

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-37
<b>DA Number</b>	483/2020/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Mixed Use Development
<b>Street Address</b>	Lot 129 DP 280036 Civic Way, Rouse Hill
<b>Applicant</b>	Combined Projects
<b>Consultant/s</b>	Group GSA Sutherland and Associates Planning Barker Ryan Stewart Scott Carver Australian Consulting Engineers Koikas Acoustics Pty Ltd Windtech Urbis Daw and Walton Consulting Surveyors Morris Goding Access Consulting Elephants Foot Recycling Solutions Affinity Fire Engineering Mondan Management Pty Ltd EI Australia
<b>Date of DA lodgement</b>	11 October 2019
<b>Number of Submissions</b>	First Notification: Three Second Notification: Four
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	CIV exceeding \$30 million (\$119,230,315)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP State and Regional Development 2011</li> <li>• SEPP 55 – Remediation of Land</li> <li>• SEPP Design Quality of Residential Flat Development</li> <li>• SREP 20 – Hawkesbury Nepean River</li> <li>• Apartment Design Guidelines</li> <li>• LEP 2012</li> <li>• DCP Part D Section 6 – Rouse Hill Regional Centre</li> <li>• DCP Part B Section 5 – Residential Flat Buildings</li> <li>• DCP Part B Section 8 – Shop Top Housing and Mixed Use Development</li> <li>• DCP Part B Section 6 – Business</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Nil
<b>Report prepared by</b>	Kristine McKenzie Principal Executive Planner

<b>Report date</b>	17 September 2020
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<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>NA</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>No</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## EXECUTIVE SUMMARY

The Development Application is for the construction of a mixed use development containing 375 residential units and 2500m<sup>2</sup> of commercial/retail floor area.

The key issues that need to be considered by the Panel in respect of this application are:

- The application was referred to Council's Design Excellence Panel (DEP) on three occasions. The Applicant has addressed the concerns raised by the DEP to the satisfaction of Council staff. The DEP indicated issues of bulk and scale have been mitigated as far as is reasonably possible without a reduction in development yield of the proposal. It is considered that the proposal exhibits design excellence in accordance with Clause 7.7 of The Hills Local Environmental Plan.
- Variations are proposed to a number of controls within the DCP. These relate to site specific controls within the Rouse Hill Regional Centre in regard to the Mungerie House curtilage, building length, unit mix and size and residential parking, the Shop Top Housing and Mixed use DCP in regard to common open space and to the Business DCP in regard to commercial parking. It is considered, notwithstanding these variations, the proposal provides for a high quality design outcome for the site and meets the intent and desired future character for the site.
- The site is also subject to the Rouse Hill Masterplan and the Central Precinct Plan. The proposal is consistent with these approvals with the exception of the Mungerie House curtilage.
- The application was notified for a period of 14 days on two occasions. Three submissions were received during the notification period and four submissions were received in the second notification period. The concerns raised generally relate to concerns with the

existing surrounding development, impacts on views and solar access, parking and traffic which have been satisfactorily addressed and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

## BACKGROUND

The Development Application was lodged on 11 October 2019. The applicant was requested to provide additional information on 03 February 2020, 05 February 2020, 25 May 2020 and 03 August 2020. In response the applicant provided additional/revised information to address the matters raised by Council staff.

The proposal was also referred to a number of external authorities for comments, notably Sydney Metro and Transport for NSW (RMS) who both requested additional information during the assessment process.

During the assessment process, the application was considered on three occasions by Council's Design Excellence Panel. This resulted in the submission of amended plans which made significant changes to the external façade, height of buildings and design of the proposal. As a result the proposal was renotified to adjoining property owners.

## DETAILS AND SUBMISSIONS

Owner:	At time of lodgement of the DA: The Minister Administering the EP and A Act Currently: Deicorp Projects (Rouse Hill) Pty Ltd
Zoning:	B4 Mixed Use
Area:	14,980m <sup>2</sup>
Existing Development:	Vacant
Section 7.11 Contribution	Yes, currently \$4,358,699.32
Exhibition:	Not required
Notice Adj Owners:	Yes, 14 days on two occasions
Number Advised:	First Notification: 69 Second Notification: 70
Submissions Received:	First Notification: Three Second Notification: Four

## PROPOSAL

The proposal is for a mixed use development which includes the following works:

- 375 apartment units;
- 2500m<sup>2</sup> of commercial/retail floor space;
- Basement carparking providing a total of 583 car parking spaces, comprising 413 resident spaces, 75 resident visitor spaces, 94 commercial spaces and 1 car wash bay; and
- The stratum subdivision of the site into six lots.

The proposed buildings are arranged in 6 towers, with varied heights from 6-11 storeys. The maximum height of the buildings is 36 metres. The commercial/retail floor area is located

partly on the Basement 01 level with ground floor foyer entry (500m<sup>2</sup>) with the remainder located on the ground floor at the southern end of the site (2000m<sup>2</sup>).

The proposed apartment mix is as follows:

1 bedroom units – 104  
2 bedroom units – 233  
3 bedroom units - 38

The proposal will include 38 adaptable units.

A common open space area is located central to the site at ground level, with roof top common open space areas provided on Level 1 between Towers 1 and 2, and on the roof of Towers 2 and 5.

The parking spaces are contained within a basement parking area over three levels. There are two separate driveway points provided from Civic Way. The southern driveway provides vehicle access to the loading bay, garbage collection point and has a ramp access into the commercial parking spaces. The northern driveway provides access to the residential parking spaces. The commercial and residential parking spaces are separated within the basement parking by a fence to ensure that parking remains discrete for each use.

The site is part of the Central Precinct of the Rouse Hill Regional Centre. The remainder of the land comprising the Central Precinct site has been developed for residential development comprising single dwellings and 'integrated housing' development under Clause 4.1B of LEP 2012.

## **ISSUES FOR CONSIDERATION**

### **1. SEPP State and Regional Development 2011**

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Central Planning Panel:-

*Development that has a capital investment value of more than \$20 million.*

The proposed development has a capital investment value of \$119,230,315 thereby requiring referral to, and determination by, a Central 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.*

Given the time that had elapsed since the preparation of the original report, the applicant was requested to prepare a new Stage 1 Preliminary Site Investigation report to address the use of the site for temporary stockpiling and the parking of vehicles during the construction works undertaken on adjoining sites. An updated report was prepared and submitted. Council's Senior Environmental Health Officer has reviewed the report and has raised no objection to the proposal subject to a condition requiring that the recommendations from the report be implemented as part of the development. In addition, ground conditions are required to be monitored during works and should evidence of imported fill and /or contaminated waste disposal be located, works are to cease and Council staff are to be contacted (See Conditions 16 and 70).

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 registered 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:

<b>Clause</b>	<b>Design Criteria</b>	<b>Compliance</b>
<b>Siting</b>		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Based on a site area of 14980m <sup>2</sup> , a common open space area of 3745m <sup>2</sup> is required, with 4052m <sup>2</sup> provided.  More than 50% of the common open space area receives 50% direct sunlight at midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .	The proposal provides 15% deep soil planting which is 2303m <sup>2</sup> .
Separation	For habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	The proposed buildings are provided with the required separation.

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	<p>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:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p>	The parking provided meets the requirements. See comments below in Section 5d below.
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.	71.2% (267 units) of units receive a minimum of 2 hours direct sunlight.
Direct Sunlight	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	6.6% (25 units) of units in receive no sunlight.
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.	60% of units in achieve natural ventilation.
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1.8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	The floor to ceiling height is 2.7 metres.
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup> 1 bedroom – 50m<sup>2</sup> 2 bedroom – 70m<sup>2</sup> 3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the</p>	<p>All units comply with the minimum internal sizes.</p> <p>There is no studio or dual key apartments proposed.</p>

	<p>minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	
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 units provide an appropriate depth to allow natural ventilation and natural light.
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth</p> <p>1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m</p> <p>2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m</p> <p>3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a minimum depth of 3m is required.</p>	All balcony areas meet the minimum requirements.
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup></p> <p>1 bedroom – 6m<sup>3</sup></p> <p>2 bedroom – 8m<sup>3</sup></p> <p>3+ bedrooms – 10m<sup>3</sup></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	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.	The proposal provides a reasonable apartment mix.

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

### **Principle 1: Context and Neighbourhood Character**

The development responds to and reflects the context into which it is placed. The site is located in a B4 Mixed Use zone and is close to public transport and the retail and commercial uses within the established Town Centre. The site is part of the envisaged Masterplan for development of the Rouse Hill Regional Centre. The site will provide a high level of amenity for future residents given its location and character.

### **Principle 2: Built Form and Scale**

The height of the development overall is satisfactory in terms of solar access and residential amenity impacts. The proposal responds to the existing topography of the site within its context. The development responds to the desired future scale and character of the site.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between buildings. The building separations and setbacks will provide a sufficient degree of separation and landscaping to ensure privacy and solar access is maintained.

The proposed street setbacks establish the front building alignment and contribute to the public domain by enhancing the streetscape. The street setbacks provide for continuity of the street facades and enhance the setting for the building.

The setbacks allow for landscape areas, entrances and deep-soil zones. The proposed setbacks have been developed to provide a satisfactory distance from surrounding boundaries, to form active street frontages and adequate open space areas for communal recreation spaces. The proposal addresses matters such as visual and acoustic privacy and open space.

### **Principle 3: Density**

The proposed density has been determined by a number of design factors contained in the planning controls. The main controls provide the limits of height, setbacks and landscaping areas to provide a scale of development which is proportional to the characteristics of the site. The density proposed is appropriate for the site and the broader location which adjoins the existing Town Centre and public transport links.

### **Principle 4: Sustainability**

The building construction phase will utilize appropriate waste management controls. The design achieves natural ventilation and insulation to minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of resources and the reduction of costs.

### **Principle 5: Landscape**

The landscape plans indicates that all open spaces will be appropriately landscaped with a variety of native and exotic trees and shrubs to provide a low-maintenance environment. The proposed landscaping integrates with the overall appearance of the development.

### **Principle 6: Amenity**

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

### **Principle 7: Safety**

The development has been designed with safety and security concerns in mind. The ground level common areas are able to be easily viewed to allow passive surveillance. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations (See Section 12 and Condition 37).

### **Principle 8: Housing Diversity and Social Interaction**

The location of this development provides dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services. The design provides a variety of unit layouts to allow housing choice and diversity.

### **Principle 9: Aesthetics**

The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall buildings and height is reduced by the articulation of the facades, creating smaller segments



in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

#### **4. Compliance with LEP 2012**

##### **a. Savings Provision**

Clause 1.8A(1) of LEP 2019 states the following:

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

As the subject application was lodged prior to the gazettal of LEP 2019 (on 06 December 2019), the application will be determined as if LEP 2019 had not commenced. Accordingly, the application will be determined in accordance with LEP 2012.

##### **b. Permissibility**

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

**Mixed use development** means a building or place comprising 2 or more different land uses.

In this regard the two proposed uses comprise a residential flat building development and a commercial development which are defined as follows:

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

and:

**Commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises

A residential flat building and a commercial premise are both permissible uses in the B4 Mixed Use zone.

##### **c. Development Standards**

Under LEP 2012, the following development standards apply under the LEP maps:

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
Floor Space Ratio	Not applicable to this site.	NA	NA
Minimum Lot Size	600m <sup>2</sup>	Stratum subdivision proposed and all proposed lots exceed 600m <sup>2</sup>	Yes
Height	36 metres	36 metres	Yes

In addition, 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 4000m<sup>2</sup>. The subject site has an area of 14,980m<sup>2</sup> which complies with the LEP criteria.

## 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.)	REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
3.1.2 Density Per Hectare	30-60 dwellings per hectare	The density band requires a range of 432-864 dwellings. Combined with the approved dwellings within the precinct, a total of 632 dwellings are proposed.	Yes
3.1.3 Mixed Use	Housing may include compatible commercial or other uses provided that residential amenity is not affected, commercial uses relate to uses in adjacent blocks and face streets and site servicing provisions are met.	The proposed commercial component is appropriately located and is unlikely to unreasonably impact on residential amenity given the small scale nature of the commercial component.	Yes
3.1.4 Subdivision and Allotment Sizes	Subdivision is to be consistent with the LEP minimum lot size of 600m <sup>2</sup> .	The proposal includes stratum subdivision which exceeds 600m <sup>2</sup> .	Yes
3.1.5 Site Frontage	20m	The site has a frontage of approximately 129 metres to Civic Way.	Yes
3.1.6 Building Height	Building heights to be consistent with LEP 2012 of 36 metres.	The proposal has a maximum height of 36 metres.	Yes
	Buildings within the 70 metres curtilage of	The proposed height of the building within the 70 metre	No – see comments

	Mungerie House shall be one storey.	curtilage exceeds one storey.	below.
	Residential floor to ceiling heights shall be 2.7 metres on ground/livings spaces and 2.55 metres in upper levels/bedrooms.	The floor to ceiling heights are 2.7m.	Yes
	Non-residential floor to ceiling heights shall be 3.3 - 4.6 metres on ground level and 2.7 – 3.3 metres about ground level.	The commercial tenancies will have a floor to ceiling height of 3.3 – 4.6 metres.	Yes
3.1.7 Setbacks Page 73	Front setback for building height 5 storeys or greater: 5 metres.  Articulation to the front building line is permitted for 1 metre up to 5 storey and 3 metres for 5 storeys or greater for ground floor predominantly residential.	Minimum front setback is 6 metres to the front wall of the apartments and commercial units.  Articulation in the form of ground floor private open space is proposed for Tower 4.	Yes
	Side setback: 1.5 metres.	Minimum side setback is 6 metres.	Yes
	Rear setback: 4 metres.	Minimum rear setback is 6 metres.	Yes
	The minimum separation between buildings is 12 metres.	A minimum 12m separation is provided between dwellings.	Yes
	The maximum linear length of a building is 50 metres.	Towers 5 and 6 have a combined length of 91 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 buildings is considered satisfactory in regard to its streetscape. Appropriate articulation has been provided, and the buildings adequately address the street frontage.	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 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 <sup>3</sup> 2 bed: 8m <sup>3</sup> 3+ bed: 10m <sup>3</sup>	All units are provided with satisfactory storage areas.	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 to a public street. All vehicle access to Civic Way will be in a forward direction.	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 104 x 1 bedroom, 233 x 2 bedroom and 38 x 3 bedroom units, 529.5 resident spaces are required.  There are 413 resident spaces proposed.	No – see comments below.
	Visitor parking: 1 space/5 dwellings for development with 60 or more units.	Based on 375 units, 75 visitor spaces are required. There are 75 visitor spaces proposed.	Yes
	Bicycle parking to be provided at a rate of 1 space/5 dwellings.	Based on 375 units, 75 bicycle spaces are required. A total of 111 bicycle spaces are provided, comprising 105 residential bike spaces and 6 commercial spaces.	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 a basement parking arrangement. The entry point 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.	Yes
3.1.16 Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m <sup>2</sup> (whichever is greater) ground level open space is to be provided on natural ground.	A landscaped area of 47% is provided.	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 <sup>2</sup> and minimum depth of 3m.  Solar access to be in accordance with SEPP 65.	There are no ground level units with at grade private open space. All upper level open space is accessible from living areas and complies with the required area.	Yes
	Common Open Space: A minimum 10m <sup>2</sup> of open	A total common open space area of 3750m <sup>2</sup> is required. A	Yes

	space per dwelling (including 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.	total common open space area of 4052m <sup>2</sup> is provided, comprising the central ground level area of 2172m <sup>2</sup> , the Level 1 area between Towers 1 and 2 of 1480m <sup>2</sup> and on the roof of Tower 5 of 400m <sup>2</sup> .	
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.	A fencing plan has been provided which is satisfactory.	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 are adequate privacy provisions made within the design to protect privacy within the development.	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 principally from the loading dock, Windsor Road and the Metro and 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. Mungerie House Curtilage**

The DCP requires that buildings within the 70 metres curtilage of Mungerie House shall be one storey. The height limit is also required in the Masterplan and the Southern Precinct Plan. The proposed height of the development within the curtilage is 10 storeys for Tower 1 and 8 storeys for Tower 2.

The applicant has submitted the following justification:

*This condition limits any development to a maximum of 1 storey within 70 metre of the southern-adjointing heritage-listed Mungerie House, which affects a portion of the south-eastern corner of the site.*

*The application is accompanied by a Heritage Impact Statement prepared by Urbis which addresses the impact of the proposal on the significance and curtilage of Mungerie House.*

*The Heritage Impact Statement finds that there appears to be no evidence or reasonable heritage basis for the nomination of a 70 metre distance as such a distance would ordinarily relate to an original garden curtilage around a heritage building. There is no such 'heritage' garden for Mungerie House and the 70 metres does not relate to any kind of original garden around the house. Therefore, there appears to be no evidence or reasonable heritage basis for the nomination of a 70 metre distance / curtilage within the current context and this distance no longer has any 'on the ground' relevance. Furthermore, any potential original relevance of the 70 metre curtilage has been destroyed as*

*a result of modern works including a road and car park within this 70 metres and compliance with this metric curtilage is now a redundant and irrelevant measure of heritage impact.*

*In addition, the site is afforded a 36 metre height limit and there is little meaningful difference between a 45m or a 70m separation when considering a 36 metre high building on the corner of the site as anticipated by the controls. Notwithstanding this, the amended proposal now provides an expressed single storey element at the base of Tower 2 which provides a meaningful response to the scale and materiality of Mungerie House.*

*The Heritage Impact Statement finds that the 45 metre separation between the proposed development and Mungerie House is a sufficient distance, particularly given the screening provided by the existing native trees along the boundary and the carparking that forms part of the buffer zone. The design and layout of the proposed development has given due consideration to the adjacent heritage item of Mungerie House having regard to the context of the site and the now defined curtilage around Mungerie House.*

**Comment:**

The proposal has been reviewed by Council's Senior Strategic Planner who has concluded as follows:

*The subject site adjoins land containing a heritage item known as Mungerie House (i183). The heritage item is evidence of late 19<sup>th</sup> century farming practices in the area.*

*The subject site is one of few undeveloped sites situated in a largely established urban release area. Curtilage around heritage item was established as part of subdivision pattern. Road layout and subdivision pattern considered to provide satisfactory view corridors to the heritage item.*

*The proposed works are unlikely to impact on the significance of the heritage item. No objections to the development application are made based on heritage grounds.*

On this basis no objection is raised to the proposed height and design of the development.

**b. Building Length**

The DCP requires that the maximum linear length of a building is 50 metres. Towers 5 and 6 have a combined length of approximately 91 metres.

The applicant has submitted the following justification:

*The control specifically refers to 'maximum linear length', rather than maximum "building" length, and it is our view that the proposal is compliant as there is no linear façade length which exceeds 50 metres.*

*Notwithstanding, for the sake of completeness, we address this control as follows. Section 3.1.7 Building Setbacks of Part D Section 6 of the DCP provides a range of setbacks required for residential flat buildings and an additional requirement of "Max linear length of any residential flat building is 50 metres". There is no objective which relates to this performance criteria in this part of the DCP, however, typically such a provision is intended to control the apparent bulk and scale of a building and avoid excessively bulky and unrelieved buildings.*

*In this particular instance, whilst the total length of Buildings T5 and T6 exceeds 50 metres, this is considered acceptable in the circumstance of the subject proposal for the following reasons:*

- The images below demonstrate that Buildings T5 and T6 are on significantly different angles from one another and are only joined by a slim and recessed connecting component, and each respective length of façade does not exceed 50 metres. Building T5 has a length of 41m and Building T6 has a length of 50m as viewed from the north and west (see Figure 1 below), and Building T5 has a length of 15m and Building T6 has a length of 39m as viewed from the south and east (see Figure 2 below), consistent with the intent of the control.
- Each of the buildings has a completely different façade language and architectural expression which serves to create the appearance of two separate buildings and therefore reduces the visual bulk of the overall building, as intended by the control.
- Each building has a significantly different height with T5 being 7 storeys in height and T6 being 11 storeys in height, which also serves to distinguish each building from one another, but in addition also reduces the apparent scale and bulk noting that Building T5 is significantly below the maximum height control.

Having regard to the above, it is considered that whilst the overall combined length of Buildings T5 and T6 exceeds 50 metres, that the design of these buildings meets the intention of the control to control the apparent bulk and scale of buildings, avoid excessively long buildings with homogeneous architectural expression, and to achieve diversity of façade language and scale within a development. On this basis, the proposed variation to the maximum length control is demonstrated to have merit and is capable of support in this instance.

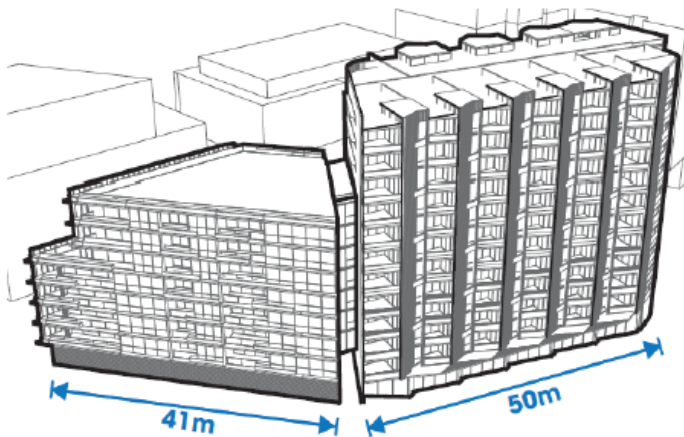


Figure 1 – Façade lengths of T5 and T6 as viewed from the north and west

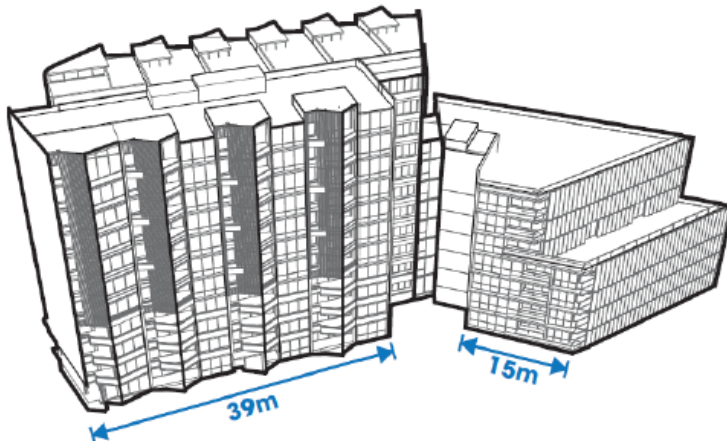


Figure 12– Façade lengths of T5 and T6 as viewed from the south and east

## Comment:

The Principles of the DCP are:

*Setbacks to the front, rear and side of lot boundaries define the built area and the non-built area. They allow solar access to open space areas, generally minimise impacts on adjacent parcels and contribute to reducing bulk to the streetscape, reduce the impact of garages, and allow for landscape spaces within each allotment to address the streetscape. Continuous landscaped areas within each parcel of land can increase privacy and amenity of individual allotments.*

Towers 5 and 6 are located at the rear of the site adjoining the Metro rail link and Windsor Road. The towers are joined at a central point at an angle. Tower 5 is located parallel to the northern boundary and Tower 6 is located at an angle across the northern and eastern boundaries.

As the proposed Towers are located at the rear of the site there is no impact on streetscape with respect to bulk. Landscape planting is proposed along the northern and eastern boundaries to provide a screen to the lower levels of the development when viewed from Windsor Road. The northern boundary of the site also adjoins Tributary 3 which contains existing landscape works, providing a screen to the Town Centre.

The proposed setbacks to the rear and side boundaries adjacent to Towers 5 and 6 satisfy the DCP requirements. The location of the proposed works will not unreasonably impact on the streetscape to Windsor Road given the location of the bus T-way and elevated Metro rail link to the east of the site.

As such the proposed building length is considered satisfactory.

### c. Apartment Layout and Design

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

#### Apartment Mix

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

#### Residential Flat Development (30 or more units)

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

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



Type 3	
1 bedroom	75m <sup>2</sup>
2 bedroom	110m <sup>2</sup>
3 or more bedrooms	135m <sup>2</sup>

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

The following is proposed:

1 bedroom units – 104  
2 bedroom units – 233  
3 bedroom units - 38

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 104 x 1 bedroom units (27.7% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 38 x 3 bedroom units (10.1% of the total).

Proposed Unit Sizes:

Unit Type	Size	No. of Units	Type
1 bedroom	50 - 64m <sup>2</sup>	83	Type 1
	65 - 74m <sup>2</sup>	21	Type 2
2 bedroom	74 - 88m <sup>2</sup>	202	Type 1
	90 - 106m <sup>2</sup>	26	Type 2
	114 - 120m <sup>2</sup>	5	Type 3
3 bedroom	108 -119m <sup>2</sup>	35	Type 1
	124m <sup>2</sup>	1	Type 2
	136m <sup>2</sup>	2	Type 3

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 320 x Type 1 apartments (85.3% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 48 x Type 2 apartments (12.8% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there are 7 x Type 3 apartments (1.9% of the total).

The applicant has submitted the following as justification:

Mix

*The proposed apartment mix is consistent with the requirements of the DCP in that 25% of the dwelling yield comprises one bedroom apartments and 10% of the dwelling yield comprises three bedroom apartments.*

Section 3.11 (a) and (b) of the DCP provides that no more than 25% of the yield can be 1 bedroom apartments and a minimum of 10% must be 3 bedroom apartments. The mix of the amended proposal comprises 104 x 1 bedroom apartments (27.7%), 233 x 2 bedroom apartments (62.2%) and 38 x 3 bedroom apartments (10.1%)

Whilst the amendment proposal is compliant with the minimum 10% requirement for 3 bedroom apartments, it marginally exceeds the maximum 25% for 1 bedroom apartments. The DCP objectives for the unit mix control include the following:

- (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

The 'New South Wales Household and Dwelling Projections, 2008-2036: 2008 Release' prepared by the Department of Planning indicates that the average household size in Sydney is expected to continue its decline from 2.61 in 2006 to 2.49 by 2036. In addition, the population projections indicate that the lone person household is the type of household expected to experience the greatest percentage increase between 2006 and 2036 (69%).

However, the subject site is surrounded to the east and the south by low density residential housing which are all 3 bedrooms plus in size and accordingly, it is considered that the greatest need for housing in the immediate locality is for 1 bedroom dwellings in order to meet the rapidly increasing demand for suitable accommodation for lone person households.

Furthermore, the proposal is a transit orientated development that will provide additional housing choice with excellent access to a range of public transport options as well as being located within a regionally significant hub and in close proximity to a range of recreational opportunities and services and facilities. The proposed mix and minor variation to the percentage of 1 bedroom apartments is therefore suitable having regard to the location of the site and will assist in rectifying the currently low provision of 1 bedroom accommodation this part of Rouse Hill, particularly having regard to the increasing demand for this type of accommodation.

#### Size

In the first instance, whilst the DCP provision in relation to apartment size is addressed below, the applicant does not concede that compliance is required, due to the provisions of Clauses 6A and 30A of SEPP 65. In particular, Clause 6A of the SEPP 65 states (emphasis added):

6A Development control plans cannot be inconsistent with Apartment Design Guide

(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

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

(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

In addition, Clause 30(1)(b) of SEPP 65 states:

*30 Standards that cannot be used as grounds to refuse development consent or modification of development consent*

*(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:*

*(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*

*Notwithstanding the above, for completeness, Section 3.11 of Part B Section 5 of The Hills Development Control Plan 2012 is addressed below in relation to apartment size.*

*Section 3.11 states that the minimum internal floor area for each unit shall achieve the following for residential flat developments with more than 30 units:*

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

*The proposed development provides the following apartment mix when considered against this control:*

- Type 1 – 77%*
- Type 2 – 21%*
- Type 3 – 2%*

The proposed variation to the DCP control is considered reasonable in this instance for the following reasons:

- All of the proposed apartments meet the minimum ADG size for apartments, and in the majority of cases are comfortably in excess of the minimum requirements. The proposal has not simply adopted the minimum possible sizes and the proposed sizes have been designed to provide larger apartments which are more suitable to the needs of the future residents in Rouse Hill.*
- The proposal still provides a range of unit sizes to cater for a variety of future residents, with a quarter of the proposed units still being a Type 2 or 3 unit. Furthermore, the proposal achieves a high level of amenity with good solar access and natural cross ventilation to the apartments and many apartments have balcony sizes well in excess of the minimum requirement which also contributes positively to the amenity of the apartments.*
- The DCP controls apply to any residential flat development, irrespective of location. However, a more nuanced approach to apartment size and location of the development is considered reasonable, whereby the need for larger apartments is more appropriate for suburban locations which do not have amenities close by. Conversely, where sites are located in close proximity to a good range of public transport, shops, parks and employment there is less need for internal amenity by virtue of larger apartments. In this particular instance, the proposal is a transit orientated development that will provide additional housing choice with excellent access to a range of public transport options as well as being located within a regionally significant hub and in close proximity to a range of recreational opportunities*

*and services and facilities. Therefore, the provision of smaller apartments is considered appropriate in this location.*

- *The proposal meets the objectives of the DCP in relation to unit layout and design in that individual units are of a size suitable to meet the needs of residents in this particular location, the layout of units is efficient and the units achieve a high level of residential amenity, and the proposed unit sizes address housing affordability by optimising the provision of economic housing choices to cater for different budgets and housing needs.*

**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 50m<sup>2</sup>*
- *2 bedroom apartment 70m<sup>2</sup>*
- *3 bedroom apartment 95m<sup>2</sup>*

*The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> 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. Car Parking**

The DCP requires the following residential parking to be provided:

1 bedroom: 1 space/ dwelling  
2 bedrooms: 1.5 space / dwelling  
3 + bedrooms: 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.

The following unit mix is provided:

104 x 1 bedroom  
233 x 2 bedroom  
38 x 3 bedroom units, 529.5 resident spaces are required.

Total resident parking required = 529.5 spaces

Total visitor parking required = 75 spaces

Total spaces required = 604.5 spaces

Spaces provided: 483 residential parking spaces comprising 413 resident spaces and 75 visitor spaces.

Based on the above, a variation is required to the residential parking requirement.

In addition to the above, bicycle parking to be provided at a rate of 1 space/5 dwellings. Based on 375 units, 75 bicycle spaces are required. A total of 111 bicycle spaces are provided, comprising 105 residential bike spaces and 6 commercial spaces.

The applicant has provided the following as justification:

*The car parking provision for residential flat buildings is:*

*Residents:*

- 1 for each 1 bedroom dwelling
- 1.5 for each 2 bedroom dwelling
- 2 for each 3 bedroom+ dwelling

*Visitors:*

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

*Bicycle parking:*

- 1 space/5 dwellings

*Based on these car parking rates, 530 residential car parking spaces, 75 visitor car parking spaces and 75 bicycle parking spaces would be required for the residential component of the proposal.*

*However, due to the close proximity of the train station, the reduced parking rates provided by SEPP 65 are able to be relied upon in this instance to reduce the Council rates as the*

*development application cannot be refused on the basis of car parking if the proposal meets the RTA Guide to Traffic Generating Development rates pursuant to Clause 30(1)(a) of SEPP 65.*

The SEPP 65 rates are:

Residents:

- 0.6 for each 1 bedroom dwelling
- 0.9 for each 2 bedroom dwelling
- 1.4 for each 3 bedroom+ dwelling

Visitors:

- 1 space/5 dwellings for developments

*Based on these car parking rates, as little as 325 residential car parking spaces, and 75 visitor car parking spaces could be provided.*

*Notwithstanding this, the proposal provides greater than the minimum residential car parking that could be provided under SEPP 65, with 413 residential parking spaces and 75 visitors spaces being provided.*

*All car parking associated with the residential use is located within the basement carpark. The Traffic and Parking Impact Study prepared by Barker Ryan Stewart that accompanies the application finds that the on-site car parking has been designed in accordance with AS2890 – Parking Facilities - Off Street Car Parking.*

#### **Comment:**

The proposal requires the provision of 529.5 resident parking spaces and 75 visitor parking spaces, being a total of 604.5 spaces required. The proposal provides 488 parking spaces comprising 413 resident spaces and 75 visitor spaces.

The applicant has advised that all units will be provided with a minimum of one parking space, with one to two bedroom units provided with one parking space and three bedroom units provided with two parking spaces. 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 adjacent to a Town Centre location and the proximity to the existing bus transit centre and the Metro rail line. Given the high level of accessibility to existing public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

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.
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	The car parking needs for a development must be provided off site.
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The subject site is approximately 550m from the rail station (measured along Tempus Street, Rouse Hill Drive to a mid-point on Civic Way).

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:

104 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 62.4 spaces  
233 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 209.7 spaces  
38 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 53.2 spaces  
Total of 326 (325.3) resident spaces required

1 space per 5 units (visitor parking) @ 375 units = 75 spaces  
Total of 75 visitor spaces required.

The proposal meets the required residential and visitor parking requirements under the RMS Guidelines.

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 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 DCP parking rate is considered satisfactory and is supported.

## **6. DCP Part B Section 8 – Shop Top Housing and Mixed Use Development**

The following criteria applying to mixed use development are contained in the DCP. In terms of the prevailing instrument, the DCP states:

*This section applies to land where, under the provisions of The Hills Local Environmental Plan (LEP) 2012, shop top housing is a permissible use. Additionally, this Section applies to mixed use developments containing retail and/or commercial premises and residential flat buildings.*

*In addition to those policies, guidelines and documents specified in the Introduction, this Shop Top Housing Section of the DCP is to be read in conjunction with other relevant Parts relating to:*

- *Business*

- *Parking*
- *Signage*
- *Landscaping*
- *Heritage*
- *Flood Controlled Land*

*Where a development control within this section of this DCP is inconsistent with a site specific control from another section of this DCP, the site specific control within that Section shall prevail to the extent of the inconsistency.*

The following table outlines the proposal's compliance with the DCP requirements:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Planning			
Building and ceiling height	<p>The applicable height of buildings standard under Clause 4.3A of LEP 2012 equates to the following maximum building heights in storeys:</p> <ul style="list-style-type: none"> <li>- 7 metres: 2 storeys</li> <li>- 10 metres: 3 storeys</li> </ul> <p>Minimum floor to ceiling heights are:</p> <ul style="list-style-type: none"> <li>- 3.3m for commercial floors</li> <li>- 2.7m for residential floors</li> </ul>	The commercial tenancies will have a floor to ceiling height of 3.3 – 4.6 metres.	Yes
Setbacks	<p>Front (primary and secondary street) setbacks:</p> <ul style="list-style-type: none"> <li>- Zero setback if active frontage provided</li> <li>- 3 metres if no active frontage provided</li> <li>- 3 metres for residential floors above the first storey or for residential floors above an existing retail development (unless active frontage provided where consistent with existing development can be provided).</li> </ul> <p>(Refer Section 2 for definition of 'Active Frontage').</p> <p>Side and rear setbacks:</p> <ul style="list-style-type: none"> <li>- 6 metres where adjoining low density residential development</li> <li>- 3 metres where not adjoining low density residential development</li> </ul> <p>Upper residential floors must incorporate building articulation such as awnings, porticos, recesses, blade</p>	<p>Minimum front setback is 6 metres.</p> <p>Minimum side setback is 6 metres.</p> <p>Minimum rear setback is 6 metres.</p> <p>The residential floors contain adequate articulation in the form of a variety of external colours and finishes, design elements and features.</p>	Yes



	<p>walls and projecting bays.</p> <p>Where a variation to the setback controls is proposed, consideration must be given to the existing and future character and amenity of the surrounding area.</p>		
Common open space	<p>Where a development comprises five or more dwellings, a minimum of 20m<sup>2</sup> per dwelling is to be provided as a consolidated common open space area.</p> <p>At least 75% of the common open space area must be provided at ground level and be well landscaped.</p> <p>Upper level or roof top common open space may be considered for a portion of the common open space. Common open space should be designed to enable it to be used for recreational activities and be capable of growing substantial vegetation.</p> <p>The common open space area must only be accessible by the residents of the development.</p>	<p>A total common open space area of 7500m<sup>2</sup> is required. A total common open space area of 4052m<sup>2</sup> is provided, comprising the central ground level area of 2172m<sup>2</sup>, the Level 1 area between Towers 1 and 2 of 1480m<sup>2</sup> and on the roof of Tower 5 of 400m<sup>2</sup>.</p>	No - see comments below.
Landscaping	<p>Where adjoining a residential zone, landscape screening strips with a minimum width of 2 metres must be provided within setback areas.</p> <p>Outdoor parking areas are to include landscape screening strips with a minimum width 2 metres.</p> <p>Screen planting should be provided within private and common open space areas to improve privacy and amenity for residents and surrounding properties. At least 15% of the site area should incorporate deep soil planting. This can be accommodated within common open space areas and setback areas.</p> <p>Where upper level or rooftop common open space is proposed these spaces are</p>	<p>The proposed provides landscape setbacks which exceed 2 metres in width. There are no outdoor parking areas adjoining a boundary.</p> <p>The landscape planting will provide an appropriate screen and landscape outcome for residents.</p> <p>The proposal provides 15% deep soil planting which is 2303m<sup>2</sup>.</p> <p>The roof top gardens include appropriate landscape works to ensure amenity of maintained in these areas.</p>	Yes

	to incorporate landscaping features such as planter boxes or vertical gardens.		
<b>Building Design</b>			
<b>Awnings</b>	<p>Awnings are to be provided along streets where active frontages are provided and at main entries to residential components of developments.</p> <p>Awning must have sufficient depth but also be setback sufficiently to allow street trees, furniture etc.</p>	<p>The site is not identified on the Active Street Frontages map and as such awnings are not provided for the commercial component.</p> <p>The residential entry points are provided with an awning.</p>	Yes
<b>Street frontages</b>	<p>Active frontages are encouraged at ground level to all public streets. Active frontages are defined as one or a combination of the following:</p> <ul style="list-style-type: none"> <li>- Shop front;</li> <li>- Café or restaurant if accompanied by an entry from the street;</li> <li>- Community and civic uses with a street entrance;</li> <li>- Recreation facilities with a street entrance;</li> <li>- Glazed entryway;</li> <li>- Street entryway</li> </ul>	The commercial component in the southern part of the site addresses Civic Way and a glazed frontage is provided along the Civic Way and private road frontage.	Yes
<b>Acoustic amenity</b>	Noise sources within the development such as common open space, service areas, driveways, and road frontages should be managed through measures such as separation, building layout, double glazed windows etc.	An Acoustic Report was submitted which has been assessed by Council's Environmental Health Officer. Appropriate conditions are included in the recommendation.	Yes
<b>Other controls</b>	Refer to the Residential Flat Building or Business Sections of this DCP for further controls relating to unit size and mix, visual privacy, solar access, private open space, ventilation, storage and waste management.	Refer to Sections 5, 6 and 7 of this report.	NA
<b>Access and Parking</b>			
<b>Vehicular and pedestrian access and circulation</b>	Vehicular access should not be via primary streets where alternative street/laneway	The site has vehicle access to Civic Way. There is no alternative street access	Yes

	access is available. Vehicular and pedestrian access, parking and services should be completely separate for residential and retail/commercial uses. Pedestrian safety is to be maximised through ensuring clear sight lines at pedestrian and vehicular crossings.	available. Separate driveway and parking is provided for the commercial and residential uses.	
Building entries	Separate building entries are to be provided for the residential and commercial components of developments.	Separate building entries are provided to the commercial and residential uses.	Yes
Car parking	The preferred location for car parking is within a basement or to the rear of developments.	The majority of parking is within basement carparking, with six commercial spaces provided at ground/podium level.	Yes
Other controls	Refer to the Residential, Business and Carparking Sections of this DCP for other controls relating to loading and car parking.	Refer to Sections 5, 6 and 7 of this report.	NA

#### **a. Common Open Space**

The DCP requires that where a development comprises five or more dwellings, a minimum of 20m<sup>2</sup> per dwelling is to be provided as a consolidated common open space area, at least 75% of the common open space area must be provided at ground level and be well landscaped, upper level or roof top common open space may be considered for a portion of the common open space.

A total common open space area of 7500m<sup>2</sup> is required. A total common open space area of 4052m<sup>2</sup> is provided, comprising the central ground level area of 2172m<sup>2</sup>, the Level 1 area between Towers 1 and 2 of 1480m<sup>2</sup> and on the roof of Tower 5 of 400m<sup>2</sup>.

The applicant has provided the following justification:

*Both Part B Section 8 – Shop Top Housing and Mixed Use Development and Part D Section 6 Rouse Hill Regional Centre apply to the proposal. Both of these parts of the DCP include a common open space requirement. However, Part 3 of the DCP on page 61 states:*

*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 two common open space requirements are inconsistent with one another and so only the common open space requirement of Part D Section 6 of the DCP applies to the subject proposal, and the common open space control under DCP Part B Section 8 – Shop Top Housing and Mixed Use Development does not apply to the proposal. Therefore, there is no variation to this control.*

*The relevant DCP control for common open space which does apply to the proposal is found in Part D Section 6 of the DCP, which requires the following:*

- *A minimum of 10m<sup>2</sup> of open space per dwelling unit (including courtyards, gardens and balconies) is to be provided.*
- *Minimum dimension to be: 4 metres on ground level and podium levels, 3 metres for balcony & roof terraces.*

*The proposed development provides 4052 square metres of common open space distributed throughout the development which is the equivalent of 25% of the site area which complies with the relevant DCP common open space requirement.*

**Comment:**

The Statement of Outcomes from the DCP are as follows:

- *Developments maintain a distinct neighbourhood or local character depending on the zone within which they are located.*
- *Developments are compatible with the character and form of existing and future development in the locality.*
- *Developments provide for the amenity of, and minimise impacts on, residents living within or surrounding the developments.*
- *Developments include usable and attractive outdoor spaces that provide for active and passive recreation opportunities.*
- *Developments are of a high design quality and provide an attractive visual presentation to the street and other surrounding development.*

It is acknowledged that in this instance the prevailing DCP is the Rouse Hill DCP which provides specific requirements for development within the Rouse Hill Regional Centre. Notwithstanding this, provisions of the DCP are still required to be addressed.

The Rouse Hill Regional Centre DCP requires common open space to be provided at a rate of 10m<sup>2</sup> per dwelling. The common open space area which has been provided for the development is considered to be appropriate and will meet the needs of future residents.

The proposal will provide a high level of amenity for all residents, with ground level and roof top common open space provided. In addition, all dwellings are provided with a private open space area.

All residents of the development will have access to all common space areas.

The proposal is considered to satisfy the requirement of the DCP in this instance.

**7. DCP Part B Section 6 – Business**

The following criteria applying to business development are contained in the DCP.

<b>DCP STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Precinct Plans	Refer to Appendix A – Precinct Plan Maps Sheets 1 – 15.	The site is not located within a Precinct Plan area.	NA
Site Analysis	Land with a slope greater than 20% is not suitable for development.	The site is generally flat and the slope does not 15%.	Yes

	<p>Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.</p> <p>Disturbance to existing natural features is to be minimised.</p> <p>Development on land adjoining bushland reserves should incorporate measures (such as greater setback buffers) to prevent any impacts.</p>		
Development Sites	<p>The minimum site frontage requirement is 18 metres except Balmoral Road Release Area where the minimum is 60m.</p> <p>Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.</p> <p>Ensure adequate provision of services has been made (water, sewer, energy, telecommunications and drainage).</p>	<p>The site has a frontage of approximately 129 metres to Civic Way.</p> <p>The proposal does not isolate any other land.</p> <p>Conditions of consent are recommended regarding all services.</p>	Yes
Floor Space Ratio	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps.	The site is not subject to an FSR limit under LEP 2012.	Yes
Setbacks	Single and two storey retail / commercial development located along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps.	Minimum front setback is 6 metres to the commercial component fronting Civic Way.	Yes
	For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.	NA to this development as the commercial component is single storey.	NA
	6m setback if opposite or adjacent to Residential, Special Uses or Open Space zones or as specified on the precinct plan maps in Appendix A. This area can only be used for landscaping and screening purposes or protection of ecological communities.	The site is opposite land zoned R3 Medium Density Residential. The commercial component is set back 6m from the front boundary.	Yes

	Redevelopment of any commercial / retail development, operating under existing use rights in a residential zone shall comply with the residential setback applying to the locality.	NA	NA
	Written consent is required from Integral Energy for developments proposed within an electricity easement.	NA	NA
	Minimum 40m from the top of the bank of the creek or otherwise to the requirements of the relevant concurrence authority.	NA	NA
	For development affected by a road widening proposal, the minimum setback is measured from the new alignment.	NA	NA
Building Height	Refer to Clause 4.3 and 5.6 of Local Environmental Plan 2012 and Building Height Mapping Sheets for maximum building height requirements.	The proposal complies with the LEP building height of 36 metres.	Yes
	The maximum height of buildings within the B2 Local Centre zone shall be 3 storeys or as specified on the precinct plan maps contained in Appendix A to this Section of the DCP.	NA	NA
	For development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.	The commercial component does not exceed two storeys in height.	Yes
	For development within the B7 Business Park zone, located in Coonara Avenue, West Pennant Hills, identified on Sheet 4 of the precinct plan maps, no building shall have more than 4 floors.	NA	NA
Building Design & Materials	<p>All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits.</p> <p>Under no circumstances will masonry block work be permitted on external walls.</p>	<p>The proposed commercial component at the corner of Civic Way will be visible from the public domain.</p> <p>The proposed includes glazed frontages, pedestrian entry points and a façade treatment which is in keeping with the modern character of the adjoining Rouse Hill Town Centre.</p>	Yes

	<p>Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.</p> <p>All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain or residential area.</p> <p>Materials are to be low reflectivity materials, avoid materials that contribute to poor internal air quality, use renewable sources or those that are sustainable, recycled or low cost.</p>		
Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2012.	There is no signage proposed.	NA
Hours of Operation	Assessed on merit but must take into account the operation of loading docks, waste collection services and the use of cleaning/maintenance vehicles, out of hours.	The applicant has advised that hours of operation are not proposed in the subject application and will form part of future tenancy applications. This is not considered satisfactory and a condition has been recommended regarding hours of operation for the commercial uses.	See Condition 5.
Energy Efficiency	<p>The design of all buildings shall demonstrate passive solar design principles:-</p> <ul style="list-style-type: none"> <li>• Window placement;</li> <li>• Building orientation;</li> <li>• Shading;</li> <li>• Insulation;</li> <li>• Thermal mass;</li> <li>• Ventilation; and</li> <li>• Incorporation of suitable landscaping.</li> </ul> <p>Min 4 star greenhouse rating</p>	The commercial component includes a variety of ESD design details including orientation, insulation, ventilation and appropriate landscape planting.	Yes
Biodiversity	Refer to Clause 7.4 – Biodiversity (Terrestrial) of LEP 2012.	The site is not identified as containing any threatened species.	NA
Erosion and Sediment Control	<p>Erosion and Sedimentation Control Plans / measures to be considered.</p> <p>The DA is to be accompanied with</p>	A condition has been recommended requiring the use of erosion and sedimentation control devices during	Yes

	an Erosion and Sediment Control Plan (ESCP) prepared in accordance with "Managing Urban Stormwater - Soils and Construction" produced by the NSW Department of Housing.	construction.	
Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain-wire fencing is to be black or dark green.</p> <p>Pre-painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	Fencing details have been provided and are satisfactory.	Yes
Landscaping and Tree Preservation	<p>Existing trees, shrubs and groundcovers to be preserved where possible.</p> <p>Landscaping is to harmonise with building designs and consist of trees, shrubs, ground covers and grass (Kikuyu is prohibited in landscaped or lawn area).</p> <p>Landscaping is to be provided in accordance with Part C, Section 3 – Landscaping.</p> <p>Grassed embankments are not to exceed 1:6.</p> <p>All landscaped areas are to have a minimum width of 2.0m.</p> <p>Endangered ecological communities to be preserved and maintained in accordance with a Vegetation Management Plan.</p>	The proposal has been accompanied by a detailed landscape plan which has been assessed by Council's Landscape Assessment Officer and is satisfactory.	Yes
Vehicular Access	<p>Access to a main road is not permitted where alternative access is available or can be acquired.</p> <p>Entry and exit in a forward direction</p> <p>Design to comply with Council's</p>	<p>The site has vehicle access to Civic Way. There is no alternative street access available. Separate driveway and parking is provided for the commercial and residential uses.</p> <p>The proposed parking</p>	Yes



	<p>Work Specifications, BHDCP Part C, Section 1 - Parking and the Australian Standards.</p> <p>Driveways from public roads are to be:</p> <ul style="list-style-type: none"> <li>• perpendicular to the road within the building setback;</li> <li>• separated or divided at the property boundary for ingress and egress movements;</li> <li>• sight distances are to be in accordance with Part D, Section 1 – Parking and Council's Design Guidelines for Subdivisions / Developments.</li> </ul>	<p>layout, sight distance and layout has been assessed and is satisfactory.</p>	
	<p><u>Post Office Road, Glenorie</u> Located on the western side of Post Office Road, Glenorie, vehicular access shall be restricted and future access roads provided, as specified on Map Sheet No.5.</p>	NA	NA
	<p><u>Windsor Road, Kellyville</u> Located on the northern side of Windsor Road, Kellyville provision shall be made for rights of carriageway as specified on the Map Sheet No.6.</p>	NA	NA
	<p><u>Wrights Road, Kellyville</u> Located on the northern side of Wrights Road, Kellyville vehicular access shall be provided as specified on the development control map, Map Sheet No.12 to align with entry/exit from Wrights Road Reserve.</p>	NA	NA
Car Parking	<p>Address THDCP Part C, Section 1 – Parking.</p> <p>All driveway and parking areas to be screened by a minimum 2m wide landscaped strip.</p> <p>Parking areas are to have 2m wide landscaping strips at a rate of 1 for every 10 car parking spaces and between parking</p>	<p>The DCP requires parking to be provided at a rate of 1 space per 25m<sup>2</sup> for commercial uses. Based on a commercial floor area of 2500m<sup>2</sup>, a total of 100 parking spaces are required.</p> <p>There are 94 commercial parking spaces provided.</p>	No – see comments below.

	<p>aisles.</p> <p>Stacked car parking will not be included in the assessment of the number of car parking spaces.</p> <p>Parking provision for parents with prams is to be provided in accordance with the requirements of THDCP Part C Section 1 – Parking.</p> <p>Disabled parking provision is to be provided in accordance with the requirements of Part D Section 1 – Parking and Council policy entitled “Making Access for All 2002”.</p>	<p>The parking area comprises basement parking and as such is not subject to the landscape requirements.</p> <p>There is no stacked parking proposed.</p> <p>Parents with a pram parking is required only within shopping centres, transport terminals, hospitals and other large public facilities.</p> <p>Disabled parking is required for retail and commercial premises at a rate of 2% of the total car parking required ie: two disabled spaces required. There are two accessible parking spaces proposed.</p>	
Bicycle Parking	<p>Bicycle: 2 spaces plus 5% of total spaces where the development exceeds 5,000m<sup>2</sup> (either new development or alterations and additions).</p> <p>Bicycle parking should be located in close proximity to the building's entrance and clustered in lots not exceeding 16 spaces.</p> <p>Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.</p> <p>Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.</p> <p>Consideration should be given to providing staff change rooms and washing facilities.</p>	<p>The commercial area is 2500m<sup>2</sup>. As such the proposal is required to provide two bicycle parking spaces. There are six commercial bicycle spaces provided.</p>	Yes
Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>The number of required loading</p>	<p>The loading dock is located at the rear of the commercial building and is not visible from Civic Way or residential properties opposite.</p> <p>The loading dock provision is considered satisfactory given the small scale of the development.</p>	Yes

	docks for certain development types is outlined within THDCP Part C, Section 1 – Parking. For all other development, a minimum of 1 loading dock space is required.		
Pedestrian Access and Movement	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.</p> <p>All surfaces should be stable, even and non-slip.</p> <p>Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.</p>	All works will be required to comply with BCA requirements.	Yes
Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m <sup>2</sup> in gross floor area.	The proposed commercial area has a floor area of 2500m <sup>2</sup> and as such this provision does not apply.	NA
Stormwater Management	<p>Two WSUD principles must be implemented into the development. These measures are:-</p> <ul style="list-style-type: none"> <li>• M1 Low Impact Building Design</li> <li>• M2 Low Impact Landscape Design</li> <li>• M3 Porous Paving</li> <li>• M4 Rainwater Utilisation – toilet, hot water</li> <li>• M5 Grey Water Utilisation – toilet</li> <li>• M6 On-site Infiltration System</li> <li>• M7 Stormwater Treatment System</li> <li>• M8 Infiltration or Retention Basin</li> <li>• M9 Stormwater Utilisation – irrigation</li> <li>• M10 Grey Water Utilisation – irrigation</li> </ul> <p>Details on the actions required to</p>	The proposal will utilise water treatment devices and low impact landscape design.	Yes

	<p>implement these measures are included in Appendix B – Water Sensitive Urban Design of the DCP.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land.</p> <p>Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.</p>		
Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces.</p> <p>Waste storage areas to be kept clean and tidy.</p>	Council's Waste Management Officer has reviewed the proposed waste storage and facilities and has raised no objection to the proposal.	Yes
Waste Management	Waste Management Plan required to be submitted and address demolition, construction and ongoing use requirements.	Council's Waste Management Officer has reviewed the proposed waste arrangements and has raised no objection to the proposal.	Yes
Heritage	All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation</i> of The Hills LEP 2012.	See Heritage comments in Section 13 below.	Yes
Development Contributions	Address Council's Section 94 Contributions Plans.	A condition of consent has been recommended for the residential component of the development. There is no contribution applicable to the commercial component.	MA
Site Investigation	<p>A contamination assessment report is to be submitted with any Development Application for the Wrights Road Precinct as referred to on Sheet 12 in Appendix A 1.to this Section of the DCP.</p> <p>A validation report will be required</p>	An updated contamination report has been submitted which is considered satisfactory – see comments above in Section 2.	Yes

	at the completion of works to ensure the remediation is sufficient to enable appropriate use of the site.		
Pollution Control	<p>The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.</p> <p>Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	Council's Environmental Health Officer has reviewed the proposal and raised no objection.	Yes

#### **a. Commercial Parking**

The Parking DCP requires parking to be provided at a rate of 1 space per 25m<sup>2</sup> for commercial uses. Based on a commercial floor area of 2500m<sup>2</sup>, a total of 100 parking spaces are required. There are 94 commercial parking spaces provided.

The applicant has submitted the following as justification:

*The DCP parking rate for commercial uses of 1 space per 25m<sup>2</sup> is applicable to situations where the commercial use is a stand-alone development. However, as the commercial use is part of a proposed mixed-use development that includes 375 residential apartments, it is reasonable to apply a discount to the commercial parking on the basis that a proportion of the customers visiting the commercial use will be residents of the development who have their own residential parking space. These residents will therefore not need to use a commercial parking space as they will walk to and from the commercial use.*

*While no details of the commercial tenants are available at this stage, it would be reasonable to apply a discount to the commercial parking of at least 10% which would reduce the parking requirement from 100 to 90 spaces. On this basis, the provision of 94 spaces will be adequate for the expected demand for parking for the commercial use of the proposed development.*

#### **Comment:**

The objective of the DCP is:

- (i) *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*

As outlined by the applicant, there is potential for future residents of the development to visit/utilise the commercial floor area which will reduce the need for parking provision.

As there are no specified uses of the commercial tenancies at this time, there is the potential for future uses such as a child care centre or café/restaurant use, to generate higher parking rates. This will be considered on merit at that time.

The proposed commercial carparking numbers are considered satisfactory and will adequately cater for the proposed future uses.

## **8. 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 application was subsequently amended by 1604/2004/HC/A which modified the Masterplan to ensure consistency with the approved Northern Precinct Plan. 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.

It is noted that the Masterplan referred to a maximum of 1800 dwellings within the Regional Centre as a whole. To date a total of 1308 dwellings (comprising apartments, affordable rental housing, integrated housing and single dwellings) have been approved. The subject application will result in a total of 1683 dwellings.

The proposal is consistent with the Masterplan.

### **b. Compliance with the Precinct Plan**

Development Application 1210/2011/HB for the Central Precinct Plan was approved by Council at its Delegated Authority Meeting on 10 January 2013. The following conditions are considered relevant to the proposal:

<b>CONDITION</b>	<b>COMMENT</b>	<b>SATISFACTORY</b>
<b><u>5. Mungerie House Curtilage</u></b> All buildings/dwellings within the 70 metre curtilage of Mungerie House as shown in the Design Guidelines are limited to single storey in height.	As detailed in Section 5 and Heritage Comments in Section 13, works within the 70m curtilage exceed one storey in height. The proposed height of the development within the curtilage is 10 storey for Tower 1 and 6 storey for Tower 2.	Yes
<b><u>10. Acoustic report – apartments facing north along Tributary 3</u></b> Stage 3 Applications for apartments and/or dwellings facing north along Tributary 3 shall be accompanied by an acoustic report assessing the impact of noise from loading docks to determine if specific construction methods are necessary to ensure that acoustic amenity is achieved.	Towers 4-6 face Tributary 3. An acoustic report has been submitted which is considered satisfactory.	Yes
<b><u>11. Acoustic report – Shop-top housing</u></b> Level 3 applications for ground floor retail and commercial uses in	The proposal includes shop top housing/mixed use development. An acoustic report has been submitted which is considered satisfactory.	Yes

conjunction with shop-top housing shall be accompanied by an acoustic report.		
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The Precinct Plan also included a number of plans which were approved as part of the Development Consent as follows:-

- (i) Drawing 01 - Location Plan – the plan indicates road access through the site however given that the site is being developed through one application for a mixed use development, the non-provision of internal roads is satisfactory.
- (ii) Drawing 02 – Land Use Context – the subject site is identified as being for mixed use. The current proposal is for a mixed use development and is satisfactory.
- (iii) Drawing 03 – Structure Plan – the road locations and development lots are not provided as detailed above however the development outcome is considered satisfactory.
- (iv) Drawing 04 – Pedestrian and Cycle Network – pedestrian and cycle links which are required external to the site have been provided within the underlying subdivision application. The internal pedestrian route is not provided as detailed above.
- (vi) Drawing 05 – Open Space – the site does not include any parks.

### **c. Design Guidelines**

In addition to the DCP, the approved Precinct Plan includes Design Guidelines which provide additional criteria for assessment of any proposal in the Precinct. The Design Guidelines contain criteria relevant to this application relating to building character, external materials and colours, access and circulation, streetscape, street tree selection and water sensitive urban design. The proposed design and external finishes are reflective of the desired modern character of the area. The proposal includes an appropriate urban streetscape and incorporates street tree planting and water sensitive urban design feature and is considered satisfactory.

## **9. Clause 7.7 of LEP 2012 – 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 7 June 2019.

**Comment:**

The design excellence of the proposal was considered at three Design Review Panel meetings held on:

11 December 2019;

13 May 2020; and

10 June 2020

At the first two panel meetings concerns were raised in regard to the design of the proposal and the following key issues were raised:

- The proposal does not demonstrate how the proposal responds to design excellence;
- The proposal does not respond to the scale and character of the immediate surrounds or the wider urban context;



- The proposal is a large, isolated and homogeneous development and a fine urban grain is needed through architectural diversity, façade articulation and broader palette of detail and materiality;
- A wider range of housing typologies are required and consideration of density of development when compared to surrounding development;
- A more considered gradation of heights is required, with consideration of building massing, with setbacks provided within the building facades;
- The bulk and scale is considered out of character given the heritage property to the south, two story development to the north-east and the riparian corridor to the north-west;
- Solar access to common open space areas; and
- The on-grade vehicle circulation area and parking dominates the common open space area and should be reconsidered, along with the location of ventilation shafts which compromise the use of the common open space.

The Panel concluded that the proposal did not meet design excellence and advised that further review of the design was required by the applicant to demonstrate that the proposal met 'design excellence'.

The applicant subsequently submitted amended plans which were considered by the Panel on 10 June 2020. The Panel advised as follows:

The amended plans and information submitted to the Panel for consideration at the third meeting included the following changes:

- Removal of two levels from Tower 2 and the provision of a new common open space area on the rooftop of Tower 2. In addition the setback to the north and west for Tower 2 were increased and a direct lobby access provided;
- One additional level added to Tower 3, with the upper three levels providing a setback from the building façade below, and the provision of maisonette apartments on the ground level which front Civic Way;
- Increased setbacks on Levels 7-9 of Tower 4 and changes to articulation;
- Amended apartment layouts in Tower 5;
- Deep soil zones provided in common open space area (planting wells), additional mature planting, and the provision of a pedestrian link through the common open space and adjacent to the northern boundary;
- Amendment to the internal driveway, including the deletion of parking spaces to minimise driveway area; and

- Increased separation between Towers 1 - 2 and 4-5 and a reduction in the combined length of Towers 5 and 6.

The Panel considered the amended plans and advised as follows:

*This is the third time this application has been presented to the Design Excellence Panel. The Panel commends the Design team on the clear presentation and substantial works completed in advance of the meeting, which has clarified the Panels understanding of the proposal.*

*Whilst the proposal is still considered to be of a density which is beyond the capacity of the site in its context, the design changes in consideration of Panel's advice have progressed the scheme to a point where issues of bulk and scale have been mitigated as far as is reasonably possible, without a reduction in the development yield of the proposal.*

The Panel raised the following matters for further review by the applicant:

- ensure that the DCP requirement for solar access is addressed;
- detail how access to all roof top gardens is provided/available to all residents;
- update the courtyard façade for Tower 6 to respond to the architectural principles.
- provide details of the lowered planter bed heights on revised landscape plans.
- provide details of the deep structural planters on revised landscape plans and address the landscape design for the north-west corner of the site.
- confirm whether the link will be private or public.
- ensure that the ventilation shaft is identified on the amended plans.
- provide details of all separation between buildings and ensure compliance with ADG separation requirements.
- address the DCP requirements for unit size and mix, including a request for a variation to the DCP requirements. The variation request is required to address the DCP and ADG objectives/principles.
- all ADG requirements are to be addressed in regard to the revised plans.
- address the front setback delineation into the central courtyard.

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. The 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.

## **10. 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 unit 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.

## 11. Issues Raised in Submissions

The proposal was notified to adjoining property owners on two occasions. During the first notification period three submissions were received and during the second notification period four submissions were received. The issues raised in the submissions are summarised below.

ISSUE/OBJECTION	COMMENT	OUTCOME
First Notification Period		
The size proposed for this development is way too big and will adversely impact multiple issues currently faced by residents	The proposed height meets the LEP 2012 height limit of 36 metres and the density satisfies the DCP requirements. The development is	Issue addressed.

<p>of The New Rouse Hill.</p> <p>There are already too many apartments built along Old Windsor Road and within Rouse Hill Town Centre, and The New Rouse Hill which has substantially impacted the livelihoods of current residents who pay a lot in council rates and strata.</p> <p>Please consider substantially scaling down the size of the proposed apartment block as there is more adverse impacts to residents who actually live in this area than the limited greedy benefits to the council by means of more rates, who don't live in the area that actually being impacted.</p> <p>We moved from living in a high density location close to the city, to a suburban location far from the city to get away from the issues with high density, however with the amount of apartments popping up along Windsor Road and Rouse Hill is making this decision questionable.</p> <p>I believe this application shouldn't be approved. There are too many apartments now in Rouse Hill area and a considerable oversupply. Agents are struggling to rent the apartments at reasonable prices.</p> <p>The Rouse Hill area is well known for its country style lifestyle and nature. There are already many apartments to be built as part of the Lend Lease and GPT development next to the shopping mall. There is no need for more.</p>	<p>considered to be appropriate given the B4 Mixed Use zoning and the location in proximity to public transport and retail/commercial services. The applicant has identified a need for residential development in this location. There has been no evidence submitted that the development will impact on livelihood in the area.</p>	
<p>As a resident who has recently moved to Rouse Hill, we have been negatively impacted by the substantially increased traffic from car users who have consistently blocked our driveway to commute to work elsewhere causing unnecessary stress upon us.</p>	<p>The proposal provides resident parking in excess of the ADG requirements. Whilst a variation has been requested to commercial parking, the variation has been assessed and is considered satisfactory – see comments in Section 5 above. Should parking occur across driveways, this is a matter for Council's Regulatory Team or the Police.</p>	<p>Issue addressed.</p>

The traffic on Old Windsor Road is already extremely congested, especially during peak hour times.	The proposal was referred to Transport for NSW (RMS) who have raised no objection to the proposal.	Issue addressed.
Since moving here we have had notice to move our rubbish bins due for collection due to the poorly planned road sizing where the rubbish trucks are unable to fit.	The matter of bin location and rubbish collection for an alternate site is not a matter for consideration with the application.	Issue addressed.
There are consistent delinquent issues around the area due to the close proximity to multiple schools, parks and the town centre, which consistently causes issues and unnecessary damage from shopping trolleys being abandoned, alcohol consumption, glass bottle tossing on pathways, drug taking, as well as nuisance noise pollution from their illegally modified cars and screaming late at night during the weekend and school holidays.	General anti-social behaviour is a matter for Police. If concerns arise in regard to the Town Centre, these matters can also be raised with the shopping centre management. In regard to trolley collection, this matter has been raised by Council staff with Town Centre management in order to assist in reducing trolley dumping. In addition, Council staff are currently assessing a DA for the Town Centre expansion and conditions of consent will be recommended which require the installation of a geospatial trolley management system within the existing and proposed Town Centre.	Issue addressed.
The large scale and proposed residential dwelling will without a doubt increase more unnecessary vehicles with already limited parking availability and constant traffic congestion.	The proposal provided resident parking in excess of the ADG requirements. Whilst a variation has been requested to commercial parking, the variation has been assessed and is considered satisfactory – see comments in Sections 5 and 7 above.	Issue addressed.
The proposed complex will also remove and block the natural sunlight we currently enjoy without hindrance. We specifically chose this corner lot when purchasing our property as we believed it would not be impacted by any other buildings obstructing our natural sunlight.	The objector's property is located to the north of the subject site and as such there is no impact on solar access.	Issue addressed.
This proposal should be rejected and only approved for a small scale/ boutique sized apartment so residents who already live here are not adversely impacted from such a large scale proposal.	The proposal is a permissible use in the B4 Mixed Use zone. The scale of the proposal is considered satisfactory given the location which is in close proximity to public transport and retail/commercial services.	Issue addressed.
There are many issues still to be managed by the Council before the area can be developed further: noise, supermarket trolleys dumped everywhere, parking... New applications are going to get the problem worse.	<p>Conditions of consent have been recommended in regard to noise during construction and noise which may occur from the use of the site.</p> <p>In regard to trolley collection, this matter has been raised by Council staff with Town Centre management in order to assist in reducing trolley</p>	Issue addressed (See Conditions 68, 69, 78 and 86).

	dumping. In addition, Council staff are currently assessing a DA for the Town Centre expansion and conditions of consent will be recommended which require the installation of a geospatial trolley management system within the existing and proposed Town Centre.	
<b>Second Notification Period</b>		
Parking. There are many issues in the area with the parking. The development should have its own underground parking to avoid bigger issues.	The proposal provides resident parking in excess of the ADG requirements. Whilst a variation has been requested to commercial parking, the variation has been assessed and is considered satisfactory – see comments in Sections 5 and 7 above. The proposed parking is within a basement carpark.	Issue addressed.
Supermarket Trolleys. It is a shame that this topic needs to be raised in a DA. Trolleys are ending up on the creek and everywhere around the Town Centre in Rouse Hill. This DA should consider how are the trolleys going to be managed.	This matter has been raised by Council staff with Town Centre management in order to assist in reducing trolley dumping. In addition, Council staff are currently assessing a DA for the Town Centre expansion and conditions of consent will be recommended which require the installation of a geospatial trolley management system within the existing and proposed Town Centre.	Issue addressed.
<p>The roads are that wide to accommodate the cars of 375 apartments and commercial areas.</p> <p>I would like to voice my disappointment to this DA. As a property owner, I am noticing that the traffic here is getting worse, mainly around Civic Way where practically there are so much traffic and it is getting choked up even without this 375 residential apartments.</p>	Council's Transport Planner has reviewed the proposal and has raised no objection to the proposal. The development will generate additional traffic movements along Civic Way however the proposed increase will continue to remain below the environmental capacity of the road.	Issue addressed.
<p>Instead can there be 50% of green ground for the kids and half with commercial and only 2-3 floor of apartments which also meets the criteria of house insurance. Plus the infrastructure for kids (schools, playground etc) are very crucial to support the community.</p> <p>Plus it will block the Sun if the apartments are high rise.</p>	<p>The proposal is a permissible use within the B4 Mixed Use zone and does not exceed the 36 metre height limit under LEP 2012. The proposal provides appropriate common and private open space areas for use by residents of the development. There is a child care centre, two primary schools and high school located on the eastern side of Caddies Creek fronting Withers Road.</p> <p>The proposal will not create shadow impacts to residential properties</p>	Issue addressed.

	opposite given the orientation of the site, with shadow impacts occurring within the roadways.	
<p>The only green space view I get is facing Civic Way road. During these hard time periods, it is utterly important to have at least the view due to the reluctance and fear of contracting Covid19 if I walk about. Now this DA is supposed to make profit to the rich on the expense of my mental health.</p> <p>My 3 year old daughter is still amazed and delighted to watch the Metro Train passing by. This is a very positive outcome since she is practically locked down since March with a very occasional trip to the park nearby. This probably means nothing to you or the developer(s), but if simple things like getting happy to watch the train can keep her sane, I'd very much like to keep the view. Yet you are taking that away.</p>	<p>The site is zoned B4 Mixed Use and is not zoned for open space purposes. As such it is considered reasonable for the site to be developed in accordance with a permissible land use.</p> <p>Views towards the Metro will continue to be available from other vantage points along Civic Way and the immediate area.</p>	Issue addressed.
<p>This proposal size needs to be drastically reconsidered and scaled down in size. 375 apartments is way too much for this block of land right opposite the Rouse Hill town centre and already populated homes and apartments within the vicinity. As a resident, I have endured countless issues with illegal parking issues across my driveway, along the streets where they are too small and you can't drive two ways because of the horrendous parking issues we keep facing. To put such a large scale apartment for mixed use will further increase strain on our residential living. There are so many problems with people bringing back trolleys from the town centre and just dumping them along the streets causing safety hazards for us residents as well. Traffic is already at its peak with so much congestion and with apartments with multiple dwellers come multiple cars as well. This apartment size needs to be built elsewhere as we don't need to become an overpopulated, high</p>	<p>The proposed height meets the LEP 2012 height limit of 36 metres and the density satisfies the DCP requirements. The development is considered to be appropriate given the B4 Mixed Use zoning and the location in proximity to public transport and retail/commercial services. The applicant has identified a need for residential development in this location.</p> <p>Issues relating to parking on driveways, parking numbers, traffic, shopping trolleys and scale are addressed above.</p>	Issue addressed.

density suburb. If we wanted that, we would be living in the inner west or in other overpopulated suburbs closer to the CBD.		
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## **12. External Referrals**

The application was referred to the following external authorities:

### **a. Transport for NSW (RMS)**

The proposal was referred to RMS under the provisions of Schedule 3 of SEPP Infrastructure 2007 given that a mixed use development is proposed which contains 300 or more dwellings. RMS have raised no objection to the proposal subject to a conditions (See Condition 35).

### **b. Sydney Metro**

The proposal was referred to Sydney Metro under the provisions of Clause 86 of SEPP Infrastructure 2007 given that works include the penetration of the ground to a depth of at least 2 metres within 25 metres of a rail corridor.

Sydney Metro have granted concurrence to the proposal and the concurrence letter is attached to the report (See Condition 36 and Attachment 1).

### **c. NSW Police**

The proposal was referred to the NSW Police. No objections were raised to the proposal. A number of Crime Prevention Through Environmental Design (CPTED) conditions of consent have been recommended to ensure that the site is appropriately protected (See Condition 37).

### **d. Endeavour Energy**

The proposal was referred to Endeavour Energy. No objections were raised to the proposal. (See Condition 38).

### **e. Sydney Water**

The proposal was referred to Sydney Water. No objections were raised to the proposal (See Conditions 52 and 73).

## **13. Internal Referrals**

The application was referred to the following sections of Council:

### **SUBDIVISION ENGINEERING COMMENTS**

No objections to the proposal subject to conditions.

### **ENVIRONMENTAL HEALTH COMMENTS**

No objection is raised to the proposal subject to conditions.

### **RESOURCE RECOVERY COMMENTS**

No objections to the proposal subject to conditions.



## **TREE MANAGEMENT COMMENTS**

No objections to the proposal subject to conditions.

## **HERITAGE COMMENTS**

The subject site adjoins land containing a heritage item known as Mungerie House (i183). The heritage item is evidence of late 19<sup>th</sup> century farming practices in the area.

The subject site is one of few undeveloped sites situated in a largely established urban release area. Curtilage around heritage item was established as part of subdivision pattern. Road layout and subdivision pattern considered to provide satisfactory view corridors to the heritage item.

The proposed works are unlikely to impact on the significance of the heritage item. No objections to the development application are made based on heritage grounds

## **TRAFFIC COMMENTS**

### **a. Existing Traffic Environment**

- This application proposes to develop 375 units of residential and 2500 m<sup>2</sup> of commercial land use development. Residential includes 94 units of 1 bedroom, 243 units of 2 bedrooms and 38 units of 3 bedrooms.
- Traffic and parking impact assessment report has been prepared by consultant Barker Ryan Stewart.
- Currently the lot is unoccupied and at present there is no formal vehicular access to the site from Civic Way.
- Civic Way connects with White hart drive. White Hart drive further connects with Windsor road.
- The following describes the local road network surrounding the site.

### **Windsor Road**

Windsor Road is an urban arterial road forming part of the state road network that provides a major connection between Northmead (commencing as Old Windsor Road) and Windsor. It generally consists of three lanes in each direction separated by a central concrete median with additional turning lanes at intersections to increase capacity. The posted speed limit is 80km/hr. Running parallel to and east of Windsor Road is a bus transit way consisting of one lane in each direction with a speed limit of 50km/hr.

### **White Hart Drive**

White Hart Drive is a local road that provides access from Windsor Road north-east towards the Rouse Hill Town Centre and the residential developments south of the Town Centre. It has two lanes in each direction, separated by a central concrete median with additional turning lanes to increase capacity at intersections. White Hart Drive connects with Windsor Road at a major 4-way signalised intersection. The posted speed limit on White Hart Drive is 50km/hr.

### **Sanctuary Drive**

Sanctuary Drive is a collector road providing a connection between Windsor Road, the Rouse Hill Town Centre and Samantha Riley Drive at Kellyville. It has a single lane of traffic in each direction separated by a landscaped median. Each carriageway has a parking lane delineated by an edge line. Sanctuary Drive connects with Windsor Road at a major signalised intersection 420 metres south of White Hart Drive and has a posted speed limit of 50km/hr.

### **Caddies Boulevard**

Caddies Boulevard is a local road running parallel with Windsor Road along the north-eastern edge of the Rouse Hill Town Centre. It connects the Town Centre with Sanctuary Drive via a T-intersection about 400 metres east of Windsor Road. The intersection of Caddies Boulevard

and White Hart Drive is a 4-way signalised intersection. It has a single lane of traffic in each direction separated by a landscaped median. Each carriageway has a parking lane delineated by an edge line and the posted speed limit is 50km/hr.

### **Civic Way**

Civic Way is a two-way local road consisting of a 5m wide carriageway with 2.4m on-street parking on both sides of the road. A 2.6m wide footpath is located on the western side of the carriageway, and a 1.7m wide footpath is located on the eastern side of the carriageway. It is subject to a speed limit of 50km/hr. The area of Civic Way fronting the subject site is public road while the area to the north of the subject site is a private road under the ownership of GPT Funds Management Pty Ltd.

#### **b. Proposed Development - Traffic Generation**

The Roads and Traffic Authority Guide to Traffic Generating Developments 2002/ RMS Guide Update indicates that High Density residential flat building will generate 0.19 trips per unit and 2 trips per 100 m<sup>2</sup> GFA for commercial development in AM Peak and 0.15 trips per unit and 2 trips per 100 m<sup>2</sup> GFA for commercial development in PM Peak. On this basis the proposed development of 375 residential units and 2500 m<sup>2</sup> GFA for commercial will generate 122 AM Peak hour trips and 107 PM peak hour trips.

Traffic volume in Civic Way in AM peak is 60 vehicle/hr and in PM peak is 66 vehicles per hour. Priority movements are southbound in the AM (68% / 32%) northbound in the PM (52% / 48%).

#### **c. Cumulative Impact in Locality**

<b>Traffic Movements</b>	<b>Environmental Capacity*</b>	<b>Existing</b>	<b>Proposed Increase</b>	<b>% Increase</b>
<b>Civic Way</b>				
Vehicle Movements AM Peak Hour	331	60	122	203%
Vehicle Movements AM Peak Hour		66	107	162%

\*considering the Environmental capacity of similar road (Kentwell Ave) based on 2005 Residential and traffic study by TAR technologies Pty Ltd and submitted to Baulkham Hills Shire Council.

\*Kentwell Ave is a local road with peak hour volume of 68 vehicle movements.

Traffic counts shown above for Civic Way show that:

- The cumulative impact of the proposed development will result in a traffic increase of up to 203% percentage increase in AM peak hour and 162% increase in PM peak hour.
- The net increase in traffic expected to be generated by the proposed new development is relatively high in terms overall numbers but due to the existing volumes being so low the percentage increase is quite high.
- The peak hour environmental capacity of 331 vehicle movements for Civic Way will not be exceeded.

#### **d. Need for Traffic Improvements in the Locality**

Traffic improvements are not required.

The consultant has analysed 5 intersections for existing scenario and for 10 year growth scenario for post development condition:

- 1) Windsor Road/ White Hart Drive

- 2) White Hart Drive/ Civic Way
- 3) Windsor Road/ Sanctuary Drive
- 4) Sanctuary Drive/Bellcast Road
- 5) Sanctuary Drive/ Caddies Boulevard

- A growth rate of 2% per annum was applied to the Windsor Road traffic volumes at the surveyed intersections to obtain the 10-year growth volumes.
- The growth rate for traffic volumes on the local roads in the surrounding network has been assumed to be only 1% per annum as the Rouse Hill area is almost fully developed.

All the intersections analysed for existing condition and for 10 year growth scenario for post development condition will operate satisfactorily.

e. Traffic egress/ingress to arterial/sub-arterial roads

Traffic egress/ingress is from Civic Way. Civic Way is located to the South of the White Hart drive within Rouse Hill.

f. Sight distance and other safety issues

Sight distance when entering or exiting the property is within acceptable limits of the approach sight distance standards required under the Austroads Standards for vehicles traveling at 50 km/h.

Pedestrian sight distance when entering or exiting the property is within acceptable limits of the requirements of AS2890.1-2002.

g. Parking

While assessment of on-site parking is a matter for the Subdivisions Team, it is noted that the parking proposed as part of this application is 583.

Based on Council's DCP 2012 part C section 1 Parking, total 785 parking spaces are required and based on RTA Guide to Traffic Generating Developments V2.2 2002 Including the RMS Technical Direction TDT 2013/04 467 parking spaces are required.

h. Access and Circulation

Assessment of access and circulation is a matter for the Subdivisions Team to comment on.

No objection is raised to the proposal.

## **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 the Mungerie House curtilage, building length, unit size and mix and parking, to DCP Part B Section 8 - Shop Top and Mixed Use Development in regard to common open space and DCP Part B Section 6 – Business in regard to commercial parking. In addition, a variation is proposed to the Central Precinct Plan in regard to the Mungerie House curtilage. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

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 unit 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
DA0000	Location Plan & Drawing List	05/08/2020 Issue C
DA 1100	Site Plan	19/06/2020 Issue E
DA1101	Site Analysis	19/06/2020 Issue B
DA2000	Basement 03 Plan	19/06/2020 Issue G
DA2001	Basement 02 Plan	19/06/2020 Issue I
DA2002	Basement 01 Plan	05/08/2020 Issue J
DA2003	Ground Floor Plan	05/08/2020 Issue J
DA2004	Level 1 Plan	05/08/2020 Issue J
DA2005	Level 2 Plan	05/08/2020 Issue J
DA2006	Level 3 Plan	05/08/2020 Issue J
DA2007	Level 4 Plan	05/08/2020 Issue J
DA2008	Level 5 Plan	05/08/2020 Issue J
DA2009	Level 6 Plan	05/08/2020 Issue J
DA2010	Level 7 Plan	05/08/2020 Issue J
DA2011	Level 8 Plan	05/08/2020 Issue J
DA2012	Level 9 Plan	05/08/2020 Issue J
DA2013	Level 10 Plan	05/08/2020 Issue J
DA2014	Roof Plan	19/06/2020 Issue I
DA2100	T1 – Ground Floor Plan	05/08/2020 Issue E
DA2101	T1 – Level 1 Plan	05/08/2020 Issue E
DA2102	T1 – Level 2 Plan	05/08/2020 Issue E
DA2103	T1 – Level 3 Plan	05/08/2020 Issue E
DA2104	T1 – Level 4 Plan	05/08/2020 Issue E
DA2105	T1 – Level 5 Plan	05/08/2020 Issue E
DA2106	T1 – Level 6 Plan	05/08/2020 Issue E

DA2107	T1 – Level 7 Plan	05/08/2020 Issue E
DA2108	T1 – Level 8 Plan	05/08/2020 Issue E
DA2109	T1 – Level 9 Plan	05/08/2020 Issue E
DA2110	T1 – Roof Plan	19/06/2020 Issue C
DA2200	T2 – Ground Floor Plan	05/08/2020 Issue E
DA2201	T2 – Level 1 Plan	05/08/2020 Issue E
DA2202	T2 – Level 2 Plan	05/08/2020 Issue E
DA2203	T2 – Level 3 Plan	05/08/2020 Issue E
DA2204	T2 – Level 4 Plan	05/08/2020 Issue E
DA2205	T2 – Level 5 Plan	05/08/2020 Issue E
DA2206	T2 – Roof Plan	19/06/2020 Issue B
DA2300	T3 – Ground Floor Plan	05/08/2020 Issue E
DA2301	T3 – Level 1 Plan	05/08/2020 Issue E
DA2302	T3 – Level 2 Plan	05/08/2020 Issue E
DA2303	T3 – Level 3 Plan	05/08/2020 Issue E
DA2304	T3 – Level 4 Plan	05/08/2020 Issue E
DA2305	T3 – Level 5 Plan	05/08/2020 Issue E
DA2306	T3 – Level 6 Plan	05/08/2020 Issue B
DA2307	T3 – Roof Plan	19/06/2020 Issue D
DA2400	T4 – Ground Floor Plan	05/08/2020 Issue E
DA2401	T4 – Level 01 Plan	05/08/2020 Issue E
DA2402	T4 – Level 02 Plan	05/08/2020 Issue E
DA2403	T4 - Level 03 Plan	05/08/2020 Issue E
DA2404	T4 – Level 04 Plan	05/08/2020 Issue E
DA2405	T4 – Level 05 Plan	05/08/2020 Issue E
DA2406	T4 – Level 06 Plan	05/08/2020 Issue E
DA2407	T4 – Level 07 Plan	05/08/2020 Issue E
DA2408	T4 – Level 08 Plan	05/08/2020 Issue E
DA2409	T4 – Roof Plan	19/06/2020 Issue D
DA2500	T5 – Ground Floor Plan	05/08/2020 Issue E
DA2501	T5 – Level 01 Plan	05/08/2020 Issue E
DA2502	T5 – Level 02 Plan	05/08/2020 Issue E
DA2503	T5 – Level 03 Plan	05/08/2020 Issue E
DA2504	T5 – Level 04 Plan	05/08/2020 Issue E
DA2505	T5 – Level 05 Plan	05/08/2020 Issue E
DA2506	T5 – Level 06 Plan	05/08/2020 Issue E
DA2507	T5 – Roof Plan	19/06/2020 Issue C
DA2600	T6 – Ground Floor Plan	05/08/2020 Issue E

DA2601	T6 – Level 01 Plan	05/08/2020 Issue E
DA2602	T6 – Level 02 Plan	05/08/2020 Issue E
DA2603	T6 – Level 03 Plan	05/08/2020 Issue E
DA2604	T6 – Level 04 Plan	05/08/2020 Issue E
DA2605	T6 – Level 05 Plan	05/08/2020 Issue E
DA2606	T6 – Level 06 Plan	05/08/2020 Issue E
DA2607	T6 – Level 07 Plan	05/08/2020 Issue E
DA2608	T6 – Level 08 Plan	05/08/2020 Issue E
DA2609	T6 – Level 09 Plan	05/08/2020 Issue E
DA2610	T6 – Level 10 Plan	05/08/2020 Issue E
DA2611	T6 – Roof Plan	19/06/2020 Issue C
DA3000	North East Elevation	19/06/2020 Issue E
DA3001	North West Elevation	19/06/2020 Issue D
DA3002	South East Elevation	19/06/2020 Issue E
DA3003	South West Elevation	19/06/2020 Issue D
DA3004	North East Elevation (Rendered)	19/06/2020 Issue A
DA3005	North West Elevation (Rendered)	19/06/2020 Issue A
DA3006	South East Elevation (Rendered)	19/06/2020 Issue A
DA3007	South West Elevation (Rendered)	19/06/2020 Issue A
DA3010	T1 – North East Elevation	19/06/2020 Issue D
DA3011	T1 – North West Elevation	19/06/2020 Issue D
DA3012	T1 – South East Elevation	19/06/2020 Issue D
DA3013	T1 – South West Elevation	19/06/2020 Issue D
DA3020	T2 – North East Elevation	19/06/2020 Issue D
DA3021	T2 – North West Elevation	19/06/2020 Issue D
DA3022	T2 – South East Elevation	19/06/2020 Issue D
DA3023	T2 – South West Elevation	19/06/2020 Issue C
DA3030	T3 – North East Elevation	19/06/2020 Issue D
DA3031	T3 – North West Elevation	19/06/2020 Issue D
DA3032	T3 – South East Elevation	19/06/2020 Issue D
DA3033	T3 – South West Elevation	19/06/2020 Issue C
DA3040	T3 – North East Elevation	19/06/2020 Issue D
DA3041	T4 – North West Elevation	19/06/2020 Issue D
DA3042	T4 – South East Elevation	19/06/2020 Issue D
DA3043	T4 – South West Elevation	19/06/2020 Issue C
DA3050	T5 – South East Elevation	19/06/2020 Issue C
DA3051	T5 – North Elevation	19/06/2020 Issue C
DA3052	T5 – North West Elevation	19/06/2020 Issue C

DA3053	T5 – South Elevation	19/06/2020 Issue A
DA3060	T6 – East Elevation	19/06/2020 Issue C
DA3061	T6 – South Elevation	19/06/2020 Issue C
DA3062	T6 – West Elevation	19/06/2020 Issue C
DA3063	T6 – North Elevation	19/06/2020 Issue B
DA3100	Section A-A	19/06/2020 Issue C
DA3101	Section B-B	19/06/2020 Issue C
DA3102	Section C-C	19/06/2020 Issue C
DA3103	Section D-D	19/06/2020 Issue B
DA3104	Entry Driveway Section 1	19/06/2020 Issue B
DA3105	Entry Driveway Section 2	19/06/2020 Issue B
DA3106	Residential Carpark Ramp Section	19/06/2020 Issue B
DA3107	Commercial Driveway Section 3	19/06/2020 Issue B
DA9100	Unit Mix Overall	19/06/2020 Issue D
DA9101A	Unit Mix & Area Tower 1 – Sheet 1	19/06/2020 Issue E
DA9101B	Unit Mix & Area Tower 1 – Sheet 2	05/08/2020 Issue F
DA9102	Unit Mix & Area Tower 2	05/08/2020 Issue F
DA9103	Unit Mix & Area Tower 3	05/08/2020 Issue F
DA9104A	Unit Mix & Area Tower 4 – Sheet 1	19/06/2020 Issue E
DA9104B	Unit Mix & Area Tower 4 – Sheet 2	19/06/2020 Issue E
DA9105	Unit Mix & Area Tower 5	19/06/2020 Issue E
DA9106A	Unit Mix & Area Tower 6	19/06/2020 Issue E
DA9106B	Unit Mix & Area Tower 6	19/06/2020 Issue E
DA9120	Storage Diagram – Basement	24/06/2019 Issue A
DA9123	Storage Diagram – Tower 1	05/08/2020 Issue D
DA9124	Storage Diagram – Tower 2	05/08/2020 Issue C
DA9125	Storage Diagram – Tower 3	05/08/2020 Issue C
DA9126	Storage Diagram – Tower 4	05/08/2020 Issue C
DA9127	Storage Diagram – Tower 5	05/08/2020 Issue C
DA9128	Storage Diagram – Tower 6	05/08/2020 Issue C
DA9130	Private Open Space – Tower 1	19/06/2020 Issue C
DA9131	Private Open Space – Tower 2	19/06/2020 Issue B
DA9132	Private Open Space – Tower 3	19/06/2020 Issue B
DA9133	Private Open Space – Tower 4	19/06/2020 Issue B
DA9134	Private Open Space – Tower 5	19/06/2020 Issue B
DA9135A	Private Open Space – Tower 6 – Sheet 1	19/06/2020 Issue B
DA9135B	Private Open Space – Tower 6 – Sheet 2	19/06/2020 Issue B
DA9140	Adaptable Apartments – Tower 1	19/06/2020 Issue B

DA9141	Adaptable Apartments – Tower 2	19/06/2020 Issue B
DA9142	Adaptable Apartments – Tower 3	19/06/2020 Issue B
DA9143	Adaptable Apartments – Tower 4	19/06/2020 Issue B
DA9144	Adaptable Apartments – Tower 6	19/06/2020 Issue A
DA9145	Adaptable Apartments – Tower 6	19/06/2020 Issue A
DA9146	Adaptable Apartments – Tower 6	19/06/2020 Issue A
DA9147	Adaptable Apartments – Tower 6	19/06/2020 Issue A
DA9150	Deep Soil	19/06/2020 Issue B
DA9151	Communal Open Space	19/06/2020 Issue B
DA9152	COS – Solar Compliance	19/06/2020 Issue B
DA9153	Natural Ventilation	19/06/2020 Issue B
DA9154	Natural Ventilation	19/06/2020 Issue B
DA9155	Solar Compliance Plans 01	05/08/2020 Issue C
DA9156	Solar Compliance Plans 02	05/08/2020 Issue C
DA9157	Solar Compliance Plans 03	05/08/2020 Issue C
DA9158	Solar Compliance – Sun Eye	19/06/2020 Issue B
DA9159	Shadow Diagram WS (21 <sup>st</sup> June) – 1	19/06/2020 Issue B
DA9160	Shadow Diagram Equinox (21 <sup>st</sup> March)	19/06/2020 Issue B
DA9161	Shadow Diagram Equinox (21 <sup>st</sup> Sept)	19/06/2020 Issue B
DA9200	Materials & Finishes	19/06/2020 Issue D
DA9201	Photomontage/CGI 1	19/06/2020 Issue B
DA9202	Photomontage/CGI 2	19/06/2020 Issue B
DA9203	Photomontage/CGI 3	19/06/2020 Issue B
DA9204	Photomontage/CGI 4	19/06/2020 Issue B
DA9205	Photomontage/CGI 5	19/06/2020 Issue B
LD-DA000	Cover Sheet	01.09.20 Rev E
LD-DA001	Landscape Planting Schedule	29.06.20 Rev C
LD-DA100	Ground Floor Landscape Plan	07.08.20 Rev F
LD-DA100	Ground Floor Landscape Plan	05.08.20 Rev F
LD-DA100	Ground Floor Landscape Plan	07.08.20 Rev F
LD-DA110	Level 1 Landscape Plan	23.06.20 Rev D
LD-DA110	Level 1 Landscape Plan	23.06.20 Rev D
LD-DA120	Level 7 Landscape Plan	07.08.20 Rev E
LD-DA120	Level 7 Landscape Plan	07.08.20 Rev E
LD-DA130	Basement Landscape Plan	07.08.20 Rev D
LD-DA130	Basement Landscape Plan	07.08.20 Rev D
LD-DA140	Level 6 Landscape Plan	07.08.20 Rev B
LD-DA140	Level 6 Landscape Plan	07.08.20 Rev B



LD-DA180	Private Terraces Landscape Plan	07.08.20 Rev B
LD-DA180	Private Terraces Landscape Plan	07.08.20 Rev B
LD-DA200	Ground Floor Landscape Sections	29.06.20 Rev C
LD-DA200	Ground Floor Landscape Sections	29.06.20 Rev C
LD-DA210	Level 1 and 7 Landscape Sections	07.08.20 Rev D
LD-DA210	Level 1 and 7 Landscape Sections	07.08.20 Rev D
LD-DA211	Level 6 Landscape Sections	07.08.20 Rev B
LD-DA211	Level 6 Landscape Sections	07.08.20 Rev B
LD-DA320	Level 7 Soft Landscape Plan	17.08.20 Rev B
LD-DA310	Level 1 Soft Landscape Plan	17.08.20 Rev B
LD-DA340	Level 6 Soft Landscape Plan	17.08.20 Rev B
LD-DA380	Private Terraces Soft Landscape Plan	17.08.20 Rev B
LD-DA300	GF Soft Landscape Plan	17.08.20 Rev B
4500-18	Survey Plan Sheet 1 of 5 Sheets	28-06-19 Rev. 07
4500-18	Survey Plan Sheet 2 of Sheets	28-06-19 Rev. 07
4500-18	Survey Plan Sheet 3 of 5 Sheets	28-06-19 Rev. 07
4500-18	Survey Plan Sheet 4 of 5 Sheets	28-06-19 Rev. 07
4500-18	Survey Plan Sheet 5 of 5 Sheets	28-06-19 Rev. 07
4500-18DP	Building Stratum Subdivision – Location Plan	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision – Basement 3 and Below	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision – Basement 2	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision – Ground Floor	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision – Basement 1	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision – Level 1 and Above	26-06-20 Rev. 5
4500-18DP	Building Stratum Subdivision	26-06-20 Rev. 5
---	Street and Unit Numbering Plans (for numbering purposes only - 15 sheets)	---

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. Car Parking and Bicycle Parking**

The provision and maintenance thereafter of the following:

- a. A total of 413 residential parking spaces, including 20 accessible spaces, 75 residential visitor spaces and one car wash bay. All residential units are to be provided with a minimum of one parking space;
- b. A total of 94 commercial parking spaces, including two accessible spaces;
- c. A total of 111 bicycle spaces are to be provided, comprising 105 residential bicycle spaces and 6 commercial bicycle spaces.

## **3. No Dual Key Units**

Dual key units are not permitted with the development.

#### **4. Unit Numbers**

The development is to comprise the following:

1 bedroom units – 104

2 bedroom units – 233

3 bedroom units - 38

Total: 375 units.

The development is required to include a minimum of 38 adaptable units and a minimum of 75 Living Housing Guidelines silver level universal design features units.

#### **5. Commercial Floor Areas**

- a. The commercial areas are limited to a total maximum floor area of 2500m<sup>2</sup>.
- b. The hours of operation of the commercial floors areas area limited to:  
7am – 6pm Monday to Saturday; and  
8am – 4pm on Sundays and Public Holidays.
- c. Separate Development Applications or Complying Development Certificates are required for the occupation and use of the approved commercial areas.

#### **6. Separate application for signs**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

#### **7. 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.

#### **8. Building Work to be in Accordance with BCA**

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

#### **9. 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.

#### **10. 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.

#### **11. Structures Adjacent to Piped Drainage Easements**

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

#### **12. Requirements for Council Drainage Easements**

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

### **13. 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. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **14. 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.

### **15. 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 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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in 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 driveways must be built to Council's heavy duty standard.

Both driveways is to be generally in accordance with the ground floor plans prepared by Group GSA drawing DA2003 issue J dated 5<sup>th</sup> august 2020.

The driveway transitions at the kerb in particular the commercial entrance is to be symmetrical on both sides of the driveway.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

On high level sites a grated drain must be provided on the driveway at the property boundary.

Specifically, unless additional driveway crossings are clearly shown on the approved plans, 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) Driveway/ Kerb Inlet Pit Conversion**

The new driveway conflicts with the existing on-grade kerb inlet pit. This kerb inlet pit must be replaced with a grated/ butterfly lid pit integrated into the new driveway.

Refer to Council's Standard Drawing SD.5A available from Council's website for more detail showing this arrangement.

All these works must be carried out by a civil contractor with the appropriate civil liability insurances for works in the footpath/ public area.

Detailed design and construction approval for these works must be obtained from Council before a Construction Certificate can be issued for the building works.

#### **d) Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge and generally in accordance with the plans prepared by Australian Consulting Engineers issue D dated 24 March 2020.

### **16. Contamination Assessment & Site Remediation**

The recommendations of the Detailed Site Assessment for Lot 129 Civic Way, Rouse Hill prepared by EI Australia, report number E24627.E02\_Rev0 and dated 3 June 2020 are to be implemented as part of this approval. In particular: any fill or natural material to be removed is to be classified for off-site disposal in accordance with the EPA Waste Classification Guidelines 2014 and Protection of the Environmental Operations (Waste) Regulations 2014.

### **17. 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 minimum 150mm pot size and spaced as per approved Landscape Planting Schedule in approved Landscape Plans.

For all planting on slab and planter boxes the following minimum soil depths are to be provided:

- 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*

### **18. Retention of Trees**

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Rain Tree Consulting dated 19/07/19.

### **19. Tree Removal on Public Land**

Approval is granted for the removal of four (4) trees located on the Council nature strip numbered 24, 25, 35 and 36 in Arborist Report Rain Tree Consulting dated 19/07/19 which will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

**Note:** The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

### **20. Provision of Kitchen Waste Storage Cupboard**

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

### **21. Construction of Separate Waste Storage Areas**

The development must incorporate separate dedicated waste storage areas, to facilitate the separation of residential waste and recycling from commercial material, designed and constructed in accordance with the following requirements. The Central Bin Collection Room must provide minimum storage facility for 42 x 1100 litre bins. The Residential Waste Discharge Rooms must provide minimum storage facility for 1 x 2-(1100 litre) bin linear track system with compaction unit for garbage and 1 x 2-(1100 litre) bin linear tack system for recyclables. The commercial waste room must provide minimum storage facility for 13 x 1100 litre bins.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The design of the waste storage areas must ensure that commercial tenants do not have access to the residential waste storage areas, and vice versa for residential occupants.

- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage areas 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 (preferred).
- The waste storage areas must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage areas, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs for residential and NSW EPA for commercial), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage areas are to complement the design of the development.

#### **Example Bin Measurements (mm)**

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

#### **22. Adherence to Waste Management Plan**

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

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

#### **23. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2:2018 for the standard 12.5m long Heavy

Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- 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.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium OR heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of domestic waste services.

#### **24. 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.

#### **25. Waste and Recycling Collection Contract (Commercial)**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all commercial waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

#### **26. 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](http://www.wastelocate.epa.nsw.gov.au).

### **27. Installation of Wall Mounted Key Safe for Waste Collection Room**

A wall mounted combination key safe must be installed on the outside wall of the waste collection room. This is so a key to open the waste servicing door can be permanently stored within the key safe for access purposes by collection contractors. The combination code to open the key safe must be set to a four digit code provided by Council's Resource Recovery Project Officer. The key to the waste room should not have access to any other areas of the development.

### **28. Provision of Waste Chute System**

The development must incorporate a dual chute system with a total of 6 x chutes for garbage and 6 x chutes for recyclables. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the Waste Discharge Rooms. Garbage must discharge into 1100 litre bins housed on a 2-bin linear track system with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre bins housed on a 2-bin linear track system. No compaction for recyclables. The waste chute system must be maintained in accordance with manufactory standards.

### **29. Provision of Bin Cupboards**

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal or a third waste stream. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

### **30. Commencement of Domestic Waste Service**

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

### **31. Provision of Goods Personnel Hoist – Bin Transportation**

A dedicated in-shaft goods personnel hoist must be provided that complies with AS1418.8 and must incorporate the following specifications for the safe transportation of full 1100 litre bins from the Waste Discharge Rooms to the Bin Collection Room:

- A minimum platform of 3m x 2.4m (approx. 3m x 3m shaft).
- A capacity of at least 2000kg.
- Electrically operated roller doors with full width door opening interlocked to the safe operation of the hoist.
- Programmed automatically to lift or lower on a single button control.
- Design registered to carry personnel with SafeWork NSW.
- An operating speed of at least 9m per minute.

### **32. 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.

### **33. Section 7.11 Contribution**

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

Payments comprise of the following: -

	Purpose : 1 bedroom unit	Purpose : 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 bed units : 104	No. of 2 bedroom units : 233	No. of 3 bedroom units 38	Sum of Units	No. of Credits: 1	Total \$7.11
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 369,513.04	\$ 1,337,296.51	\$ 280,414.16	\$ 1,987,223.71	\$ 10,112.40	\$ 1,977,111.31
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 151,979.36	\$ 550,024.46	\$ 115,333.04	\$ 817,336.86	\$ 4,159.19	\$ 813,177.67
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 217.91	\$ 7,962.24	\$ 28,817.44	\$ 6,042.76	\$ 42,822.44	\$ 217.91	\$ 42,604.53
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 68,935.36	\$ 249,484.75	\$ 52,313.46	\$ 370,733.57	\$ 1,886.55	\$ 368,847.02
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 290.11	\$ 10,600.72	\$ 38,363.45	\$ 8,044.60	\$ 57,008.77	\$ 290.11	\$ 56,718.66
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 60,882.64	\$ 220,338.78	\$ 46,202.30	\$ 327,423.72	\$ 1,666.16	\$ 325,757.56
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 3,951.28	\$ 144,747.20	\$ 523,851.57	\$ 109,845.08	\$ 778,443.85	\$ 3,951.28	\$ 774,482.57
<b>Total</b>	<b>\$ 7,832.89</b>	<b>\$ 12,653.12</b>	<b>\$ 16,268.30</b>	<b>\$ 22,293.60</b>	<b>\$ 814,620.56</b>	<b>\$ 2,948,176.96</b>	<b>\$ 618,195.40</b>	<b>\$ 4,380,992.92</b>	<b>\$ 22,293.60</b>	<b>\$ 4,358,699.32</b>

In accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020, the contribution is to be paid before the issue of the first Occupation Certificate in respect of any building work to which this consent relates. However, if no Construction Certificate in respect of the erection of a building to which the consent relates has been issued on or before 25 September 2022, the contribution is to be paid before the issue of the first Construction Certificate after that date for any such building.

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

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

This condition has been imposed in accordance with Contributions Plan No 8.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

### **34. Property Numbering**

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

Approved Building property addresses are as follows: 32 Civic Way Rouse Hill

Additional cluster mail box required for Towers 1 and 2 at entrance to commercial/residential units – refer to plan.

Approved unit numbering is as per plans marked up within consent documentation or as otherwise agreed by Council; and as follows:

Level	Tower1	Tower2	Tower3	Tower4	Tower5	Tower 6
Basement01						B01
Ground	G35	G33	G25-G32	G16-G24	G11-G15	G01-G10
One	137-144	129-136	125-128	116-124	110-115	101-109
Two	241-248	233-240	225-232	216-224	211-215	201-210
Three	341-348	333-340	325-332	316-324	311-315	301-310
Four	440-447	432-439	424-431	415-423	411-414	401-410
Five	540-547	532-539	522-531	515-523	511-514	501-510

Six	625-632	N/A	621-624	615-620	610-614	601-610
Seven	717-724	N/A	N/A	711-716	N/A	701-710
Eight	817-824	N/A	N/A	810-816	N/A	801-809
Nine	911-917	N/A	N/A	N/A	N/A	901-910
Ten	N/A	N/A	N/A	N/A	N/A	1001-1010

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

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.

#### Mail Boxes

Cluster mail boxes are to be located as shown on plans submitted marked as Site Plan, DWG No DA1100, Rev: D / marked up within consent documentation.

Cluster mail boxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietor's additional mail box is to be located within the cluster located at entrance to Towers 3 and 4.

#### Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to [council@thehills.nsw.gov.au](mailto:council@thehills.nsw.gov.au) for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

### **35. Transport for NSW (Roads and Maritime Services) Requirements**

The following is required by Transport for NSW:

- a. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- b. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is required to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- c. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
- d. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to the Principal Certifying Authority for approval, which shows that the proposed development complies with this requirement.
- e. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) are required to be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

### **36. Sydney Metro Requirements**

The proposed works are required to be undertaken in accordance with the requirements of Sydney Metro, letter dated 17 July 2020, attached as Appendix 1 to this consent.

### **37. Police Requirements**

The following is required by the NSW Police:

- 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.
- 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, stairwells, fire escapes and common areas. Police also suggest the use of height stickers on entry/exit doors.
- 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.
- xi. The building entry points and unit numbering signage, entry/exit driveways and car parking areas are to be lit to improve visibility. It is not recommended that sensor lighting be used in these areas.
- xii. It is recommended that ground level units include door and window alarms, thickened glass and sensor lights.

### **38. Endeavour Energy Requirements**

The applicant is required to liaise with Endeavour Energy regarding the provision of services to the site.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **39. 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.

### **40. 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.

### **41. Works on Adjoining Land**

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

### **42. 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 \$191,919 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site on Civic Way plus an additional 50m on either side (222m) multiplied by the width of the road (9.5m).

The bond must be lodged with Council before a Construction Certificate is issued.

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.

#### **43. Erosion and Sediment Control/ Soil and Water Management Plan**

The detailed design must be accompanied by a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

#### **44. Protection of Internal Noise Levels (Residential Units)**

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

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

In addition the acoustic statement shall detail that all recommendations contained within the Acoustic Report DA Stage Mixed-Use Development Civic Way, Rouse Hill prepared by Koikas Acoustics Pty Ltd, project number 3632 and dated 12 August 2020 have been included in the construction plans of the development. This includes:

1. Section 5.3 Recommended construction materials
  - a. 5.3.1 External walls
  - b. 5.3.2 Ceiling / roof system
  - c. 5.3.3 Glass windows and doors
  - d. Appendix D for glazing requirements / identification of where mechanical ventilation is required to achieve internal noise levels.
2. 'Winter gardens' are not permitted within the development.
2. Drainage grates (if any) along the driveways (residential and commercial) are to be designed to be firmly fixed to prevent vibration and noise impacts.
3. Vibration isolation rubber/spring mounts on garage roller doors and all associated metal brackets (or contact points) including the electrical motor / gearbox.

#### **45. Internal Pavement Structural Design Certification**

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

#### **46. Irrigation**

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

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **47. Details and Signage - Principal Contractor and Principal Certifier**

##### **Details**

Prior to work commencing, submit to the Principal Certifier 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 Principal Certifier 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 Principal Certifier 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.

### **48. 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.

### **49. 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.

### **50. 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.

### **51. Stabilised Access Point**

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

### **52. Sydney Water Building Plan Approval**

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

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

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

### **53. 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.

### **54. Erosion and Sediment Control/ Soil and Water Management**

The approved SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness.

For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

#### **55. Notification of Asbestos Removal**

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

#### **56. Protection of Existing Trees**

The trees that are to be retained, including trees on adjacent properties are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites and in accordance with recommendations in Arborist Report prepared by Rain Tree Consulting dated 19/07/19.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within root protection zone
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.
- The installation of services within the root protection zone. This is not to be undertaken without prior consent from Council or without the supervision of the appointed project arborist.

All areas within the root protection zone are to be mulched with composed leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

#### **57. Engagement of a Project Arborist**

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

### **DURING CONSTRUCTION**

#### **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.

Any variation sought to the hours of work above, for exceptional circumstances, will require the approval of Council's Manager Regulatory Services. Should approval for works beyond the hours specified above be granted, written notification must be provided to neighbouring properties at least 48 hours in advance of work commencing.

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

#### **59. Compliance with BASIX Certificate**

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1031733M\_03 and 1031752M\_03 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

#### **60. Critical Stage Inspections and Inspections Nominated by the Principal Certifier**

Section 6.6 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 Principal Certifier 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 Principal Certifier is not carried out. Inspections can only be carried out by the Principal Certifier unless agreed to by the Principal Certifier beforehand and subject to that person being an accredited certifier.

#### **61. 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.

#### **62. 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.

#### **63. 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.

#### **64. 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.

#### **65. Asbestos Removal**

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.



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](http://www.wastelocate.epa.nsw.gov.au).

#### **66. Dust Control**

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

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

#### **67. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

#### **68. 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.

#### **69. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*. In addition, the recommendations contained within section 7.3 of the Acoustic Report DA Stage Mixed-Use Development Civic Way, Rouse Hill prepared by Koikas Acoustics Pty Ltd, project number 3632 and dated 12 August 2020 are to be implemented throughout the construction phase of the development.

#### **70. 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**

#### **71. Design Verification Certificate**

Prior to the issue 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.

#### **72. Landscaping Prior to Issue of any Occupation Certificate**

Landscaping of the site shall be carried out prior to issue of an 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.

### **73. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

### **74. 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.

### **75. 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.

### **76. 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 hydraulic engineer.

### **77. 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) 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.

#### **b) Restriction – Bedroom Numbers**

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

#### **c) Restriction/ Positive Covenant – Water Sensitive Urban Design**

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

### **78. Acoustic Compliance Report**

The acoustic consultant shall inspect the installation of the required noise suppressant components as recommended in the Acoustic Report DA Stage Mixed-Use Development Civic Way, Rouse Hill prepared by Koikas Acoustics Pty Ltd, project number 3632 and dated 12 August 2020. A copy of this report is to be submitted to Council's Manager – Environment and Health.

### **79. 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 a 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

#### **80. Final Inspection of Waste Storage Area(s)**

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

#### **81. Provision of Signage for Waste Storage Areas**

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas (Bin Collection Room and Waste Discharge Rooms). Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

- Flat size: 330mm wide x 440mm high
- Finished size: 330mm wide x 440mm high. Round corners, portrait
- Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- Colours: Printed 4 colour process one side, UV ink
- Finishing: Over laminated gloss clear. Profile cut with radius corners and holes.

#### **82. Domestic Waste Collection Risk Assessment**

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

#### **83. Waste Chute System Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

### **THE USE OF THE SITE**

#### **84. 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*.

#### **85. Hours of operation – Loading bay & commercial waste**

The operational hours for the at grade loading bay and collection of commercial waste is restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

#### **86. 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.

#### **87. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the occupation/use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

#### **88. Waste and Recycling Collection (Commercial)**

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

### **ATTACHMENTS**

1. Appendix 1 - Sydney Metro Requirements
2. Locality Plan
3. Aerial Photograph
4. Site Plan
5. Elevations
6. Landscape Plan
7. Shadow Diagrams
8. Photomontages

## ATTACHMENT 1 – APPENDIX 1 – SYDNEY METRO REQUIREMENTS



SM-20-00072781

17 July 2020

The General Manager  
The Hills Shire Council

Attention: Kristine McKenzie  
Email: kmckenzie@thehills.nsw.gov.au

Dear Madam

**State Environmental Planning Policy (Infrastructure) 2007  
Development Application - 483/2020/JP  
Lot 129 Civic Way, Rouse Hill**

Sydney Metro refers to the RFI amended package related to Development Application 483/2020/JP (DA) submitted by Combined Projects (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 15 June 2020 (and subsequent amendments dated 7 July 2020 and 13 July 2020), in accordance with clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro Northwest and Sydney Metro City and Southwest rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro Northwest rail corridor for the purpose of the ISEPP.

**Assessment requirements under the ISEPP**

Sydney Metro has reviewed the DA documents which were uploaded onto the NSW Planning Portal on 15 June 2020, 7 July 2020 and 13 July 2020.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of clause 86(4) of the ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

**Concurrence granted subject to conditions**

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

**Next steps**

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Sydney Metro Northwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA be forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Finally, please note that the DA may also have impacts on rail corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the ISEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.

Sydney Metro thanks Council for its assistance.

Please contact Peter Bourke, Senior Manager Corridor Protection on 02 8265 6015 or Lauren McMahon at email [sydneymetrocorridorprotection@transport.nsw.gov.au](mailto:sydneymetrocorridorprotection@transport.nsw.gov.au) should you wish to discuss this matter further.

Yours sincerely,



**Stephen Scott**  
Deputy Executive Director  
Northwest Operations

## **Attachment A**

### **1 Prior to issue of a Construction Certificate**

#### **Engineering**

1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Geotechnical Report E24627.603 Rev 01 prepared by EI Australia dated 2 June 2020.
- (b) Architectural Drawings Basement Plans Rev B – Dwg no. DA2000, Dwg no. DA2001 and Dwg no. DA2002 prepared by Group GFA Pty Ltd dated 19 June 2020.
- (c) Structural Drawings Rev A – Dwg no. 5000, 5001, 5002, 5010, S0101, 20102, 20105, S0110, S0111 and S0112 prepared by Australian Consulting Engineers Pty Ltd dated April 2018 and June 2019.
- (d) WALLAP Shoring Analysis and Design Report 190023-190625-600@1800 Rev A46.B59.R49 prepared by Australian Consulting Engineers dated 27 June 2019.
- (e) Construction Management Plan SY190001 Rev 04 prepared by Barker Ryan Stewart dated 19 February 2020.
- (f) Acoustic Report – DA Stage Rev v5 prepared by Koikas Acoustics dated 29 June 2020.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed that the construction drawings and specifications comply with those documents.

Prior to the commencement of works the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

#### **Rail Corridor:**

1.1 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro Northwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro Northwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

#### **Survey and services**

1.2 Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any



rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and

- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.
- 1.3 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

#### **Noise & Vibration**

1.4 The development must:

- (a) *comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info));*
  - (b) *be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
  - (c) *not have any noise or vibration impacts on the rail corridor or rail infrastructure.*
- 1.5 The Applicant must incorporate as part of the development all the measures recommended in the Acoustical Report – DA Stage Project No. 3632 Rev04 prepared by Koikas Acoustics, dated 29 June 2020. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

#### **Design**

- 1.6 Prior to the issue of a Construction Certificate, the Applicant must ensure that the development incorporates appropriate anti-graffiti measures, and obtain written confirmation from Sydney Metro that such measures have been incorporated.
- 1.7 Given the possibility of objects falling, being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) of the development that are within 20 metres of and face the rail corridor, the development must have measures installed, to the satisfaction of Sydney Metro (eg awning windows, louvres, enclosed balconies, window restrictors, rainwater piped down the face of the building etc) which prevent objects



falling into the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- 1.8 The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.9 The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

#### **Construction**

- 1.10 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.11 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.12 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
  - (a) machinery to be used during excavation/construction; and
  - (b) demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.13 If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.14 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must

not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

- 1.15 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for up to \$10 million and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

*Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*

- 1.16 Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

#### Drainage

- 1.17 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

#### Documentation

- 1.18 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

### **2 Prior to commencement of works**

#### Construction

- 1.19 Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

### **3 During construction**

#### Supervision

- 1.20 Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer

experienced with such excavation projects and who holds current professional indemnity insurance.

#### **Construction**

- 1.21 No metal ladders, tapes, plant, machinery, or conductive material is to be used within 6 horizontal metres of any live electrical equipment associated with the rail corridor and rail infrastructure. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 1.22 No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Metro. To obtain approval, the Applicant must submit details of the scaffolding and/or hoarding, the means of erecting and securing the scaffolding and/or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Scaffolding and/or hoarding shall also not be erected without isolation and protection panels unless agreed to by Sydney Metro in writing.
- 1.23 Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of by the Applicant.

#### **Consultation**

- 1.24 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;*
  - (b) *acts as the authorised representative of the Applicant; and*
  - (c) *is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro, as notified to the Applicant.*
- 1.25 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- 1.26 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the Sydney Metro Corridor Protection team.

#### **Contamination**

- 1.27 Prior to the issue of a Construction Certificate, the Applicant shall provide a Contamination Assessment Report to Sydney Metro for review. Any contamination identified which is migrating (or at risk of migration) from the development site into the rail corridor shall be remediated by the Applicant to the satisfaction of Sydney Metro prior to the construction of the project and a Validation Report provided to Sydney Metro for endorsement following any remediation works. The Certifier must not issue an Occupation Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.



#### Drainage

- 1.28 The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
- 1.29 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 1.30 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.
- 1.31 Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.

#### Inspections

- 1.32 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) *site investigations;*
  - (b) *foundation, pile and anchor set out;*
  - (c) *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
  - (d) *foundation, pile and anchor excavation;*
  - (e) *other excavation;*
  - (f) *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
  - (g) *other concreting; or*
  - (h) *any other event that Sydney Metro has notified to the Applicant in writing*
- so that Sydney Metro may inspect the carrying out or completion of those works on the development site.*

#### **4 Prior to the issue of an Occupation Certificate**

##### Noise and Vibration

- 1.33 Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- (a) *State Environmental Planning Policy (Infrastructure) 2007;*
  - (b) *the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and*
  - (c) *any other noise and vibration requirements imposed by this consent.*

- 1.34 The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent

#### Fencing

- 1.35 The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issue of an Occupation Certificate, the Applicant shall liaise with Sydney Metro regarding the adequacy of any existing fencing along the rail corridor boundary or the need for the design and erection of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

#### Inspections

- 1.36 At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

#### Maintenance

- 1.37 Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

### **5 General**

#### Inspections

- 1.38 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
  - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

#### Environmental Protection and Contamination

- 1.39 During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
- 1.40 Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.

Other

- 1.41 Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- 1.42 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

## ATTACHMENT 2 – LOCALITY PLAN



- SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: BLACKTOWN CITY COUNCIL AND  
HILLS DISTRICT HISTORICAL SOCIETY  
ALSO NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**

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

BASED ON CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT  
TO THIS COPYRIGHT



### ATTACHMENT 3 – AERIAL PHOTOGRAPH



 SUBJECT SITE

**THE HILLS**  
Sydney's Garden Shire

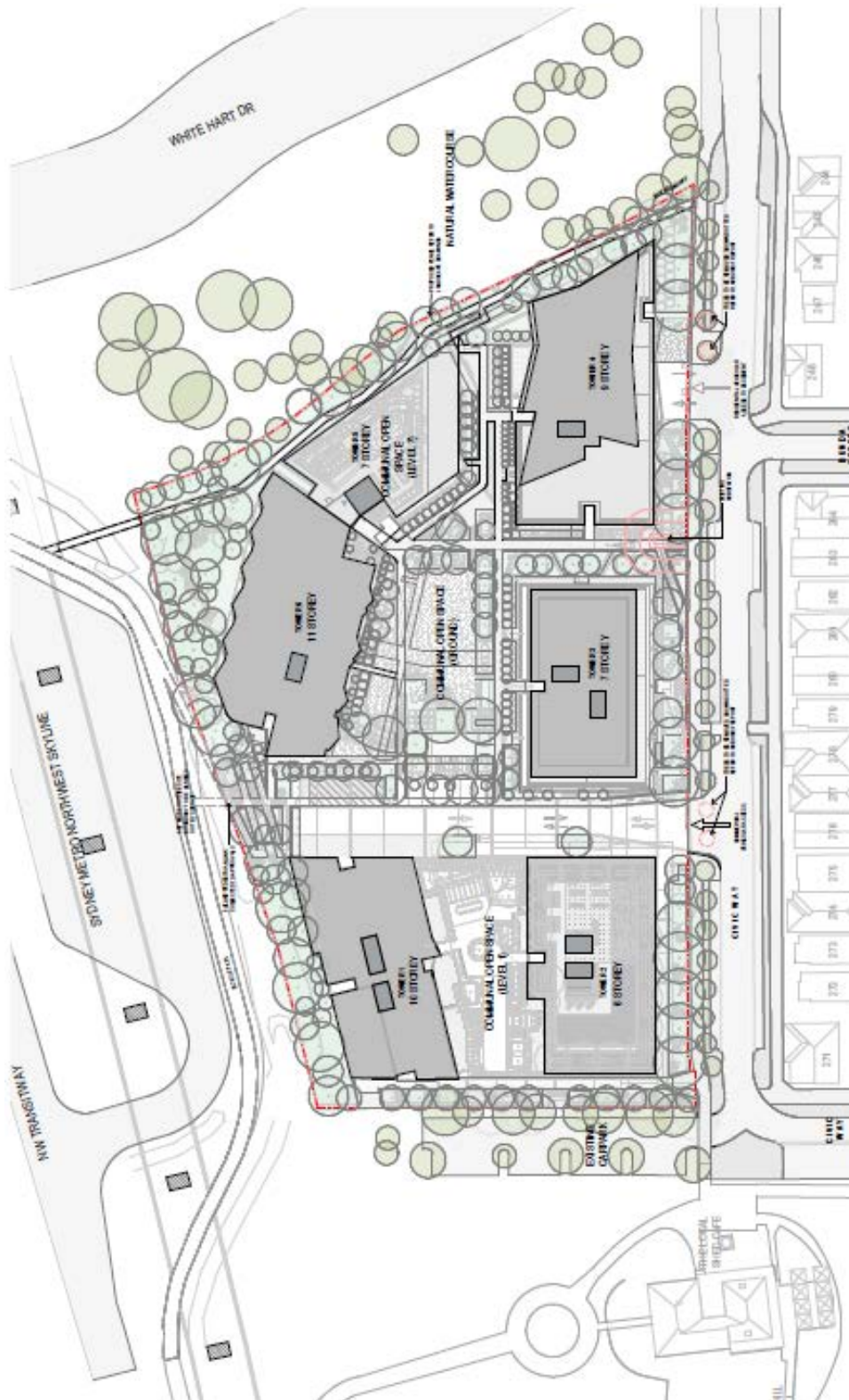
**THE HILLS SHIRE COUNCIL**

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

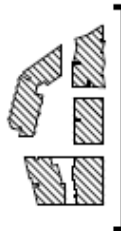
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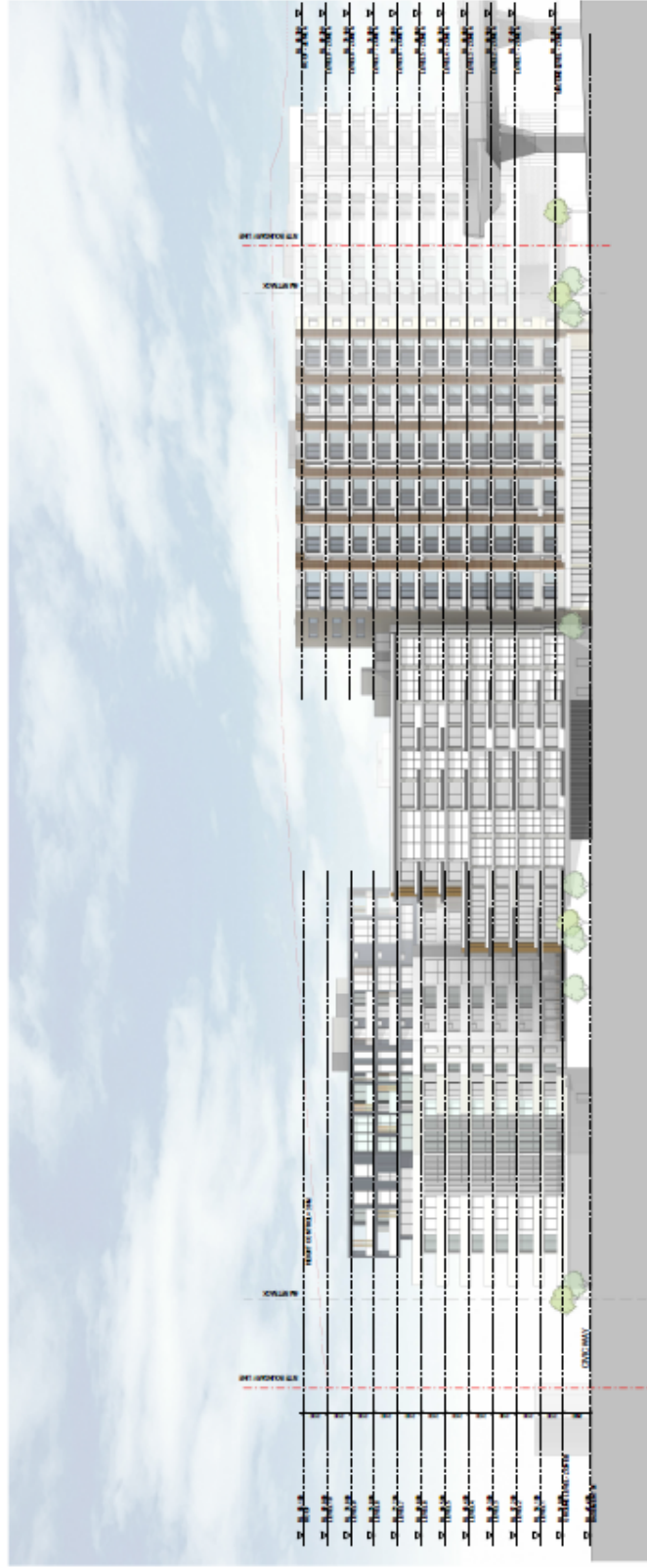
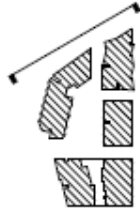
## ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – ELEVATIONS



① NORTH EAST ELEVATION  
1/200



① NORTH WEST ELEVATION



1 SOUTH EAST ELEVATION

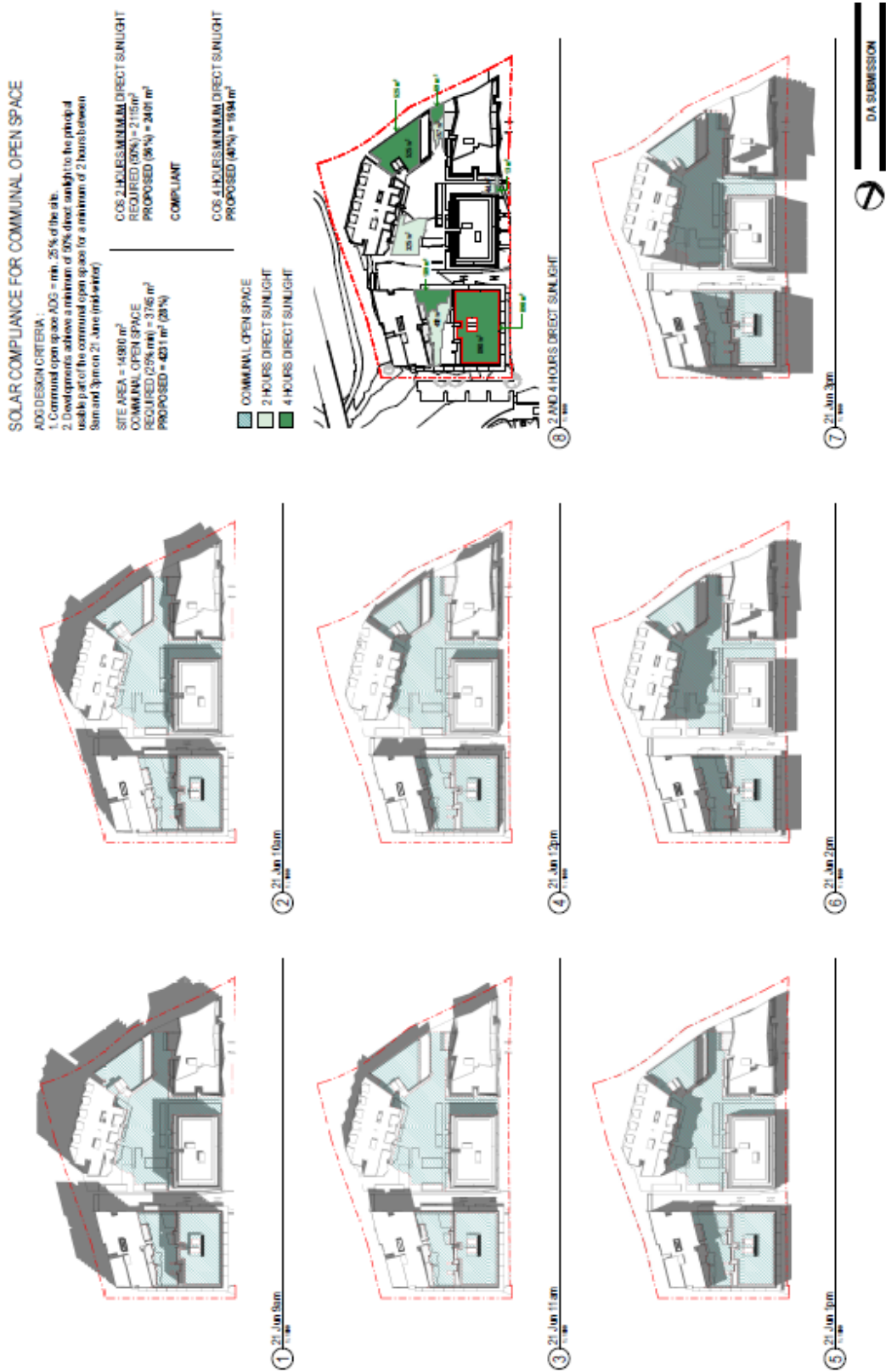




① SOUTH WEST ELEVATION

[illegible]

ATTACHMENT 7 – SHADOW DIAGRAM





## ATTACHMENT 8 – PHOTOMONTAGES

