria.

SPECIFIC CLAUSE 7.7 Part 4 Matters for Consideration

External appearance

a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

- The development should provide a higher quality presentation to the street compared to other recent developments on Caddies Boulevard, notwithstanding the bulk and scale of the development resulting from the unbroken length of the building.
- It is recommended the DA officer condition the provision of materials as illustrated and noted in the DA drawings and the finishes/materials schedule.

Built form

b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

- The Panel remains concerned that the master plan levels together with the unbroken form of the development inhibit universal, clear access between Caddies Boulevard and nearby residential dwellings to the station.
- Utility and emergency services located between the building line and street boundary (Hydrant Sprinkler Booster Valve set, Gas and Water meters etc) to be integrated/screened in a manner to match the aesthetic of the proposed development.

- The lower levels address to the street and park interface will provide a fine grain appearance and activation to the street interface. As noted previously there remains concern that residential amenity (acoustic, air quality) for ground and level 1 residential dwellings is compromised by proximity to the carriageway and turning lane into a regional shopping centre main carpark/loading dock entry.

Visual Impact

c) whether the development detrimentally impacts on view corridors,

- Acceptable.

Solar Access Impact

d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan

- The impact on the built form on the proposed adjacent site to the south appeared to be acceptable in principle, however further documentation to confirm this with council officers is recommended.

Adherence to Council DCP controls Part D Section 6 Rouse Hill Regional Centre

The development presents a number of non-compliances with the following council controls.

- 3.1.7 BUILDING SETBACKS

Max linear length of any residential flat building is 50 metres.

- The development application presents a building length to the street frontage of 80m in length.

- 3.1.9 APARTMENT LAYOUT AND DESIGN

(i) To ensure that individual dwellings are of a size suitable to meet the needs of residents.

- The unit floor areas do not comply with Councils DCP, which recognises the prevailing demographic mix and housing needs within The Hills LGA. The applicant has elected to apply SEPP 65 ADG minimum unit areas across the entire development which does not address the recognised housing diversity, demographics and demand of the local area.

f) How does the development address the following matters:

i) the suitability of the land for development,

- The land is designated mixed use with residential uses being an allocated land use.

ii) existing and proposed uses and use mix,

- The proposal partially in keeping with the approved precinct master plan land use designation. The mixed use designation and imagery provided very strongly suggest retail and commercial activities at the ground level with residential uses on the higher levels representing a land use more in keeping with description of mixed use.

iii) heritage issues and streetscape constraints,

- There are no heritage 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,

- The development provides setbacks based on an indicative future masterplan which has not been approved. Setback dimensions were provided by the applicant as requested. Subject to the masterplan not changing the Panel is satisfied with the reduced setback to the north-western boundary.

- The setbacks to the proposed residential flat building south of subject site indicated in the Proof of Concept sketches appear largely compliant with SEPP65. Subject to detailed design these are required to be fully compliant.

v) bulk, massing and modulation of buildings,

- The height and façade length of 80m despite the highly articulated façade treatment, presenting a building of significant bulk and scale that is a new and challenging paradigm for the area.

vi) street frontage heights,

- The street frontage of 11 storeys at the southern end substantially exceeds the Built Form Guidelines of 5-8 storeys in height. This contributes significantly to the buildings perceived bulk and mass.

vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

- Potential wind downdraft may impact on the residential and common adjacent public open spaces, and should be discussed with council.
- The development demonstrates major non-compliance with the minimum requirements of ADG 4A Solar and daylight access and 4B Natural ventilation.
- The Panel noted that the proposed reliance on the slots shown in the plans to provide natural ventilation does not comply with the ADG and would not be accepted by a number of metropolitan councils including the City of Sydney.
- The Panel notes that minor design adjustments such as the alignment of breezeways and breaking up of the upper level building into several blocks would provide a more immediately efficient and verifiable outcome in addition to mitigating the scale of the development..
- Reliance on skylights to meet solar access requirements does not meet ADG requirements.
- The Panel considers this is a large unencumbered site in a new urban precinct and that full compliance for parts 3 & 4 of the ADG should be provided.

viii) the achievement of the principles of ecologically sustainable development,

- Not discussed at meeting, subject to Council Officer's approval

ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

- The Northern Precinct Built Form guidelines state that the East Gate is the "primary gateway to the Central district from the residential neighbourhoods to the east".
- Access to this gateway is vehicle dominated however, with the primary purpose being to provide access to the car parking and loading facilities for the centre.

The master plan requires across site pedestrian link with a change in grade of 8m, and is a confronting barrier to pedestrian wayfinding.

x) the impact on, and any proposed improvements to, the public domain,

- The public domain treatment to Caddies Boulevard and the proposed public park to the west of the site are positive.
- The public domain address to the East gate interface has improved with the landscape terracing adjacent to the stair.
- Greater activation of the public domain within the cross link has been noted in the comments.

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,

- There is limited public access to the site. Communal open space appears to be acceptable, primarily through sunny roof top area provision.