COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-40
DA Number	1336/2012/JP/B
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) Modification to an approved mixed use development comprising retail, commercial and residential units. The proposed modifications relate to the approved apartment buildings on 'Site 2'.
Street Address	12-14 Barry Road, North Kellyville
Applicant/Owner	Mr M Stokes / BTS Australia (Site 2)
Consultant/s Architect: Town Planner: Landscape Architect: Acoustics: Accessibility: BASIX: Quantity Surveyor: Waste: Traffic:	 Ryleton Pty Ltd trading as Architex Urbis Pty. Ltd. Vision Dynamics Pty. Ltd. Rodney Stevens Acoustics Vista Access Architects Building & Energy Consultants Australia QPC & C Pty. Ltd. Dickens Solutions Pty Ltd Varga Traffic Planning Pty. Ltd.
Date of DA lodgement	30 October 2019
Number of Submissions	Four (4)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Original application determined by SCCPP
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan) • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • Central City District Plan • North Kellyville Development Control Plan 2018 • Environmental Planning and Assessment Act Regulation 2000
List all documents submitted with this report for the Panel's consideration	• Copies of Submissions
Clause 4.6 requests	Not Applicable

Summary of key submissions	• Location of access driveway • Traffic impacts • Acoustic impacts • Privacy impacts • Changes to site coverage, communal open space, landscaped areas and deep soil areas
Report prepared by	Harrison Depczynski Senior Town Planner
Report date	18 June 2020

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**Yes**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**Yes**

EXECUTIVE SUMMARY

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

- Whether the site is suitable for the development as proposed to be modified.
- Whether the development is substantially the same as originally approved.
- Proposed variation to the building height limit.
- Proposed variations to the Apartment Design Guide with respect to solar and daylight access, and natural ventilation.
- Proposed variation to the North Kellyville Development Control Plan 2018 with respect to landscape area.
- Matters raised in submissions.

Assessment of the application against the relevant planning framework and consideration by technical staff (planning, waste, engineering, health, land information, developer contributions, landscaping, traffic) has not identified any issues of concern that cannot be dealt with by conditions of consent.

The modification application is satisfactory when evaluated against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel approve the application subject to the recommended conditions listed in the recommendation of this report.

BACKGROUND

Development Application 1336/2012/JP was approved by the then Joint Regional Planning Panel (JRPP) on 20 December 2012 for a mixed use development comprising retail, commercial and residential development. The works were approved to be constructed in four stages and included the following:

- Retail and commercial component with a gross floor area of 10,375m^2;
- 274 residential apartments;
- 930 car parking spaces to cater for all proposed uses; and
- A park with an area of 4261m^2.

The proposal also required subsequent subdivision applications for the construction and dedication of public roads.

The proposal, in broad terms, comprised:

- Development of Site 1 for a mixed use building (retail/commercial/residential);
- Development of Site 2 for residential use (apartment buildings);
- Development of Site 3 as open space;
- Associated infrastructure and public domain works; and
- Use of the supermarket tenancy.

A Section 4.55(2) Modification Application was approved by the JRPP on 10 October 2014 to amend the staging of the development and the apartment buildings on Site 2. The modifications to Site 2 involved:

- Development of Site 2 would occur over Stages 2A and 2B.
- An increase in the total number of units from 124 to 169, being an increase of 45 units; and

- An increase in the total number of parking spaces from 241 to 343 spaces, being an increase of 102 spaces.
- Changes to the unit mix and additional apartments which resulted in an overall reduction in the number of 3 bedroom units and an increase in the number of 1 bedroom and 2 bedroom units.

The subject Section 4.55(2) Modification Application solely relates to the approved apartment building development on Site 2.

Site 2 is an irregular shaped vacant allotment bound by public roads on all four sides; Culgoa Street to the north, Indwarra Avenue to the east, Sandbanks Avenue to the south and Barry Road to the east. It contains wide frontages to Culgoa Street (137.6m) and Sandbanks Avenue (138.3m) with narrower frontages to Indwarra Avenue (52.0m) and Barry Road (47.9m) (excluding corner splays). The site contains a gradual slope from the southwest corner (RL 75.0) to the northeast corner (RL 69.7). The site is zoned R3 Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

It is also noted since the time of the original application approval in 2012 and s4.55 modification approval in 2014, SEPP No. 65 – Design Quality of Residential Apartment Development and the North Kellyville Development Control Plan have been amended including the introduction of the Apartment Design Guide which replaced the Residential Flat Design Code.

DETAILS AND SUBMISSIONS

Owner:	BTS Australia Pty Ltd
Zoning:	R3 Medium Density Residential
Area:	8,143m^2
Existing Development:	Vacant
Section 7.11 Contribution	Stage 2A: $1,335,757.60 Stage 2B: $2,011,591.40 Stage 4: $1,184,203.88 (no change) Stage 5: $459,475.80 (no change) Stage 6: $1,026,309.00 (no change) Stage 7: $762,648.00 (no change)
Exhibition:	Not required
Notice Adj Owners:	1st Notification Period: 14 days 2nd Notification Period: 14 days 3rd Notification Period: 7 days
Number Advised:	106
Submissions Received:	Four (4)

PROPOSAL

The proposed modifications relate to ‘Site 2’ from the original approval and include:

- Amending the residential unit mix and decreasing the total units from 169 to 158. The decrease in 11 apartments is largely a result of the changed unit mix/type; predominately a reduction in one-bedroom units and an increase in two and three bedroom units.

  The approved unit mix on Site 2 is (1336/2012/JP/A):
  - 1 Bedroom - 67 (39.6%)
  - 2 Bedroom - 92 (54.4%)
  - 3 Bedroom - 10 (6%)

The following unit mix is proposed:
- o 1 Bedroom units - 33 (21%)
- o 2 Bedroom units - 100 (63%)
- o 3 Bedroom units - 15 (10%)
- o 3 Bedroom units plus study - 10 (6%)

- The inclusion of 10 Specialist Disability Accommodation Units in accordance with the Standard issued under the National Disability Insurance Scheme (NDIS).

- Relocation of the basement access/egress driveway along Indwarra Avenue.

- Modification of the basement including:

  - o Reduction of basement site coverage resulting in an increase of landscaping and deep-soil areas along the frontages of the site.

  - o Additional basement excavation and introduction of a third level of basement. The basement levels are also modified to generate further ceiling clearance for services and appropriate transfer slab depths required in the structure. The floor levels have been modified as follows:
    - ▪ Basement Level 1 lowered from RL 71.10 to;
      - - RL 70.45 (upper level FFL)
      - - RL 69.65 (lower level FFL)
    - ▪ Basement Level 2 lowered from RL 67.9 to
      - - RL 67.45 (upper level FFL)
      - - RL 65.45 (lower level FFL)
    - ▪ Basement Level 3 introduced at RL 62.45

  - o A total of 347 parking spaces including 283 resident spaces, 52 visitor spaces, and 12 assorted spaces.

  - o 63 bicycle racking spaces.

- New rooftop communal open space area on Building E.

- Replacement of existing basement wheel-out kerbside collection arrangement to Indwarra Avenue with a permanent bin storage area and collection point from Culgoa Street.

- Minor changes to comply with the new National Construction Code (NCC) 2019 including:
  - o Deletion of two (2) fire stairs which are no longer required;
  - o Reduction in lobby areas and foyer areas to achieve travel distances; and
  - o Reduction in the indentations of the exterior façade to achieve travel distances.

- Changes to materials and finishes.

ISSUES FOR CONSIDERATION

1. Section 4.55 of the Environmental Planning and Assessment Act, 1979

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The proposed modifications result in a residential flat building development on Site 2 comprising 158 units and basement car parking. The original approval was for a mixed use development comprising retail, commercial and 274 residential apartments, construction and dedication of public roads and a public park. The original approval contained 124 units on Site 2 with basement car parking. The proposed modifications relate to unit mix, basement level changes, external finishes and minor National Construction Code 2019 changes. It is also noted, whilst not a listed consideration under Section 4.55, the current approval as modified in 2014 consists of 169 units and basement parking on Site 2. With respect to the modifications proposed under this modification application, the development is considered substantially the same as original development consent 1336/2012/JP.

Consultation with NSW Office of Water (now NRAR) regarding their General Terms of Approval imposed on the original consent 1336/2012/JP was not considered necessary in this instance. Their General Terms of Approval issued with the original consent request re-referral if additional works are proposed on waterfront land. Works within Site 2 are not located on waterfront land, and development on Site 2 would not be classed as nominated integrated development were it new development application proposed. The development is considered substantially the same as required under Section 4.55(2).

The modification application was notified on three occasions and four submissions were received. The issues raised are addressed in Section 10 of this report.

With respect to subsection 4.55(3); the relevant matters referred to in section 4.15(1) of the Act, and the reasons for granting the original consent have been taken into consideration in this modification application and are considered satisfactory.

Accordingly, the proposed modification is considered satisfactory with respect to section 4.55 of the Act.

2. State Environmental Planning Policy (State and Regional Development) 2011

Part 4 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to the SCCPP:-

- General development that has a capital investment value of more than $30 million.

The original approved development had a Capital Investment Value of $137,575,000 thereby requiring determination by the SCCPP.

Clause 123BA of the Environmental Planning and Assessment Regulation 2000 only permits Councils to exercise the functions of a regional panel in the determination of modification applications made pursuant to section 4.55(1) and section 4.55(1A) of the Act.

The proposed section 4.55(2) modification application is therefore required to be determined by the Panel.

3. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

a. Permissibility

Site 2 is zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The approved development subject to the modification is defined as residential flat buildings.

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

Residential flat buildings are permitted with consent in the R3 Medium Density Residential Zone. The development satisfies the provisions for permissibility with respect to SEPP (SRGC) 2006.

b. Zone Objectives

Site 2 is zoned R3 Medium Density Residential under SEPP (Sydney Region Growth Centres) 2006. The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density housing adjoining the North Kellyville Local Centre.*

- *To support the well-being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*
- *To allow for low density tourist and visitor accommodation that does not interfere with residential amenity.*

The proposed modifications are consistent with the above objectives of the R3 Medium Density Residential zone as they provide for the housing needs of the community within a medium density residential environment within a range of dwelling sizes (1, 2 and 3 bedroom dwellings).

In view of the above, it is considered that the modified proposal satisfies the R3 Medium Density Residential zone objectives under SEPP (SRGC) 2006.

c. Development Standards

The following table addresses the principal development standards of SEPP (SRGC) 2006:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1 Minimum subdivision lot size	There is no minimum lot specified for the site.	N/A	N/A
4.1AB Minimum lot sizes for residential development in certain residential zones	Apartment buildings 2000m^2	There is no subdivision proposed with this application however the approved preceding subdivision for Site 2 has approved a lot area of 8,143m^2.	Yes
4.1B Residential density	Minimum density for the development is 20 dwellings per hectare	The modified proposal for 158 units would result in a density of 128 dwellings per hectare on Site 2.	Yes
4.3 Height of buildings	16 metres	The proposed lift overrun on Building E rooftop exceeds the building height limit up to 2.85m. The original approval allowed a height variation for these buildings varying from 1.87m – 2.54m. The proposed modification will increase this to 2.85m.	**No – see comments below.**
4.4 Floor space ratio	1:1 (relates to Site 1 only and only applies to the commercial/retail component).	Not applicable to the modification application for Site 2.	N/A
4.5 Calculation of floor space ratio and site area	Sets criteria for calculation of floor space ratio and site area.	Not applicable to the modification application for Site 2.	N/A

4.5A Business, office and retail floor area	The total gross floor area used for the purposes of business, office and retail premises on all land in the Zone B1 Neighbourhood Centre must not exceed 4,000m^2 and for all land in the Zone B2 Local Centre must not exceed 15,000m^2.	Not applicable to the modification application for Site 2.	N/A
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	Not applicable to a Section 4.55 application.	N/A – see comments below.

(i) Variation to Height

Case law demonstrates that for a Section 4.55 application, a written request under Clause 4.6 Exceptions to Development Standards is not required.

The relevant judgments originating with North Sydney Council v Michael Standley and Associates Pty Ltd 1998 say that Section 4.55 is a 'free-standing provision', meaning that "a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application". A Section 4.55 modification authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the "substantially the same" test, and a requirement to consider all relevant s.4.15 matters). Section 4.55 does not rely upon having any SEPP 1 objection or Clause 4.6 variation in order to enliven that power to approve.

The Courts have stated that SEPP 1 cannot be used at Section 4.55 stage, as SEPP 1 expressly only applies 'where a development application is made', not when a modification application is made. The same would apply to Clause 4.6 variations, which expressly only regulate whether 'development consent' may be granted, not whether an existing consent may be modified.

As such, a clause 4.6 variation has no application to Section 4.55 modifications.

However, as cautioned in *Gann v Sutherland Shire Council (2008)*, section 4.55(3) still requires the consent authority to take into consideration the matters referred to in s4.15(1), which in turn include the provision of any environmental planning instrument. That is, any development standard in an environmental planning instrument must be taken into consideration by the consent authority, but the absolute prohibition against the carrying out of development otherwise than in accordance with the instrument in s4.2(1) does not apply.

Therefore, an assessment of the height variation has been undertaken below.

SEPP (Sydney Region Growth Centres) 2006 limits the height of the development to 16 metres. The original proposal permitted a variation to the height of the subject buildings by up to 2.54 metres. The proposed modification seeks a further height increase of 0.31m from the approved variation, a total height exceedance of 2.85m. This increase is attributable to the Building E lift overrun servicing the proposed rooftop communal open space. Attachment 11 contains a comparison of the elevations of the approved and proposed heights. Attachment 12 contains a building height plane diagram for the proposed modification.

The applicant has provided the following with respect to the height variation:

The proposed built form does include exceedances of the building height standard; however these represent a continuation and reconfiguration of the existing exceedances. The design updates are considered to be minor in nature and setback from the building façade. Existing large plant room and screen walls have been reduced and deleted.

Minor encroachments will be required to accommodate the communal open space area on Block E by allowing the lift shafts and stairwells to extend beyond the height plane. The provision of lift service, fire egress stairs and planter-boxes will require an encroachment above the maximum height plane in order to provide access to the proposed communal open space area on the roof level.

The encroachments are considered to be minimal and are justified in providing fully-accessible, communal open-space area, suitable for all residents, including the SDA tenants. The communal roof terrace would provide valuable amenity with very little adverse impact on other developments. The locations of lifts and stairs are generally well within the perimeter of the building and unlikely to adversely impact on any adjoining property with loss of privacy or solar access.

The separation distances of the site from any other residential development are so significant that any minor encroachments such as these will have minimal or no impact.

Comment:

The objectives of Clause 4.3 Height of Buildings in SEPP (SRGC) 2006) are:

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

(d) to provide appropriate height controls for commercial development,

(e) to restrict the height of buildings within the curtilage of heritage items.

The proposed height exceedances are shown on the Height Plane Diagram within Attachment 12 and a comparison with the original and modified approvals within Attachment 11. The original development approved a 2.54m variation to the height of the buildings; that is 18.54m above existing ground level. The modified approval 1336/2012/JP/A maintained the height exceedance however increased and 'relocated' some areas from the original height variation.

Under this proposed modification the lift overrun to service the Building E rooftop communal open space is proposed at maximum 18.85m above existing ground level, an increase of 0.31m from the approved variation. The Applicant has advised that this is a result of detailed design of the development and confirmation of lift specifications. The remainder of height exceedances are no more than 1.2m, less than that originally approved, and relate to lift overruns and parts of roof slabs as shown on the Height Plane Diagram.

The proposed extent of the height increase from that approved is considered to be negligible. The increase is minor and will not be perceived by persons viewing the development or create any adverse additional shadow impact.

The overall proposed height of the buildings is considered satisfactory given that the site is surrounded by public roads resulting in a development that is separated from adjoining sites in terms of its location. The separation to adjoining residential development will reduce the potential for impacts to these properties. As such, the proposal is considered to be consistent with the objectives.

In consideration of the above, the proposed height is considered satisfactory and can be supported in this instance.

4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. This Policy provides State-wide planning controls to promote and guide the achievement of energy efficiency and ecological sustainability in all new development.

The applicant has addressed this requirement through the preparation of BASIX certificates. These certificates confirm the proposed development will meet the NSW government's requirements for sustainability.

5. Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 - 1997

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Subject to the imposition of the conditions as imposed on the original consent and as modified, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

6. Draft Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

In May 2017, the Department of Planning released the draft North West Land Use and Infrastructure Implementation Plan. In addition to a new growth centres structure plan and an infrastructure schedule the package proposes a draft amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and associated draft changes to the DCP. The proposed changes include the introduction of density bands (rather than only minimum density) and reinstatement of minimum lot sizes for all residential areas (that were removed as part of the 2014 Housing Diversity changes).

The Explanation of Intended Effect states that *"a consent authority is not required to apply the provisions of the Explanation of Intended Effects to a DA lodged before May 22 2017".* The original development application 1336/2012/JP was lodged on 22 June 2012 which meant that the original application was not subject to the proposed density band requirements. The proposed modifications are required to be taken into consideration pursuant to Section 4.15 of the EP&A Act, being a *"proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority …"*

Clause 4.1B 'Residential Density' in Appendix 2 'The Hills Growth Centres Precinct Plan' of the SEPP (SRGC) 2006 states the following:

"(1) The objectives of this clause are as follows:
(a) to establish minimum density requirements for residential development within the North Kellyville Precinct,
(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,
(c) to ensure that the scale of residential development is compatible with the character of the precincts and adjoining land.

(3) The density of any development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

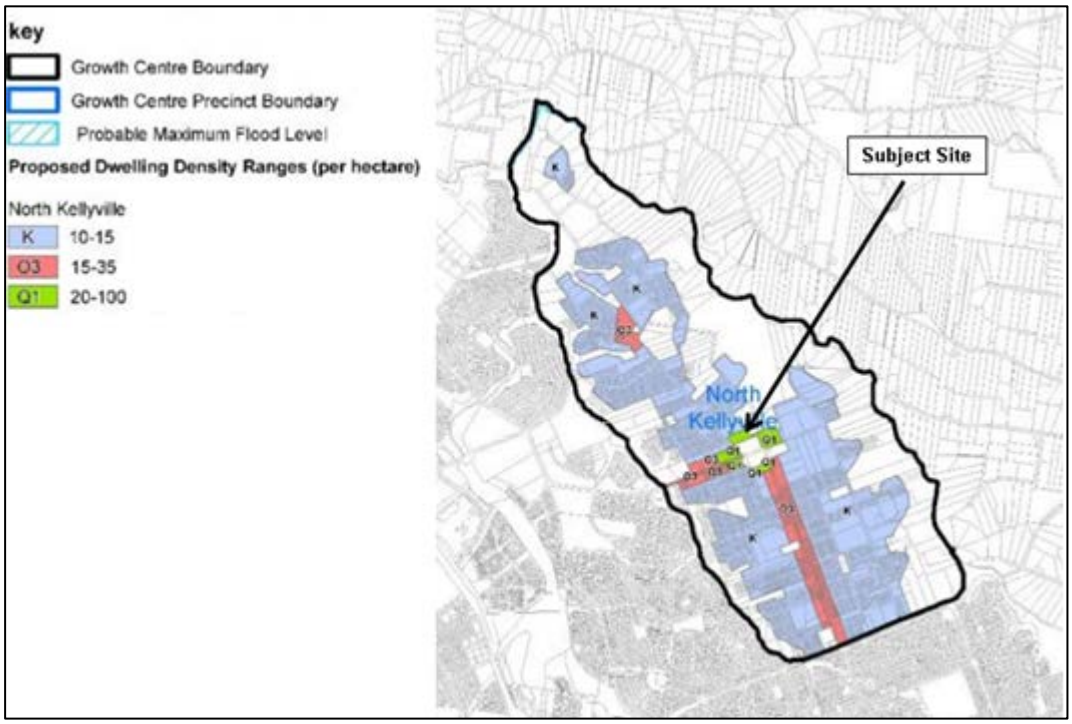
(4) In this clause:

***density** means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.*
***net developable area** means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes."*

Clause 4.1B is proposed to be amended to introduce a minimum and maximum density band. The 'Explanation of Intended Effect' published by the Department of Planning which accompanies the proposed amendments to the Growth Centres SEPP states the following proposed density bands in the North Kellyville Precinct:

Zone	Existing minimum density (dw/ha)	Proposed minimum density (dw/ha)	Proposed maximum density (dw/ha)
R1	12.5	15	35
R2	10	10	15
R3	20	20	100

Appendix 1 of the 'Explanation of Intended Effect' provides an amended Residential Density Map for the North West Priority Land Release Area, which confirms that the subject site is proposed to be located in the 20-100 dwelling density range (per hectare).



The Growth Centres SEPP currently specifies a minimum density provision of 20 dwellings per hectare. The draft amendment to impose a maximum density range of between 20-100 dwellings per hectare equates to a minimum of 16.2 and maximum of 124 dwellings being permitted on Site 2 (based on a net developable area of approximately 1.235 hectares).

The proposal for 158 units would result in a density of 128 dwellings per hectare, which is a reduction from the approved density of 137 dwellings per hectare under development consent 1336/2012/JP/A (169 units).

The proposed modifications are considered to be generally consistent with the objectives (b) and (c) of Clause 4.1B of the Growth Centres SEPP since the proposed development makes efficient use of land and infrastructure, contributes to the availability of new housing, and the scale of the proposed development is generally consistent with the desired character of the Precinct.

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

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

- A City for People
    - Planning Priority C3 - Providing services and social infrastructure to meet people's changing needs.
    - Planning Priority C4 - Fostering healthy, creative, culturally rich and socially connected communities.

Liveability is about people's quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people's needs; and the provision of a range of housing types in the right locations. Liveability is about creating and renewing great places, neighbourhoods and centres, and providing services and social infrastructure to meet people's changing needs.

- Housing the City
    - Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport.

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.

- A City of Great Places
    - Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage.

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.

Comment:
The Central City District 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.

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

- The proposal will provide a range of units types (1, 2 and 3 bedrooms) which will assist in meeting housing demands;
- Being located directly opposite the B2 Local Centre zone, the proposed development will contribute to the viability of the local centre in North Kellyville;
- The site is located in an area to be increasingly serviced by public transport (buses) being sited adjacent to the local centre and within 150m of sub-arterial Withers Road;
- The site is located directly opposite a public park, providing residents greater access to open space for enjoyment;
- To cater for the changing needs of residents and aging households, 18 units (11.4%) are capable of adaptation for access by people with all levels of mobility. Ten (10) of these are specifically Specialist Disability Accommodation Units in accordance with the Standard issued under the National Disability Insurance Scheme (NDIS);

The proposed modifications are considered satisfactory with regard to the Central City District Plan.

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

The proposal has been assessed against the SEPP 65 Design Principles and the provisions of the Apartment Design Guide (ADG) as outlined below.

a. Design Quality Principles

The modification application was accompanied by a design verification statement prepared by Architex (Registered Architect No. 3972) with regard to the provisions of SEPP 65. The modification application has been assessed against the relevant design quality principles contained within the SEPP as follows:

(i) <u>Context and Neighbourhood Character</u>

The site is located in the North Kellyville Release Area within the Ridge Character Area. The Ridge Character Area is a suburban residential area located along a ridgeline where land is gently inclined and has good access to main roads and provides views overlooking rural landscapes to the east, and urban areas and the Blue Mountains to the west. Higher residential development is envisioned for the central section surrounding Withers Road due to gentler slopes and proximity to the North Kellyville Local Centre.

Site 2 is separated from land zoned R2 Low Density Residential by Culgoa Street to the north and Barry Road to the west; from land zoned B2 Local Centre by Sandbanks Avenue to the South; and from land zoned RE1 Public Recreation by Indwarra Avenue to the East. The site is located within the area that is intended for the greatest concentrations of height and density surrounding the North Kellyville Local Centre.

These factors illustrate that, in order to provide a satisfactory response to the immediately surrounding context and neighbourhood character, the site is intended to accommodate buildings of a height up to five storeys as is currently approved. The proposed modifications will not adversely impact on the identity of the area.

(ii) Built Form and Scale

Design elements incorporated into the proposal include variations in the facades with balcony projections, indentations, blade walls, and a variation in the roof and parapets. Aspects such as building depths, separation and street setbacks are generally consistent with the existing approval. The bulk and scale of the development is considered appropriate to the desired future character of the area.

(iii) Density

Appropriate densities are those that are consistent with the area's existing or projected outcome and are appropriate to the site and its context. As discussed in Section 6 of this report, the locality is currently subject to minimum density controls (the subject site being 20 dwellings per hectare), but is proposed under draft amendments to the SEPP (SRGC) to also be subject to a density cap.

The draft density range for Site 2 of between 20-100 dwellings per hectare equates to a minimum of 16.2 and maximum of 124 dwellings. The proposal for 158 units would result in a density of 128 dwellings per hectare, being a variation of 4 dwellings per hectare. However, this is a reduction from the approved density of 137 dwellings per hectare under development consent 1336/2012/JP/A (169 units).

Whilst the proposed density exceeds the draft cap, it is considered the additional density can be accommodated without adverse impacts on the residential amenity of the site itself and is a more favourable outcome than the 137 dwellings per hectare as currently approved.

(iv) Sustainability

The design achieves satisfactory natural ventilation which contributes to the overall reduction in energy consumption, resulting in a lower use of valuable resources and the reduction of costs. BASIX and NATHERS certificates have been lodged. The energy rating of the residential units has been assessed and satisfies the BASIX requirements.

(v) Landscape

The site will be landscaped appropriately. The proposed landscaping integrates with the overall appearance of the development. The proposed modifications result in a 4.41%

increase in soft landscaped areas and a 1.5% increase in deep soil planting due to a reduction in basement coverage and hard stand areas throughout the development.

(vi) Amenity

Building design elements of the proposal including proposed access/circulation, apartment layouts, ceiling heights, private open space, common open space, and energy efficiency ratings adaptability and diversity contribute to positive amenity outcomes for future residents.

The proposed modification increases landscaped and deep soil areas within the site and accommodates for the elderly and disabled members of the community with adaptable units including specialist NDIS compliant units.

(vii) Safety

The proposed modifications achieve an appropriate level of safety and security within the development, with regard to the public domain and consideration to the principals and strategies outlined in Crime Prevention Through Environmental Design (CPTED).

(viii) Housing Diversity and Social Interaction

The development provides for an appropriate range of units types and sizes which respond appropriately to the site's social context.

(ix) Aesthetics

The proposal generally retains the approved building form and scale. An appropriate composition of building elements, material textures and colours has been used in the proposed modified design of the building.

b. Apartment Design Guide

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

Clause	**Design Criteria**	**Compliance**
Siting		
Communal open space	25% of the site 50% of the area achieves a minimum of 50% direct sunlight for 2 hours midwinter.	Yes 2308m^2 of communal open space is provided covering 28.3% of the site. This includes the additional roof terrace added to Block E under this modification. At least 50% of the communal open space receives minimum 2 hrs direct sunlight to 50% in 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	Yes 701m^2 of deep soil zones are

<table>
<tr><td></td><td>area of 650-1500m^2 and 15% for sites greater than 1500m^2.</td><td>provided covering 8.6% of the site.</td></tr>
<tr><td>Separation</td><td><table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>4 storeys</td><td>6m</td><td>3m</td></tr><tr><td>5-8 storeys</td><td>9m</td><td>4.5m</td></tr></table>
Distances are to be combined for buildings on the same site according to habitable/non-habitable room type.

No separation is required for blank party walls.</td><td>Yes

Adequate separation and interface conditions have been provided between habitable room windows and balconies to ensure visual privacy is achieved.</td></tr>
<tr><td>Visual privacy</td><td>Visual privacy is to be provided through use of setbacks, window placements, screening and similar.</td><td>Yes

Solid walls to balconies and window placement are proposed where appropriate.</td></tr>
<tr><td>Carparking</td><td>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:

Metropolitan Sub-Regional Centres:

0.6 spaces per 1 bedroom unit.
0.9 spaces per 2 bedroom unit.
1.40 spaces per 3 bedroom unit.
1 space per 5 units (visitor parking).</td><td>N/A – the site is not located within a metropolitan sub-regional centre.

However, the proposed 347 car parking spaces comply with this requirement and the DCP. DCP Parking requirements discussed in Section 9 of this report.</td></tr>
<tr><td colspan="3">Designing the Building</td></tr>
<tr><td rowspan="2">Solar and daylight access</td><td>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.</td><td>No - variation is discussed below this table.

63.3% of apartments (100) receive more than 2 hours of sunlight between 9am and 3pm midwinter.</td></tr>
<tr><td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</td><td>No - variation is discussed below this table.

29.7% of apartments (47) receive no direct sunlight between 9 am and 3 pm at</td></tr>
</table>

		mid-winter.
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. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	**No - variation is discussed below this table.** 86 out of 158 apartments are cross ventilated (54.4%).
Ceiling heights	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 30^0 minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes 3m floor to floor heights allow for ceiling heights of: 2.7 m – habitable rooms 2.4 m – non-habitable room
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m^2 1 bedroom – 50m^2 2 bedroom – 70m^2 3 bedroom – 90m^2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes Minimums: One-bed – 55m^2 Two-bed – 75m^2 Three-bed – 95m^2 All habitable rooms have windows greater than 10% of the floor area of the room.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.	Yes All rooms comply.

	In open plan layouts the maximum habitable room depth is 8m from a window. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts	
Balcony area	The primary balcony is to be: Studio – 4m^2 with no minimum depth 1 bedroom – 8m^2 with a minimum depth of 2m 2 bedroom – 10m^2 with a minimum depth of 2m 3 bedroom – 12m^2 with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m^2 with a minimum depth of 3m is required.	Yes One-bed – 8m^2 + minimum 2m depth Two-bed – 10 m^2 + minimum 2m depth Three-bed – 12m^2 + minimum 2.4m depth Ground Level units POS – 15m^2 minimum with 3m minimum depth
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Yes Common circulation and spaces are as existing approved with no significant modification proposed. N/A
Storage	Storage is to be provided as follows: Studio – 4m^3 1 bedroom – 6m^3 2 bedroom – 8m^3 3+ bedrooms – 10m^3 At least 50% of the required storage is to be located within the apartment.	Yes One-bed – 6m^3 Two-bed – 8m^3 Three-bed – 10m^3 50% is in the apartment
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.	Apartment mix is considered satisfactory. One-bed – 33 units Two-bed – 100 units Three-bed – 25 units

(i) Solar and Daylight Access

Objective 4A-1 of the ADG is as follows:

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

The ADG design criteria in support of this objective specify:

1. *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas*
2. *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter*
3. *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter that between 9 am and 3 pm at mid-winter; living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight, and a maximum of 15% of apartments in a building are to receive no direct sunlight.*

With respect to Criterion No. 1, 63.3% of units (100) receive more than 2 hours of sunlight between 9am and 3pm midwinter, a variation shortfall of 6.7%. This is a reduction from the existing approval (as modified) where 70.4% of units receive 3 hours direct sunlight.

Criterion No. 2 is not applicable to this development.

With respect to Criterion No. 3, 29.6% of units (47) receive no direct sunlight between 9 am and 3 pm at mid-winter. This remains in accordance with the existing approval as modified.

The Applicant has offered the following with respect to the variations:

> *The variance in metrics to the original DA stems directly from the updated apartment mix. 20 x 1 bed-apartments (with northern aspect) have been converted across to 10 3-bed apartments. This directly seeks to accommodate the needs of larger households, consistent with the demographics and family household structures of The Hills Shire. The building form, scale, envelope etc remains largely unchanged.*
>
> *The current modifications do not exacerbate or diminish the number of units receiving solar access.*
>
> *The number of units achieving over two (2) hours is 100 residential units or 63.3% of the total. A total of 47 units, or 29.6% do not receive solar access in mid-winter and these are located along Sandbanks Avenue and Barry Road street frontages. These are units which are not being modified from the original consent.*

Comment:

The proposed modification largely retains the existing building form and footprint. Internal reconfigurations and consolidation of 1 bedroom units are proposed to achieve an overall increase in 2 bedroom and 3 bedroom units. Through the consolidation of northern facing, solar access compliant 1 bedroom units into a smaller number of larger 3 bedroom units, this has resulted in an overall percentage decrease in apartments receiving minimum solar access. It is acknowledged that the modification does not achieve this reduction by seeking to increase the number of apartments receiving no solar access. The number of apartments receiving no solar access between 9am and 3pm midwinter remains consistent with the existing approval as modified.

With respect to design guidance, the design is considered to maximise the northern aspect while working within the confines of the current approved building forms.

The proposal is considered to achieve the design objective intent and the non-compliances with the design criteria in support of the objective are considered acceptable in this instance.

(ii) Natural Ventilation

Objective 4B-3 of the ADG is as follows:

- *The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents*

The ADG design criteria in support of this objective specify:

1. *At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.*
2. *Further, overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.*

With respect to Criterion No. 1, 54.4% or 86 out of 158 apartments are cross-ventilated, a variation shortfall of 5.6%. For comparison, the existing approval as modified (1336/2012/JP/A) permitted a variation for 56.8% of units to be cross ventilated (96 out of 169 units). The original approval 1336/2012/JP permitted a variation for 49% to be cross ventilated (61 out of 124 units).

With respect to Criterion No. 2, overall depths of cross-over or cross-through apartments are a maximum of 17m with a maximum of 18m for all other units. This meets design criterion No. 2 and also remains consistent with the existing approval as modified.

The Applicant has offered the following with respect to the variation:

> *The reduction of cross ventilated units is due to the reconfiguration of units to better address market needs.*
>
> *Per other design considerations, the variance in metrics to the original DA stems directly from the updated apartment mix. 20 1 bed-apartments (with northern aspect) have been converted across to 10 3-bed apartments. This directly seeks to accommodate the needs of larger households, consistent with the demographics and family household structures of The Hills Shire. The building form, scale, envelope etc remains largely unchanged.*
>
> *The current modifications do not exacerbate or diminish the number of units receiving natural ventilation.*
>
> *The number of units achieving cross-ventilation is 86 residential units or 54.0 % of the total. This is due to the approved design which comprises of an extensive number of single-aspect units, particularly in Building F. Many of these units are being retained and are not affected by the proposed modifications.*
>
> *The ADG is only a guideline and does not require strict compliance. This is an issue that is not affected by the proposed modifications, as the number of units in the total development is being reduced from 169 units to 159 units, not increased.*

We believe the non-compliance is not a result of the proposed modifications being sought.

Comment:

The proposed modification largely retains the existing building form and footprints. Internal reconfigurations and consolidation of 1 bedroom units are proposed to achieve an overall increase in 2 bedroom and 3 bedroom units. The decrease in 10 units that are naturally cross-ventilated from the existing approval (as modified) is a direct result of the overall reduction of 11 units in the development.

At 54.4% of apartments cross-ventilated, this is slightly lower than the 56.6% of apartments cross-ventilated under the existing modified approval but higher than the 49% of apartments that were cross-ventilated under the original approval.

With respect to achieving the objective, the development does meet design criteria No. 2; that is, the overall depth of cross-over or cross-through apartments does not exceed 18m. The variation sought to design criterion No. 1 is slightly greater than the existing modified approval but a better outcome than the original proposal. With respect to the design guidance, the buildings include dual aspect apartments, cross through apartments and corner apartments, and limiting apartment depths. The proposal is considered to achieve the design objective intent and the non-compliance with design criterion No. 1 in support of the objective is considered acceptable in this instance.

9. North Kellyville Precinct Development Control Plan 2018

The North Kellyville Precinct Development Control Plan (North Kellyville DCP) applies to the subject application. Specifically, Part 4 of the DCP establishes controls for residential development. An assessment of the key controls established under the DCP for the site is provided in the table below.

CLAUSE	REQUIREMENTS	PROPOSED	COMPLIANCE
2.4.1 Residential Density	Zone R3: Minimum 20 dw/ha	The proposed modification achieves the minimum residential density target with 158 dwellings proposed where minimum 16.2 dwellings are required.	Yes
4.3.4 Controls for residential flat buildings, manor homes and shop top housing	2. Residential flat buildings are to: • Be located on sites with a minimum street frontage of 30m, and • Have direct frontage to an area of the public domain (including streets and public parks), and • Not adversely impact upon the existing future amenity of any adjoining land upon which residential	The site meets minimum street frontages and has direct frontage to land zoned RE1 Public Recreation opposite the site on Indwarra Avenue. The proposed modified development is not considered to adversely impact upon the existing future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact,	Yes

CLAUSE	REQUIREMENTS	PROPOSED	COMPLIANCE
	development is permitted with respect to overshadowing impact, privacy impact or visual impact.	privacy impact or visual impact.	
	3. All residential flat buildings are to be consistent with: • The guidelines and principles outlined in SEPP 65 • Primary controls set out in Table 18	The proposed modification is considered consistent with the principles contained in SEPP 65 and satisfactory with respect to the controls set out in Table 18.	Yes
	4. All RFBs containing 10 dwellings or more, a minimum of 10% of all apartments to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes 'pre-adaptation' design details to ensure visitability is achieved.	18 units (11.4%) are capable of adaptation.	Yes
	5. Where possible, adaptable dwellings are to be located on the ground floor. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	Lift access available within all buildings which also provide access to basement car parking.	Yes
	6. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being	An Access Report, prepared by accredited Access Consultants, was submitted with the modification application. The report advises that through compliance with its	Yes

CLAUSE	REQUIREMENTS	PROPOSED	COMPLIANCE
	modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	recommendations, the development will comply with the relevant requirements of the Australian Adaptable Housing Standard (AS 4299). Appropriate consent conditions have been modified (Refer Condition 44).	
Table 18 Key controls for residential flat buildings, manor homes, and shop top housing R3 Zone (Residential Flat Buildings)	Max. Site Coverage: 50% of site area	The modification proposes site coverage of 3,615.3m^2 or 44.4%.	Yes
	Landscaped area (minimum): 30% of site area	The modification proposes 1,968.9m^2 of landscaped area totalling 24.18% of site area.	**No – variation discussed below this table.**
	Communal open space: 15% of site area	The modification proposes 2,308.2m^2 of communal open space totalling 28.3% of site area.	Yes
	Principal Private open space: Min. 10m2 per dwelling with min. dimension of 2.5m	Provided.	Yes
	Front setback (min.): 4.5m	1.2m	No. The existing approval permitted a variation to the articulation zones down to 1.2 metres. The same setbacks are proposed in this modified design.
	Corner lots setback (min): 6m	1.2m	No. The existing approval permitted a variation to the articulation zones down to

CLAUSE	REQUIREMENTS	PROPOSED	COMPLIANCE
			1.2 metres. The same setbacks are proposed in this modified design.
	Side setback (min): 6m	N/A as all buildings have frontage to public roads.	N/A
	Rear setback: 6m	N/A as all buildings have frontage to public roads.	N/A
	Zero lot line (min): Not permitted	N/A as all buildings have frontage to public roads.	N/A
	Habitable room/ balcony separation distance for buildings 3 storeys and above (min): 12m	Minimum 12.34m separation is provided.	Yes
	Car parking spaces: • 1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwellings • 1 visitor car parking space per 5 apartments • Bicycle parking spaces: 1 per 3 dwellings	The current DCP controls require: • 171 resident spaces • 32 visitor spaces • 53 bicycle spaces The modification proposes: • 283 resident spaces • 52 visitor spaces • 63 bicycle spaces	Yes

a. Landscaped Area

The North Kellyville Development Control Plan specifies for residential flat buildings in the R3 zone that landscaped areas are to be minimum 30% of the site area.

The modification proposes 1,968.9m^2 of landscaped area totalling 24.18% of site area, a shortfall of 5.82%.

The Applicant submitted a landscape area comparison plan which shows the existing approval as modified only containing 1608.4m^2 of landscaped area or 19.75% of site area (refer Attachment 14).

The Applicant has offered the following with respect to the variation:

> *Revised calculations of soft landscaping total 1,859.87 m2 (22.83%) of this site 2, noting that this forms part of a broader area. This has been reduced from the S4.55 modification as lodged (24.74%) as a direct result of the additional drive-way/ramp areas associated with lower gradients with a 3.5m height clearance. In addition, a larger garage collection area has been accommodated within the site along Culgoa Street – whereas the approval bin collection was along the street kerb in Indwarra Ave.*
>
> *The following may also be useful to note:*

- *Site coverage has been decreased from 3636m2 to 3615m2*
- *Deep soil area has been increased from 569m2 to 752m2.*
- *The existing DA consent for site 2 includes 1,608m2 (19.75%)*

On the basis of the above, the intended development outcome is considered both appropriate and favourable.

The North Kellyville DCP does not contain specific objectives for landscaped area. The applicable general objectives for residential flat buildings contained under Clause 4.3.4 are listed below:

a. *To establish a high quality residential environment where all dwellings have a good level of amenity.*
b. *To encourage a variety of housing forms within residential areas.*
c. *To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*
d. *To ensure shop top housing and mixed use developments are appropriate in terms of form and scale for their location.*
e. *To ensure shop top housing and mixed use developments reflect the role of centres as articulated within Council's Centres Direction.*

Comment:

The landscaped area comparison plan provided by the Applicant shows that whilst the total landscaped area is less than the 30% minimum required by the DCP, the proposed modification increases the amount of landscaped area from the existing approval as modified. This has been achieved through the introduction of rooftop communal open space on Building E, and the reduction of site coverage and impervious surfaces throughout the development. The proposed modification is considered to be consistent with the relevant DCP objectives; particularly, contributing to a high quality residential environment where all dwellings have a good level of amenity. The variation is considered acceptable on merit.

10. Issues Raised in Submissions

Four (4) submissions were received during the original notification period. No further submissions were received during the second or third notification periods. The issues raised in the submissions are summarised below:

ISSUE/OBJECTION	COMMENT
An owner of a property in Culgoa Street North Kellyville raised concern with their home facing towards to proposed development. They did not expect any privacy impacts from the development or accept balconies facing towards Culgoa Street.	The original approval was granted in 2012 and subsequent modified approval in 2014 prior to the subdivision and registration of low density residential zoned land along Culgoa Street and Indwarra Avenue to the north. The proposed modification retains the bulk and scale of the existing approval as modified. External elements such as balcony locations to Culgoa Street are generally consistent with the existing approval as modified. It would be unreasonable under this

ISSUE/OBJECTION	COMMENT
	modification application to request the applicant to remove approved balconies to Culgoa Street.
An objector raised concern with the ability to construct residential flat buildings in the R3 Medium Density Residential Zone under the Hills Local Environmental Plan 2012 where they are prohibited in the R3 Zone. They advised the interactive map on The Hills Shire Council website displayed contradictory information regarding zoning. They advised the property information disclosed in The Hills Shire Council website on medium density residential living played a crucial part in their decision to purchase land in Indwarra Avenue, North Kellyville and may not have purchased if they had known otherwise.	The Hills Local Environmental Plan does not apply to the North Kellyville Precinct Growth Centre rather State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The Hills Interactive Map shows land zoning is set by the SEPP. The R3 Zone under the SEPP contains different permissible land uses to The Hills LEP, notably that it also permits residential flat buildings. As addressed in Section 3 of this report, residential flat buildings are permitted with consent in Zone R3 Medium Density Residential pursuant to the SEPP. It is noted the original approval was granted in 2012 and subsequent modified approval in 2014 prior to the subdivision and registration of low density residential zoned land along Culgoa Street and Indwarra Avenue to the north.
The relocation of the basement entry to Culgoa Street will create significant traffic congestion when 343 cars will try to compete with all the growing vehicular traffic from Culgoa Street, Nambung Street and Indwarra Avenue. The original approval rightfully separated this high density development with low density residential development to the north by keeping all vehicular and pedestrian traffic away from low density area. I request to maintain the road closure of Indwarra Avenue at the intersection of Culgoa Street such that no vehicles from this development interfere with the amenity of the low density residential area.	The application has been amended to relocate the access driveway to the basement back to Indwarra Avenue in response to concerns raised by Council staff and objectors. Indwarra Avenue is a through road as identified in the North Kellyville Precinct Indicative Layout Plan. The temporary cul-de-sac on Indwarra was in place until such time as the adjoining subdivisions along Indwarra Avenue to the north were registered and the remainder of Indwarra Avenue dedicated as public road. The temporary cul-de-sac was removed in early 2018 upon the completion of the abovementioned subdivision works along Indwarra Avenue to the north.
Barry Road is already very busy and with all the new development it is getting busier by the day. All the vehicles leaving Culgoa Street, Nambung Street and Indwarra Avenue are most likely to use Barry Road to go to their work or schools.	Barry Road is a collector street as identified in the North Kellyville Precinct Development Control Plan. Therefore its function is to collect traffic from local streets and carry a higher volume of traffic, linking neighbourhoods and centres and accommodating public transport routes.
Council in my view should notify this	Site 2, the subject parcel of this modification

ISSUE/OBJECTION	COMMENT
application with its correct address as approved by Council through a subsequent DA and it is now addressed to Indwarra Avenue. The Barry Road address is misleading and many people thought off it differently and have not objected.	application is known as 12-14 Barry Road and legally identified as Lot 2 DP 1187577. Whilst it contains four street frontages, it does not contain any secondary addresses allocated by Council. Therefore the only street address Site 2 is known as is 12-14 Barry Road and it cannot be notified as otherwise.
Based on Council's parking controls, the proposal only needs 341 parking spaces. The applicant's request to increase the number of parking spaces to 375 is unnecessary and will only encourage more reliance on vehicles and more congestion on local roads. Council/Panel should reject this part of the modification.	The current North Kellyville Development Control Plan 2018 sets minimum parking rates for residential flat building developments in the North Kellyville Growth Centre Precinct. The provision of parking spaces exceeds the minimum requirements of the DCP. There are no maximum parking space requirements in the DCP. In general, the provision of additional onsite parking spaces would likely reduce overflow demand for on-street parking surrounding the development which includes low density residential streets to the north such as Culgoa Street, Nambung Street and Indwarra Avenue.
The amended proposal is seeking more 2 and 3 bedroom units, compared to the original approval with 10 x 3 bedroom units including a study. It is unclear how this is achievable without increasing the GFA and building footprints.	The proposal seeks to reduce the number of 1 bedroom units from 67 to 33 in order to accommodate the increase in 2 bedroom and 3 bedroom units. An assessment of the proposal against the ADG is provided in Section 8 of this report. It is also noted the site is not subject to a Floor Space Ratio development standard.
What is the net loss of communal open space resulting from the proposed vehicular crossing off Culgoa Street and how much is that compensated through the proposed rooftop terrace. The approved ground floor level communal open space offers far better accessibility for all the approved units within Site 2. How can that be assured for a roof top terrace on Building E only? How the access to the roof top terrace will be maintained ensuring no privacy impact on properties across Culgoa Street including clear definition of non-trafficable parts of the subject roof?	In their response to Council's request for information, the applicant provided the following response: *"The integration of additional communal roof terrace on Block E increases the area available for the elderly and occupants who may find the Ground Floor Level inappropriate for their needs. Building E Common Open Space and access times will be regulated by the By-Laws.* *The rooftop open space is located at the Southern part of the development, significant distance from the Northern façade/Culgoa Street. The northern part is non-trafficable, being nominated for solar panels only (refer landscape plans 1908-*

ISSUE/OBJECTION	COMMENT
	S4.55 3-3 Rev C).
No details are provided on how the deep soil areas are increased as claimed throughout the statement of environmental effects (SEE) and other architectural design statements. The SEE and architectural design statement also claims that no changes are proposed to the landscaped areas and site coverage. This does not appear correct when the amended site plans are viewed that show additional structures to accommodate the new vehicular crossings.	The applicant submitted comparison plans of the approved and proposed site coverage, landscape areas and deep soil areas (refer Attachments 13, 14, 15) which show an overall slight reduction in site coverage and increase in landscaped and deep soil areas. Communal open space provided with the modification is 28.3% which complies with the ADG minimum requirement of 25%.
The design verification statement is mostly generic and includes motherhood statements. Subject site 2 has its main interface with Culgoa Street where the emerging built character is single and two storey dwelling houses that continues towards north of Culgoa Street and is totally ignored through the design verification statement, SEE and other statements/report. Council should take this opportunity to mitigate any impacts on new dwelling houses to the north of subject site by: • Carefully selecting colours and materials that are not striking to the local character and offers minimal glare due to north eastern and north western orientation; • Consider planter boxes along the balcony edges; • Choice of softer colours and materials for the upper floor such that their impacts are less imposing; and • Ensuring that no further reduction of already compromised building separation from development across Culgoa Street.	In their response to Council's request for information, the applicant provided the following response: *"The design verification statement has been updated to address the architectural drawings as modified. The proposed modifications seek to respond to the surrounding context, by recognising current trends in development within the surrounding locality of being a similar bulk and scale to that proposed. Such development consists of predominantly 1-bedroom and 2-bedroom units and do not accommodate for families greater than 3 individuals. The development as modified, will help fill the gap in the market to accommodate a family-oriented unit mix which is lacking within most residential flat building development.* *The schedule of materials and finishes minimises the use of glazing and incorporates deeper tones to avoid glare. Specifically, limited use of white tones on the northern façade of the building to further minimise glare. The selected colour scheme creates greater distinction between buildings and reduces the linear appearance to support its legibility.* *The building footprint has been reduced; therefore building separation has increased from the development located across Culgoa Street."*

ISSUE/OBJECTION	COMMENT
A revised acoustic impact assessment has not been submitted with the proposed modification application. The SEE states that it is not warranted as no significant changes are proposed. It is hard to understand how the acoustic impacts will not change considering new vehicular crossing from Culgoa Street and the roof top terrace. A revised acoustic impact assessment must be obtained prior to the determination of this application.	The application has been amended to relocate the access driveway to the basement back to Indwarra Avenue in response to concerns raised by Council staff and objectors. In their response to Council's request for information, the applicant submitted an Acoustic Assessment and provided the following response: *"A revised acoustic impact assessment has been provided per Council's request. An assessment of the communal open space as amended has indicated an overall compliance will be achieved."* Council's Environmental Health Team have reviewed the proposal and raised no objections with respect to acoustics.
The approved development is expected to continue for several years. Council should seek assurance that no construction vehicles or tradies' vehicles/trucks will be parked along Culgoa, Nambung and Indwarra Avenue to ensure residential amenity.	Condition 62 of the existing consent requires a construction management plan be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.
The original approval included the construction and embellishment works for the public park to be completed at Stage 1. The revised staging of the development has no mention of this public park. Council should ensure that the park is completed in a timely manner.	No revision of staging is proposed under this modification. This modification only relates to works on Site 2 which does not include the public park. It is also noted the public park has been dedicated to and now in the ownership of Council.
The original approval included large number of solar panels on rooftops including on Building E. The amended proposal has no mention on any solar panels and their location. Council should ensure that the proposal maintains the originally approved solar panels.	In their response to Council's request for information, the applicant provided the following response: *"Solar panels are incorporated into the overall design and area on the room of Block E and Block F2 is designated for solar panels. These are reflected in the updated architectural plans and landscape plans."*

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposed modifications.

Condition 14 is proposed to be amended with the modified proposal.

TRAFFIC MANAGEMENT COMMENTS

No objection raised to the proposed modifications.

TREE MANAGEMENT COMMENTS

No objection raised to the proposed modification.

Conditions 43G and 91D are proposed to be added which clarify consent for tree removal is included with the development and the tree removal requirements. Conditions 43F and 43H are proposed to be added regarding landscape planting and irrigation requirements.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposed modification.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposed modification.

Waste servicing arrangements for Site 2 are proposed to be modified from a bin chute and basement wheel-out / wheel-in kerbside collection arrangement to a permanent bin room at ground level with wheel-out / wheel-in kerbside collection. As a result a number of changes are proposed to waste conditions. Condition 38 is also proposed to be amended to separately detail bin requirements for Site 1 and Site 2 given the separate stages of development over each site. Proposed changes to waste conditions are as follows:

- Delete the following conditions:
    - *91a. Adherence to Operational Waste Management Plan (Blocks E, F1 and F2)*
    - *91b. Construction of Bulk Bin Hardstand Area (Blocks E, F1 and F2)*
    - *91c. Provision of No Parking Signs (Blocks E, F1 and F2)*
    - *107a. Bin Vehicle and Mover Trailer (Blocks E, F1 and F2)*
    - *115. Waste*
    - *116. Waste and Recycling Management (Blocks E, F1 and F2)*

- Delete and replace the following conditions:
    - *37. Commencement of Domestic Waste Services*
    - *38. Domestic Waste Management*
    - *107. Inspection of Bin Bay Storage Areas*

- Addition of the following conditions:

    - *43B. Provision of Kitchen Waste Storage Cupboard*
    - *43C. Communal Composting Areas*
    - *43D. Construction of Waste Storage Area*
    - *107B. Provision of Signage for Waste Storage Areas*
    - *117. Waste and Recycling Management*

FORWARD PLANNING COMMENTS

No objection raised to the proposed modification.

Condition 48 is proposed to be amended to update Section 7.11 development contributions for Site 2 to reflect the changes in unit numbers and mix.

LAND INFORMATION COMMENTS

No objection raised to the proposed modification.

Condition 43E is proposed to be added regarding property numbering for the development.

CONCLUSION

The modification application has been assessed against the relevant State Environmental Planning Policies, including SEPP (Sydney Region Growth Centres) 2006 and satisfies the requirements of these plans. The proposed development is also consistent with the relevant Directions for Liveability contained within the Central City District Plan under A Metropolis of Three Cities – the Greater Sydney Region Plan.

The modifications propose a density outcome that is generally consistent with the objectives of draft amendments to SEPP (Sydney Region Growth Centres) 2006. The approved density is reduced from an approved 137 to 128 dwellings per hectare, and is generally consistent with the desired future character of the area.

The proposed development has been assessed against the provisions of SEPP No. 65 – Design Quality of Residential Apartment Development including the design quality principles and Apartment Design Guide. The proposal is compliant with the key controls of the Apartment Design Guide with the exception of solar and daylight access, and natural ventilation. The variations solar and daylight access, and natural ventilation are considered acceptable as detailed in this report.

The proposed development has been assessed against the provisions of the North Kellyville Precinct Development Control Plan 2018 and is compliant with key controls with the exception of landscaped area and previously approved variations to setbacks. The variation to landscaped area is considered acceptable as detailed in this report.

Issues raised in submissions have been addressed in this report and do not warrant any further amendments to the application.

The Development Application has been assessed against the heads of consideration under Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, and is considered satisfactory. The proposal is considered to be substantially the same development as originally approved and is considered satisfactory with respect to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979. As proposed to be modified, building height, unit mix, basement reconfigurations, site coverage, and landscaped area result in substantially the same development as was originally approved.

The proposed modifications are recommended for approval subject to amended and additional conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within “Hills 2026 – Looking Towards the Future”. The proposed development provides for urban growth and a choice in housing within close proximity to the North Kellyville Local Centre.

RECOMMENDATION

Modification Application No. 1336/2012/JP/B be approved for the reasons listed below and subject to the following amended, new, and deleted conditions:

- The site is considered suitable for the development (as proposed to be modified).
- The proposed modifications result in an outcome that is substantially the same development as originally approved.
- The proposed modifications adequately satisfy the relevant state and local planning provisions.
- The proposed modifications will have no unacceptable impacts on the built or natural environments.
- The proposal is in the public interest.

GENERAL MATTERS

1. Condition 1 be deleted and replaced with:

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

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

The amendments in red include: -

- Site 2 – One additional tree is to be removed and one additional tree is to be retained. Refer Landscaped Plans listed below (1336/2012/JP/B).

REFERENCED PLANS AND DOCUMENTS – DA 1336/2012/JP

DRAWING NO.	DESCRIPTION	DATE
DA00	Cover Sheet	Issue 2
DA01	Site Analysis	Issue 2
DA02	Residential Parking – Lower Level	Issue 3
DA03	Basement Plan	Issue 3
DA04	Ground Floor Plan	Issue 4
DA05	Podium Level Plan	Issue 3
DA06	Typical Residential Plan	Issue 2
DA07	Typical Residential Level	Issue 2
DA07A	Typical Residential Level Site 2	Issue 1
DA08	Roof Plan	Issue 2
DA09	Setback Plan	Issue 2
DA10	Site 1 Withers Road Elevation	Issue 3
DA11	Site 1 Barry Road/Prop Road 1 Elevations	Issue 2
DA12	Site 1 Proposed Road 1 Elevation	Issue 2
DA13	Block F1 and F2 External Elevations	Issue 3
DA14	Site 2 Block E External Elevations	Issue 2
DA15	External Elevations Site 1	Issue 2
DA16	External Elevations Site 2	Issue 2
DA20	Site 1 Section Looking South	Issue 2
DA21	Site 1 Section Looking South	Issue 2
DA22	Site 1 Section Looking East/West	Issue 2
DA23	Site 1 Section Block B, C1, C2	Issue 2
DA24	Site 1 Section Block A2,D	Issue 2
DA25	Site 2 Sections Block E	Issue 2
DA26	Site 2 Section Block F1 and F2	Issue 2
DA50	Typical Apartments	Issue 2

DA51	Typical Accessible Apartments	Issue 2
DA52	Typical Driveway and Ramps	Issue 2
DA53	Typical Loading Dock	Issue 2
DA100	Shadow Analysis – Winter Solstice Sheet 1	Issue 2
DA101	Shadow Analysis – Winter Solstice Sheet 2	Issue 2
DA102	Shadow Analysis – Winter Solstice Sheet 3	Issue 2
DA103	Shadow Analysis – Winter Solstice Sheet 4	Issue 2
DA104	Shadow Analysis – Winter Solstice Sheet 5	Issue 2
DA110	Staging Diagrams	Issue 2
DA120	Perspective Views	Issue 2
---	Plan of Detail and Levels	Sheet 1 of 2 Sheets
---	Plan of Detail and Levels	Sheet 2 of 2 Sheets
001	Landscape Masterplan	Issue D
100	Landscape Masterplan Ground Level	Issue F
101	Landscape Detail Plan Ground Level	Issue F
200	Landscape Masterplan Podium Level	Issue E
201	Landscape Detail Plan Podium Level	Issue E
202	Landscape Detail Plan Podium Level	Issue E
502	Landscape Masterplan	Issue B
501	Landscape Masterplan	Issue C
601	Landscape Cross Sections Roadway Types	Issue D

REFERENCED PLANS AND DOCUMENTS – DA 1336/2012/JP/A

DRAWING NO.	DESCRIPTION	DATE
S2033	Staging	2014.07.01 Issue 1

REFERENCED PLANS AND DOCUMENTS – DA 1336/2012/JP/B (Site 2)

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
-	Cover Sheet	00	D	06/05/2020
-	Calculations	01	D	06/05/2020
-	Car Parking Calculations	01a	D	06/05/2020
02	Site Plan	2	D	06/05/2020
03	Basement Level 3	3	D	06/05/2020
04	Basement Level 2	4	D	06/05/2020
05	Basement Level 1 + Lower Ground Floor Level	5	D	06/05/2020
06	Ground Floor Level	6	D	06/05/2020
07	Level 1 Floor Plan	7	B	20/02/2020
08	Level 2 Floor Plan	8	B	20/02/2020
09	Level 3 Floor Plan	9	B	20/02/2020
10	Level 4 Floor Plan	10	B	20/02/2020
11	Roof Plan	11	B	20/02/2020
12	Elevations - Block E	12	B	20/02/2020
13	Elevations – Block F	13	D	06/05/2020
14	Internal Elevations	14	B	20/02/2020
15	Sections & Bin Room Details	15	D	06/05/2020
16	Typical Unit Layouts	16	B	20/02/2020
17	Typical Unit Layouts	17	B	20/02/2020
18	Typical Unit Layouts	18	B	20/02/2020
19	Typical Unit Layouts	19	B	20/02/2020
20	Typical Unit Layouts	20	B	20/02/2020
21	Driveway Section & Mailbox Details	21	D	06/05/2020

24	BASIX / NATHERS Commitments	24	D	06/05/2020
25	Building Height Plane Diagram	25	B	20/02/2020
19018 s4.55 1-3	Landscape Plan (West) (Amendments in red)	1	D	21/05/2020
19018 s4.55 2-3	Landscape Plan (East) (Amendments in red)	2	D	21/05/2020
19018 s4.55 1-3	Landscape Plan (Roof)	3	D	21/05/2020

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

2. Condition 3 be deleted and replaced with:

3. Provision of Parking Spaces and Use

The development is required to be provided with 1036 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These spaces are to comprise:

(i) 688 spaces for Site 1, including one accessible parking space per accessible residential unit (15 accessible units).
(ii) 347 spaces for Site 2, including one accessible parking space per accessible residential unit (18 accessible units).
(iii) All spaces within Site 2 are to be allocated for resident parking.
(iv) 53 of the residential visitor spaces within Site 1 are permitted to be used as 'dual use spaces', being spaces which are available for retail parking use during the day and available for residential visitor parking during the evening and overnight.

3. Condition 14 be deleted and replaced with:

14. Minor Engineering Works

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

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

a) Driveway Requirements

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

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

Specifically, only one driveway crossing is approved/ permitted.

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

b) Site Stormwater Drainage

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

4. Condition 37 be deleted and replaced with:

37. 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.

5. Condition 38 be deleted and replaced with:

38. Domestic Waste Management

SITE 1

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 14 x 660L bulk garbage bins and 38 x 240L recycling bins.

SITE 2

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 18 x 1100 litre bins (9 x garbage and 9 x recycling).

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area 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 walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area 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 area 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 area 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 area, 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 area 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 area 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, it is not to conflict with the space designated for the placement of bins.
- The waste storage area 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 area must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage area are to complement the design of the development.

- Example Bin Measurements (mm): 1100L: 1245 (d) 1370 (w) 1470 (h)

6. The addition of Condition 43B as follows:

43B. Provision of Kitchen Waste Storage Cupboard (Site 2)
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.

7. The addition of Condition 43C as follows:

43C. Communal Composting Areas (Site 2)
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.

8. The addition of Condition 43D as follows:

43D. Construction of Waste Storage Area (Site 2)
The Site 2 waste storage area must be designed and constructed in accordance with the requirements specified in Condition 38.

9. The addition of Condition 43E as follows:

43E. Property Numbering and Cluster Mail Boxes (Site 2)
The responsibility for property numbering is vested solely in Council. The property addresses for this development are: -

Building E = 2 Sandbanks Ave North Kellyville
Building F1 = 4 Sandbanks Ave North Kellyville
Building F2 = 51 Indwarra Ave North Kellyville

Further subdivision application is to be lodged to strata each building separately, therefore approved unit numbering is as per plans marked up within consent documentation; and as follows:

Level	**Building E**	**Building F1**	**Building F2**
Lower Ground	N/A	N/A	LG01 - LG13
Ground	G01 – G13	G14 - 17 & G35 - 36	G18 - G34
One	101 – 113	114 - 119	120 - 127
Two	201 – 213	214 - 215 & 233 – 236	216 – 232
Three	301 – 313	314 – 319	320 - 327
Four	401 – 413	414 – 419	N/A

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
One Cluster mail box for each building is to be located on Ground Floor at Residential Entry as shown on plans submitted marked as DWG No 04 & 05, Rev A dated 10/10/19.
The number of mail boxes to be provided within each cluster is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

10. The addition of Condition 43F as follows:

43F. Irrigation (Site 2)
Automatic watering system to be installed as a minimum to all common areas and planters on slab. 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.

11. The addition of Condition 43G as follows:

43G. Tree Removal (Site 2)
Approval is granted for the removal of 27 trees as located within the site boundaries on Landscape Plan prepared by Vision Dynamics revision D dated 21/05/20.

All other trees are to remain and are to be protected during all works.

12. The addition of Condition 43H as follows:

43H. Planting Requirements (Site 2)
All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs, grasses, and ground covers are to be provided in pot sizes as indicated on approved Landscape Plan Planting Schedule.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Condition 44 be deleted and replaced with:

44. Accessibility and Adaptability
(i) Fifteen (15) adaptable units are required to be provided on Site 1 and eighteen (18) adaptable units on Site 2.

(ii) Prior to issue of the Construction Certificate, a suitable qualified access consultant is required to confirm that the adaptable dwellings are capable of being modified to comply with the Australian Adaptable housing Standard AS 4299-1995.

14. Condition 46 be deleted and replaced with:

46. Bicycle Parking

(i) The provision and maintenance thereafter of bicycle racks to hold a minimum of 51 bikes within the retail parking area.

(ii) Each residential unit in Site 1 is to be provided with a minimum of 1 bike rack space within the basement carpark for the exclusive use of that unit. Adjacent to each lobby area, bike racks to hold a minimum 29 bikes are to be provided in the following locations for Site 1:
Block A1 - 3 racks
Block A2 - 2 racks
Block B - 2 racks
Block C1 - 2 racks
Block C - 2 racks
Block D - 3 racks

(iii) Site 2 is to be provided with a minimum of 63 bicycle rack spaces within the basement carpark for exclusive use of residents and their visitors.

15. Condition 48 be deleted and replaced with:

48. 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:-

Stage 2A

Stage 2A - Block E	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 20	No. of 2 Bedroom Units: 30	No. of 3 Bedroom Units: 15	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 117,099.20	$ 307,457.70	$ 208,625.70	$ 633,182.60	$ 13,908.38	**$ 619,274.22**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 18,293.60	$ 48,032.10	$ 32,592.15	$ 98,917.85	$ 2,172.81	**$ 96,745.04**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 9,255.40	$ 24,300.90	$ 16,489.50	$ 50,045.80	$ 1,099.30	**$ 48,946.50**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 68,901.00	$ 180,907.50	$ 122,755.05	$ 372,563.55	$ 8,183.67	**$ 364,379.88**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 17,139.80	$ 45,002.40	$ 30,536.40	$ 92,678.60	$ 2,035.76	**$ 90,642.84**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 7,533.20	$ 19,779.30	$ 13,421.25	$ 40,733.75	$ 894.75	**$ 39,839.00**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 3,909.80	$ 10,265.40	$ 6,965.70	$ 21,140.90	$ 464.38	**$ 20,676.52**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 9,525.00	$ 25,008.90	$ 16,969.95	$ 51,503.85	$ 1,131.33	**$ 50,372.52**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 923.00	$ 2,423.40	$ 1,644.30	$ 4,990.70	$ 109.62	**$ 4,881.08**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ 252,580.00**	**$ 663,177.60**	**$ 450,000.00**	**$ 1,365,757.60**	**$ 30,000.00**	**$ 1,335,757.60**

Stage 2B

Stage 2B - F1 + F2	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 13	No. of 2 Bedroom Units: 70	No. of 3 Bedroom Units: 10	Sum of Units	No. of Credits: ?	Total S7.11
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 76,114.48	$ 717,401.30	$ 139,083.80	$ 932,599.58	$ -	**$ 932,599.58**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 11,890.84	$ 112,074.90	$ 21,728.10	$ 145,693.84	$ -	**$ 145,693.84**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 6,016.01	$ 56,702.10	$ 10,993.00	$ 73,711.11	$ -	**$ 73,711.11**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 44,785.65	$ 422,117.50	$ 81,836.70	$ 548,739.85	$ -	**$ 548,739.85**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 11,140.87	$ 105,005.60	$ 20,357.60	$ 136,504.07	$ -	**$ 136,504.07**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 4,896.58	$ 46,151.70	$ 8,947.50	$ 59,995.78	$ -	**$ 59,995.78**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 2,541.37	$ 23,952.60	$ 4,643.80	$ 31,137.77	$ -	**$ 31,137.77**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 6,191.25	$ 58,354.10	$ 11,313.30	$ 75,858.65	$ -	**$ 75,858.65**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 599.95	$ 5,654.60	$ 1,096.20	$ 7,350.75	$ -	**$ 7,350.75**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ 164,177.00**	**$ 1,547,414.40**	**$ 300,000.00**	**$ 2,011,591.40**	**$ -**	**$ 2,011,591.40**

Stage 4

Stage 4	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 24	No. of 3 Bedroom Units: 18	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 52,694.64	$ 245,966.16	$ 250,350.84	$ 549,011.64	$ -	**$ 549,011.64**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 8,232.12	$ 38,425.68	$ 39,110.58	$ 85,768.38	$ -	**$ 85,768.38**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 4,164.93	$ 19,440.72	$ 19,787.40	$ 43,393.05	$ -	**$ 43,393.05**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 31,005.45	$ 144,726.00	$ 147,306.06	$ 323,037.51	$ -	**$ 323,037.51**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 7,712.91	$ 36,001.92	$ 36,643.68	$ 80,358.51	$ -	**$ 80,358.51**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 3,389.94	$ 15,823.44	$ 16,105.50	$ 35,318.88	$ -	**$ 35,318.88**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 1,759.41	$ 8,212.32	$ 8,358.84	$ 18,330.57	$ -	**$ 18,330.57**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 4,286.25	$ 20,007.12	$ 20,363.94	$ 44,657.31	$ -	**$ 44,657.31**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 415.35	$ 1,938.72	$ 1,973.16	$ 4,327.23	$ -	**$ 4,327.23**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ 113,661.00**	**$ 530,542.08**	**$ 540,000.00**	**$ 1,184,203.08**	**$ -**	**$ 1,184,203.08**

Stage 5

Stage 5	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 3	No. of 2 Bedroom Units: 15	No. of 3 Bedroom Units: 3	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 17,564.88	$ 153,728.85	$ 41,725.14	$ 213,018.87	$ -	**$ 213,018.87**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 2,744.04	$ 24,016.05	$ 6,518.43	$ 33,278.52	$ -	**$ 33,278.52**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 1,388.31	$ 12,150.45	$ 3,297.90	$ 16,836.66	$ -	**$ 16,836.66**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 10,335.15	$ 90,453.75	$ 24,551.01	$ 125,339.91	$ -	**$ 125,339.91**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 2,570.97	$ 22,501.20	$ 6,107.28	$ 31,179.45	$ -	**$ 31,179.45**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 1,129.98	$ 9,889.65	$ 2,684.25	$ 13,703.88	$ -	**$ 13,703.88**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 586.47	$ 5,132.70	$ 1,393.14	$ 7,112.31	$ -	**$ 7,112.31**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 1,428.75	$ 12,504.45	$ 3,393.99	$ 17,327.19	$ -	**$ 17,327.19**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 138.45	$ 1,211.70	$ 328.86	$ 1,679.01	$ -	**$ 1,679.01**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ 37,887.00**	**$ 331,588.80**	**$ 90,000.00**	**$ 459,475.80**	**$ -**	**$ 459,475.80**

Stage 6

Stage 6	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 25	No. of 3 Bedroom Units: 12	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 52,694.64	$ 256,214.75	$ 166,900.56	$ 475,809.95	$ -	**$ 475,809.95**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 8,232.12	$ 40,026.75	$ 26,073.72	$ 74,332.59	$ -	**$ 74,332.59**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 4,164.93	$ 20,250.75	$ 13,191.60	$ 37,607.28	$ -	**$ 37,607.28**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 31,005.45	$ 150,756.25	$ 98,204.04	$ 279,965.74	$ -	**$ 279,965.74**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 7,712.91	$ 37,502.00	$ 24,429.12	$ 69,644.03	$ -	**$ 69,644.03**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 3,389.94	$ 16,482.75	$ 10,737.00	$ 30,609.69	$ -	**$ 30,609.69**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 1,759.41	$ 8,554.50	$ 5,572.56	$ 15,886.47	$ -	**$ 15,886.47**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 4,286.25	$ 20,840.75	$ 13,575.96	$ 38,702.96	$ -	**$ 38,702.96**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 415.35	$ 2,019.50	$ 1,315.44	$ 3,750.29	$ -	**$ 3,750.29**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ 113,661.00**	**$ 552,648.00**	**$ 360,000.00**	**$ 1,026,309.00**	**$ -**	**$ 1,026,309.00**

Stage 7

Stage 7	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 0	No. of 2 Bedroom Units: 25	No. of 3 Bedroom Units: 7	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ -	$ 256,214.75	$ 97,358.66	$ 353,573.41	$ -	**$ 353,573.41**
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ -	$ 40,026.75	$ 15,209.67	$ 55,236.42	$ -	**$ 55,236.42**
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ -	$ 20,250.75	$ 7,695.10	$ 27,945.85	$ -	**$ 27,945.85**
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ -	$ 150,756.25	$ 57,285.69	$ 208,041.94	$ -	**$ 208,041.94**
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ -	$ 37,502.00	$ 14,250.32	$ 51,752.32	$ -	**$ 51,752.32**
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ -	$ 16,482.75	$ 6,263.25	$ 22,746.00	$ -	**$ 22,746.00**
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ -	$ 8,554.50	$ 3,250.66	$ 11,805.16	$ -	**$ 11,805.16**
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ -	$ 20,840.75	$ 7,919.31	$ 28,760.06	$ -	**$ 28,760.06**
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ -	$ 2,019.50	$ 767.34	$ 2,786.84	$ -	**$ 2,786.84**
Total	**$ 12,629.00**	**$ 22,105.92**	**$ 30,000.00**	**$ 30,000.00**	**$ -**	**$ 552,648.00**	**$ 210,000.00**	**$ 762,648.00**	**$ -**	**$ 762,648.00**

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated quarterly.

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 13.
Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

DURING CONSTRUCTION

16. Condition 79 be deleted and replaced with:

79. Compliance with BASIX Certificates

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 Nos. below are to be complied with.

- Site 1: 432548M, 432633M, 432626M, 432636M.
- Site 2: 537427M_02 (Block E), 537964M_02 (Block F).

Any subsequent version of either BASIX Certificate will supersede all previous versions of that certificate.

17. The deletion of Condition 91a.

18. The deletion of Condition 91b.

19. The deletion of Condition 91c.

20. The addition of Condition 91D as follows:

91D. Tree Removal & Fauna Protection (Site 2)

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

21. Condition 107 be deleted and replaced with:

107. 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.

22. The deletion of Condition 107a.

23. The addition of Condition 107B as follows:

107B. Provision of Signage for Waste Storage Areas (Site 2)
Prior to any Occupation Certificate being issued, 4 x full sets of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of all waste storage areas. 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

USE OF THE SITE

24. The deletion of Condition 115.

25. The deletion of Condition 116.

26. The addition of Condition 117 as follows:

117. Waste and Recycling Management (Site 2)
To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area, 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. The waste storage

area 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. The waste storage area must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

ATTACHMENTS

1. Locality Plan
2. Aerial Photo
3. Zoning Map
4. Building Height Map
5. Proposed Site Plan
6. Proposed Floor Plans
7. Proposed Roof Plan
8. Proposed Elevations
9. Proposed Sections
10. Proposed Landscape Plans
11. Building Height Comparison Plans
12. Building Height Plan Diagram
13. Site Coverage Comparison Plan (1336/2012/JP/A & Proposed)
14. Landscaped Area Comparison Plan (1336/2012/JP/A & Proposed)
15. Deep Soil Area Comparison Plan (1336/2012/JP/A & Proposed)
16. 1336/2012/JP Approved Plans for Site 2
17. 1336/2012/JP/A Approved Plans for Site 2
18. 1336/2012/JP Notice of Determination
19. 1336/2012/JP/A Notice of Determination

ATTACHMENT 1 – LOCALITY PLAN

☐	SUBJECT SITE
▨	SITE SUBJECT TO ORIGINAL DA 1336/2012/JP
✓	PROPERTIES NOTIFIED
●	SUBMISSIONS RECEIVED

NOTE: 1ST NOTIFICATION PERIOD - 4 SUBMISSIONS (1 OFF SCOPE OF MAP)
2ND NOTIFICATION PERIOD - NO SUBMISSIONS
3RD NOTIFICATION PERIOD - NO SUBMISSIONS

(SAME PROPERTIES NOTIFIED IN SECOND AND THIRD NOTIFICATION PERIODS PLUS OBJECTORS)

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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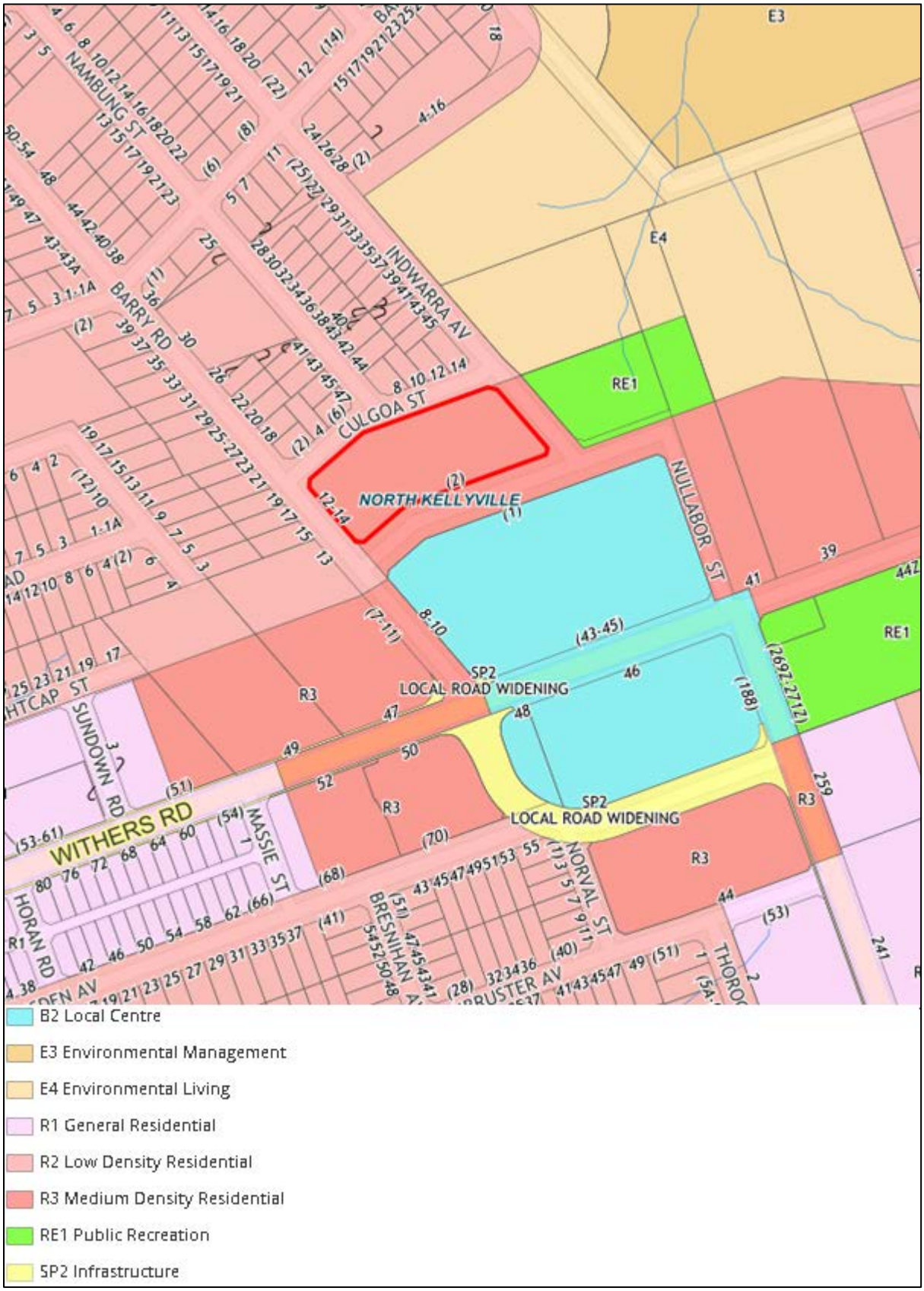
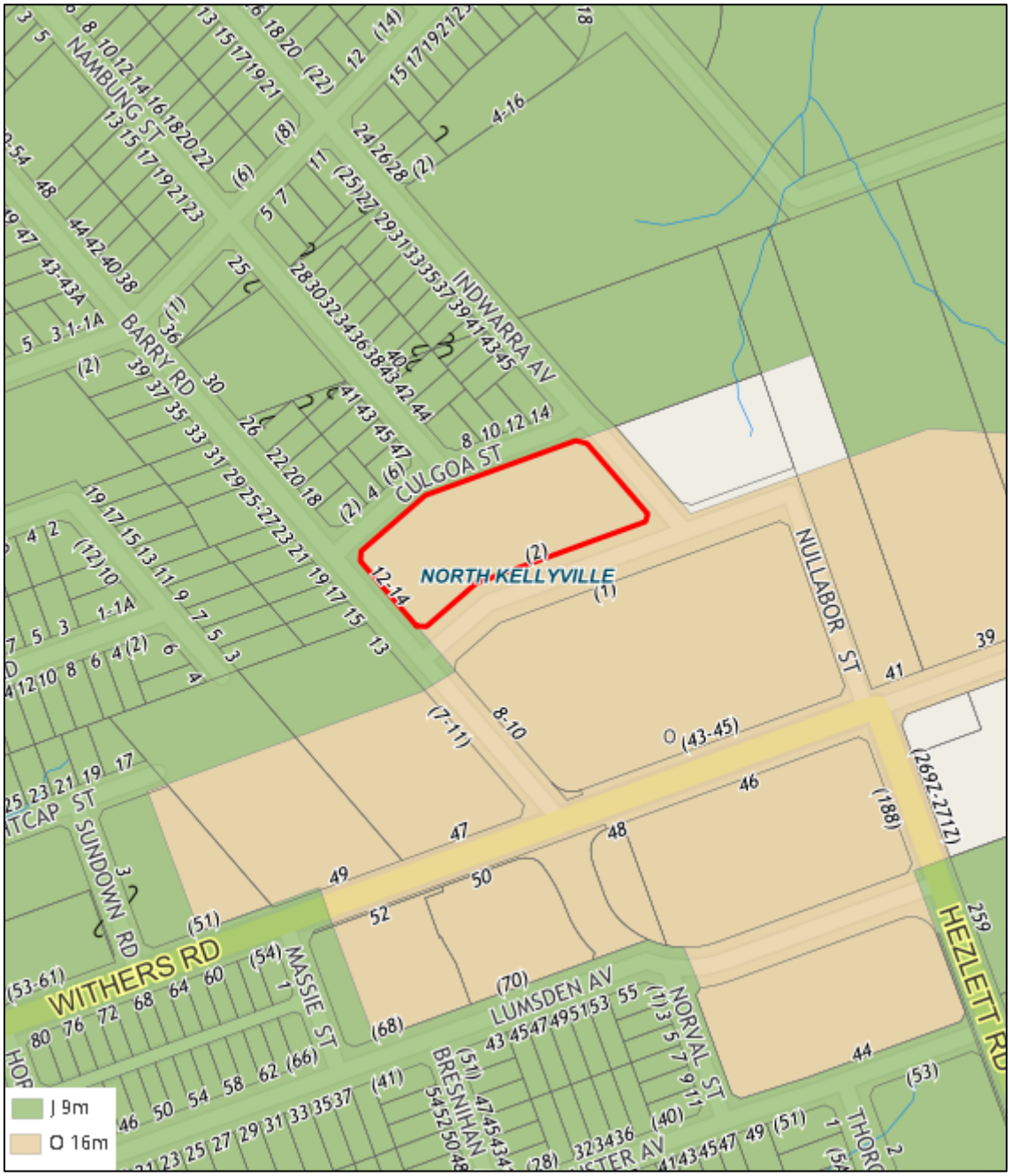
ATTACHMENT 2 – AERIAL PHOTO

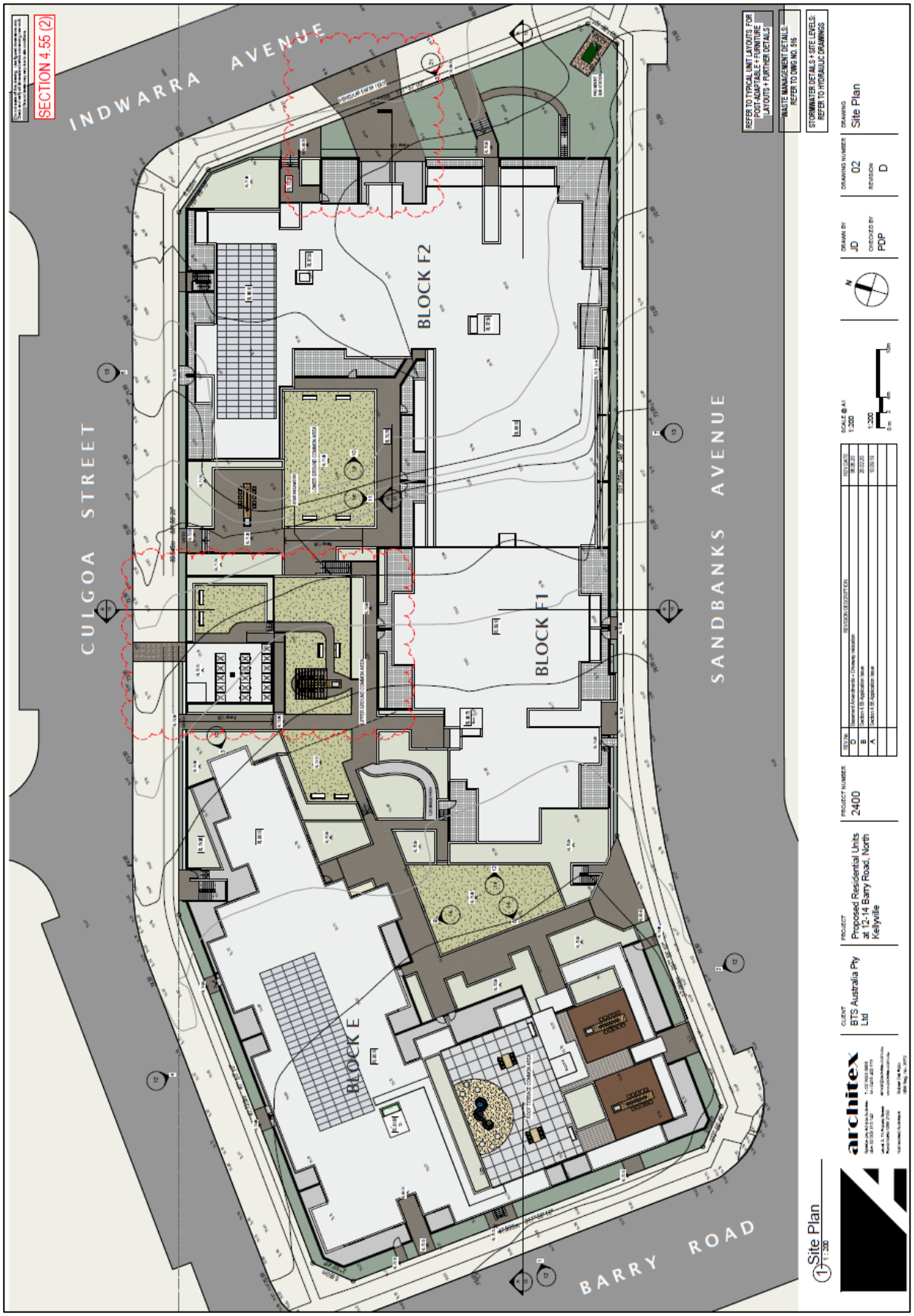
ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – BUILDING HEIGHT MAP



ATTACHMENT 5 – PROPOSED SITE PLAN (SITE 2)



ATTACHMENT 6 – PROPOSED FLOOR PLANS

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

SECTION 4.55 (2)

Carparking Legend

COLOUR	BUILDING	CARSPACES	ADAPTABLE	TOTAL	BASEMENT AREA
	Block E - Carspaces	100	10	110	4,535.16 m² approx.
	Block F1 - Carspaces	55	5	60	2,300.64 m² approx.
	Block F2 - Carspaces	102	11	113	5,356.53 m² approx.
	Visitors Carspaces	51	1	52	
	Other Carspaces	11	1	12	
				347	

PARKING SCHEDULE

Description	Count
Resident	265
Resident - Adaptable	18
Visitor	52
Service Parking	3
Electric Charging Bays	3
GoGet Parking	3
Taxi Bay	1
Carwash Bay	2
Community Bus	1
Motorcycle	7
Bicycle Rack (Fits 7 Bikes)	9

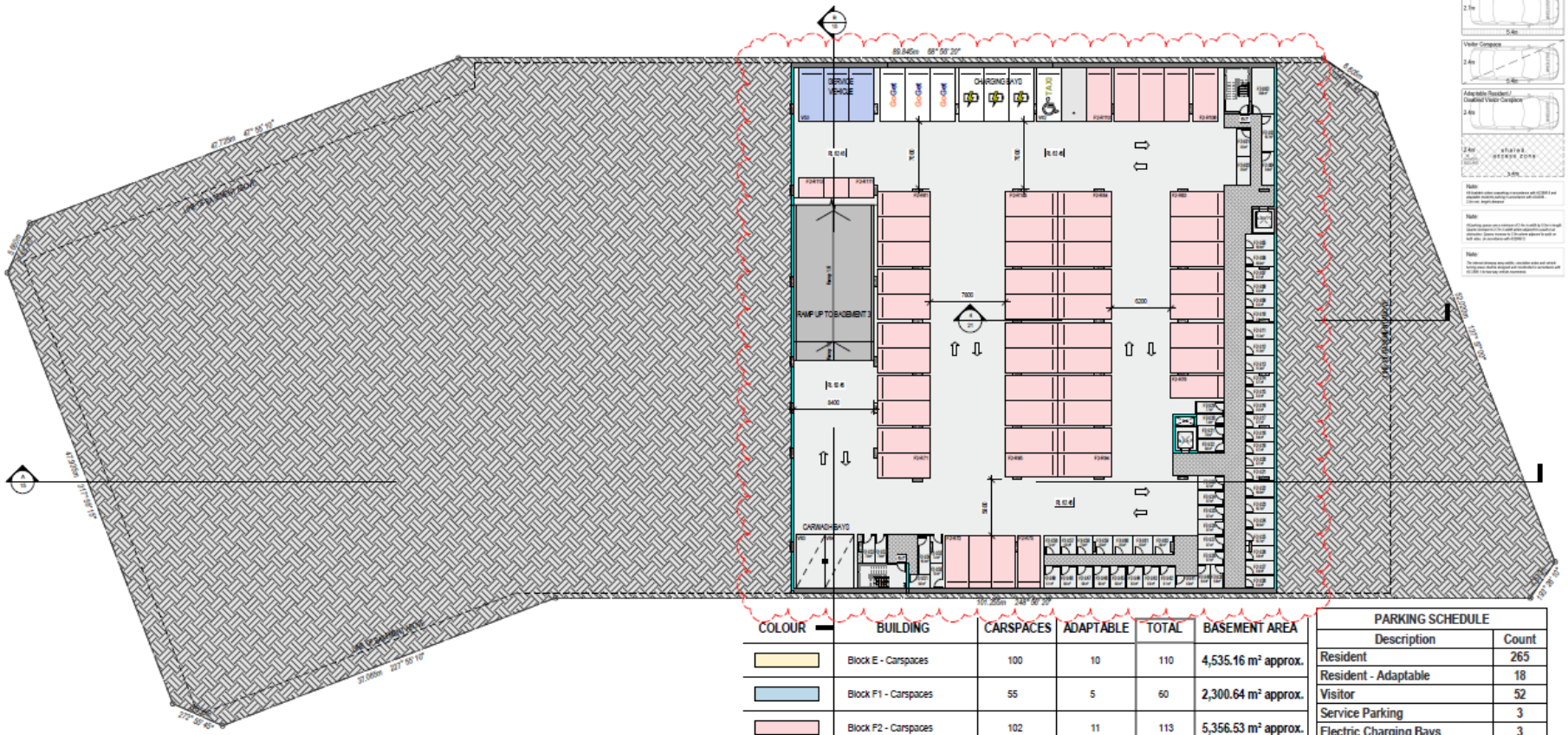
1 Basement Level 2
1 : 200

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

SECTION 4.55 (2)

Carparking Legend



COLOUR	BUILDING	CARSPACES	ADAPTABLE	TOTAL	BASEMENT AREA
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PARKING SCHEDULE	
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Service Parking	3
Electric Charging Bays	3
GoGet Parking	3
Taxi Bay	1
Carwash Bay	2
Community Bus	1
Motorcycle	7
Bicycle Rack (Fits 7 Bikes)	9

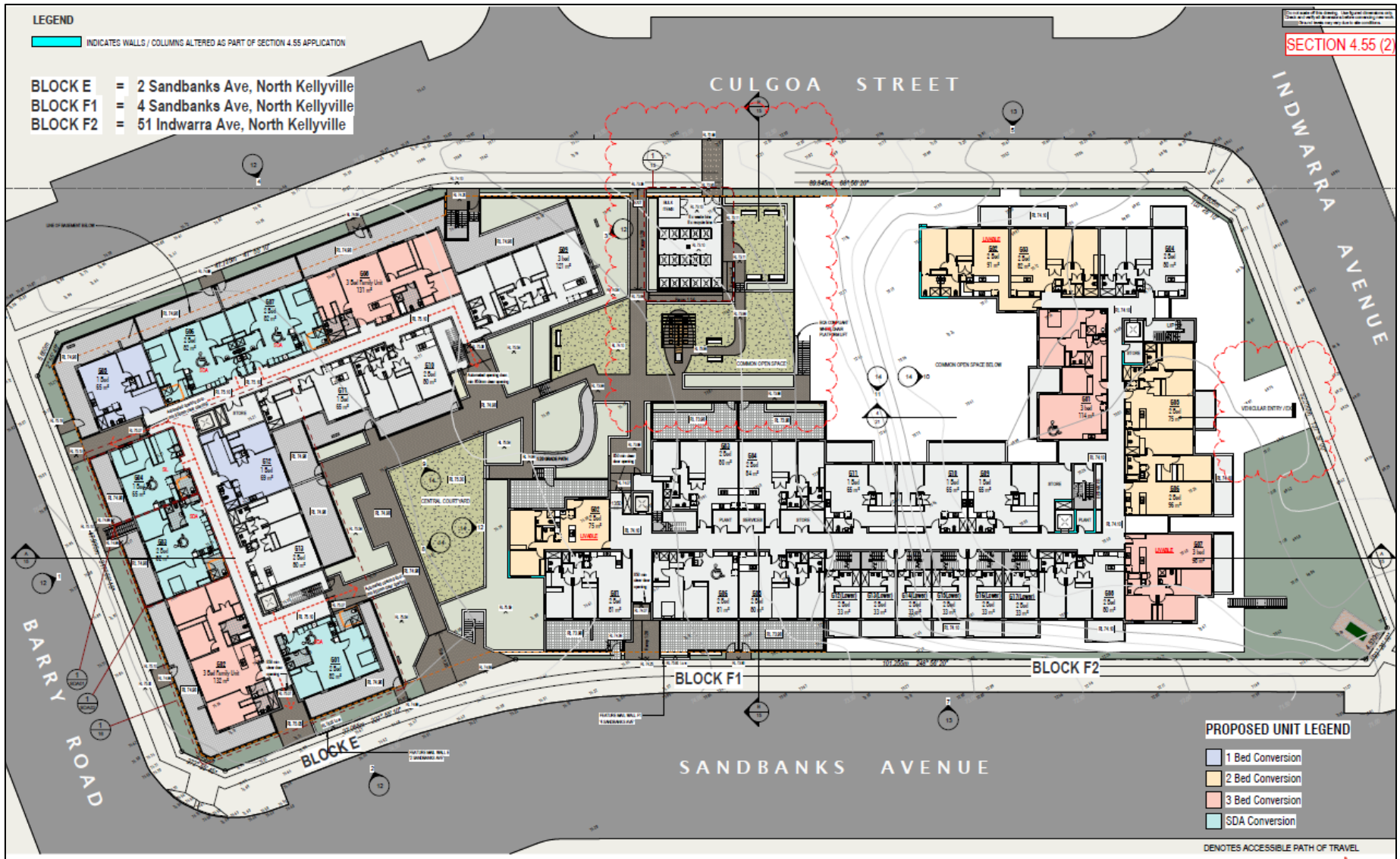
1 Basement Level 3
1 : 200

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

SECTION 4.55 (2)

BLOCK E = 2 Sandbanks Ave, North Kellyville
BLOCK F1 = 4 Sandbanks Ave, North Kellyville
BLOCK F2 = 51 Indwarra Ave, North Kellyville



PROPOSED UNIT LEGEND

- 1 Bed Conversion
- 2 Bed Conversion
- 3 Bed Conversion
- SDA Conversion

DENOTES ACCESSIBLE PATH OF TRAVEL

3 Ground Floor Level
1 : 200

architex

CLIENT: BTS Australia Pty Ltd

PROJECT: Proposed Residential Units at 12-14 Barry Road, North Kellyville

PROJECT NUMBER: 2400

REV No.	REVISION DESCRIPTION	REV DATE
D	Basement Amendments + Driveway relocation	06.05.20
B	Section 4.55 Application Issue	20.02.20
A	Section 4.55 Application Issue	10.09.19

SCALE @ A1: 1:200

DRAWN BY: JD
CHECKED BY: PDP
DRAWING NUMBER: 06
REVISION: D
DRAWING: Ground Floor Level

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

BLOCK E = 2 Sandbanks Ave, North Kellyville
BLOCK F1 = 4 Sandbanks Ave, North Kellyville
BLOCK F2 = 51 Indwarra Ave, North Kellyville

SECTION 4.55 (

PROPOSED UNIT LEGEND

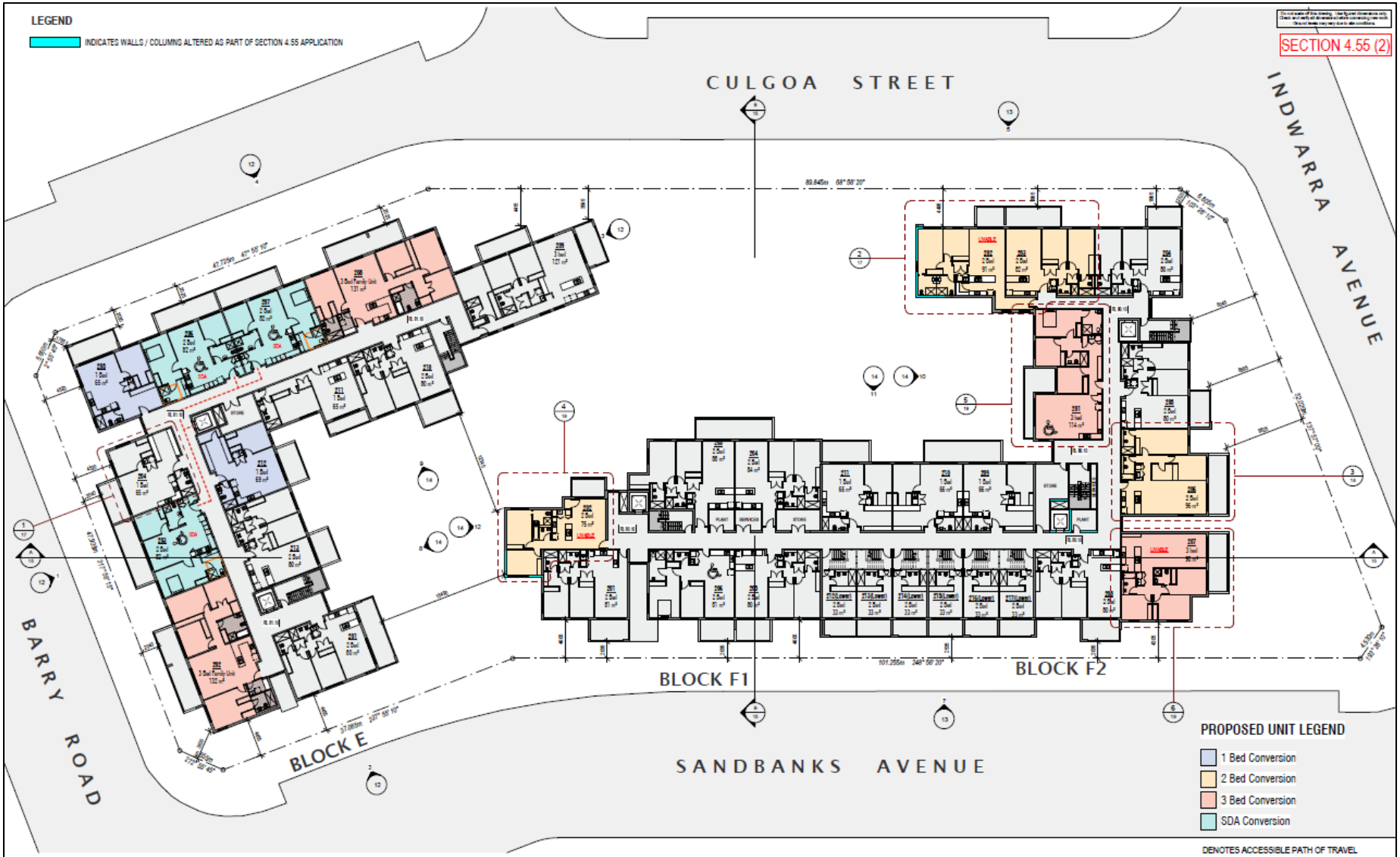
- 1 Bed Conversion
- 2 Bed Conversion
- 3 Bed Conversion
- SDA Conversion

DENOTES ACCESSIBLE PATH OF TRAVEL

④ Level 1
1:200

architex	CLIENT: BTS Australia Pty Ltd	PROJECT: Proposed Residential Units at 12-14 Barry Road, North Kellyville	PROJECT NUMBER: 2400	SCALE @ A1: 1:200	DRAWN BY: JD
					CHECKED BY: PDP
					DRAWING NUMBER: 07
					REVISION: B
					DRAWING: Level 1

REV No	REVISION DESCRIPTION	REV DATE
B	Section 4.55 Application Issue	20.02.20
A	Section 4.55 Application Issue	10.09.19



5 Level 2
1:200

architex

CLIENT	PROJECT	PROJECT NUMBER
BTS Australia Pty Ltd	Proposed Residential Units at 12-14 Barry Road, North Kellyville	2400

REV No	REVISION DESCRIPTION	REV DATE
B	Section 4.55 Application Issue	20.02.20
A	Section 4.55 Application Issue	10.09.19

SCALE @ A1
1:200

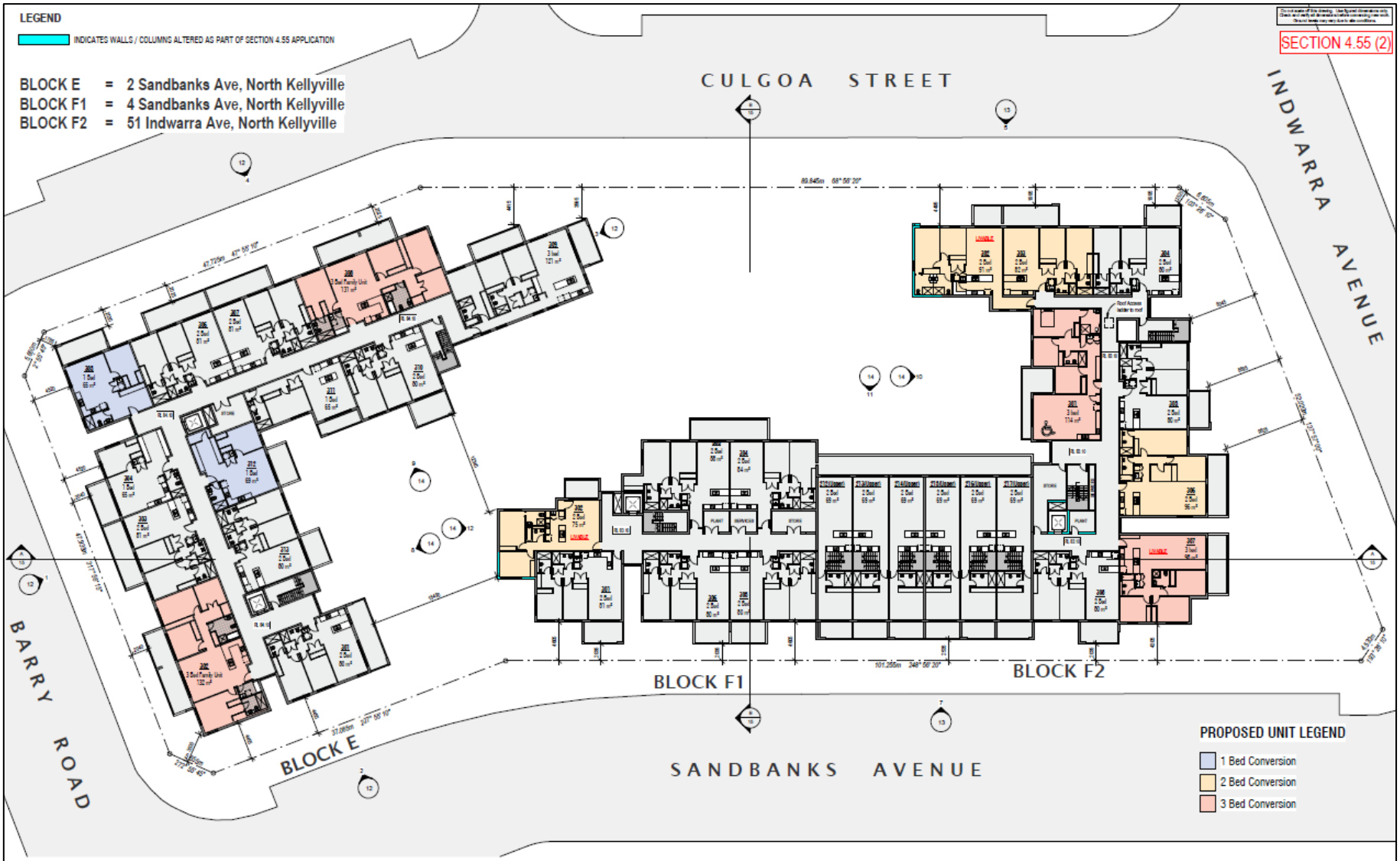
DRAWN BY	DRAWING NUMBER	DRAWING
JD	08	Level 2
CHECKED BY	REVISION	
PDP	B	

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

SECTION 4.55 (2)

BLOCK E = 2 Sandbanks Ave, North Kellyville
BLOCK F1 = 4 Sandbanks Ave, North Kellyville
BLOCK F2 = 51 Indwarra Ave, North Kellyville



6 Level 3
1:200

architex	CLIENT: BTS Australia Pty Ltd	PROJECT: Proposed Residential Units at 12-14 Barry Road, North Kellyville	PROJECT NUMBER: 2400

REV No	REVISION DESCRIPTION	REV DATE
B	Section 4.55 Application Issue	20.02.20
A	Section 4.55 Application Issue	10.09.19

SCALE @ A1: 1:200

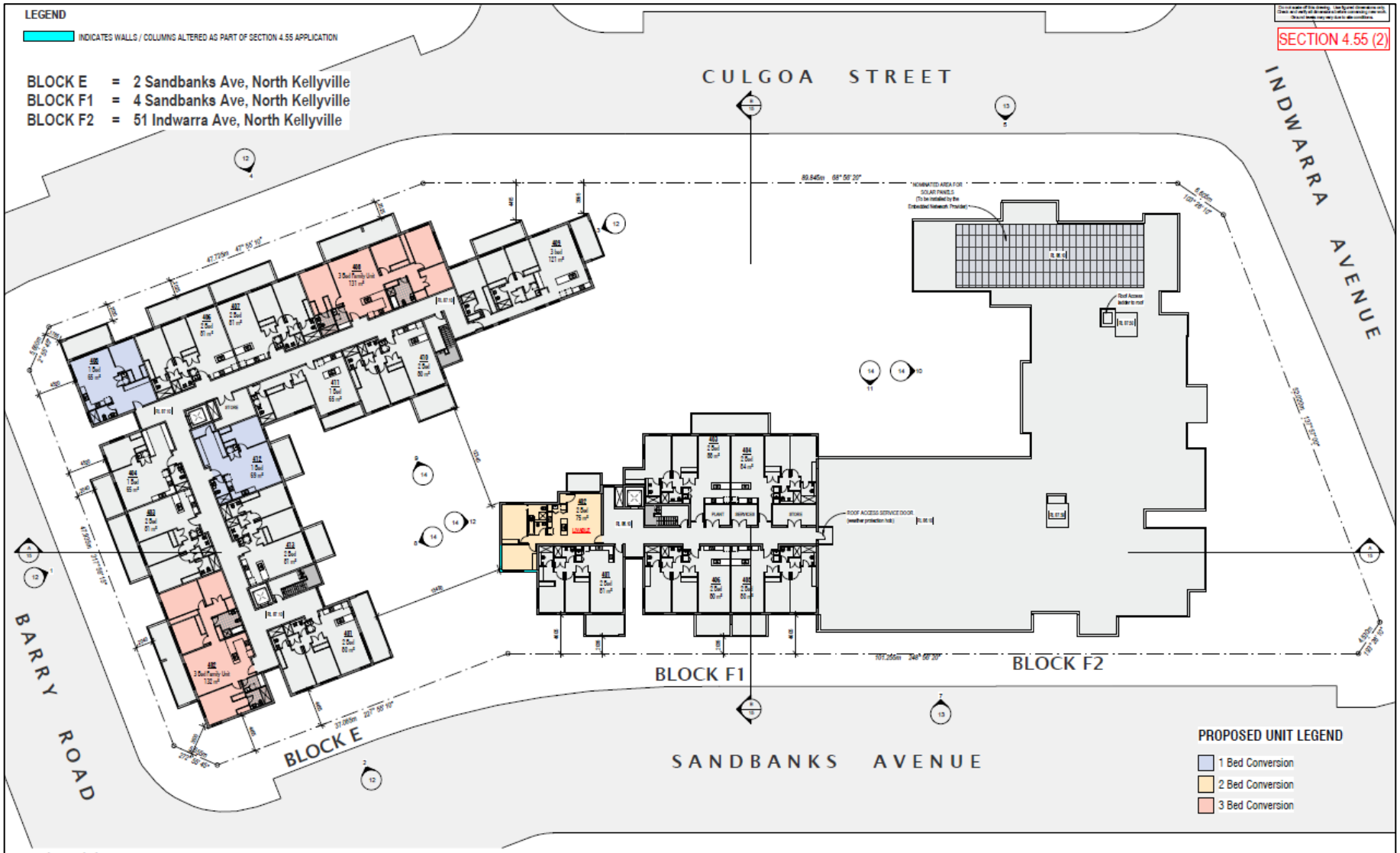
DRAWN BY: JD
CHECKED BY: PDP
DRAWING NUMBER: 09
REVISION: B
DRAWING: Level 3

LEGEND

INDICATES WALLS / COLUMNS ALTERED AS PART OF SECTION 4.55 APPLICATION

SECTION 4.55 (2)

BLOCK E = 2 Sandbanks Ave, North Kellyville
BLOCK F1 = 4 Sandbanks Ave, North Kellyville
BLOCK F2 = 51 Indwarra Ave, North Kellyville



7 Level 4
1 : 200

architex

CLIENT: BTS Australia Pty Ltd

PROJECT: Proposed Residential Units at 12-14 Barry Road, North Kellyville

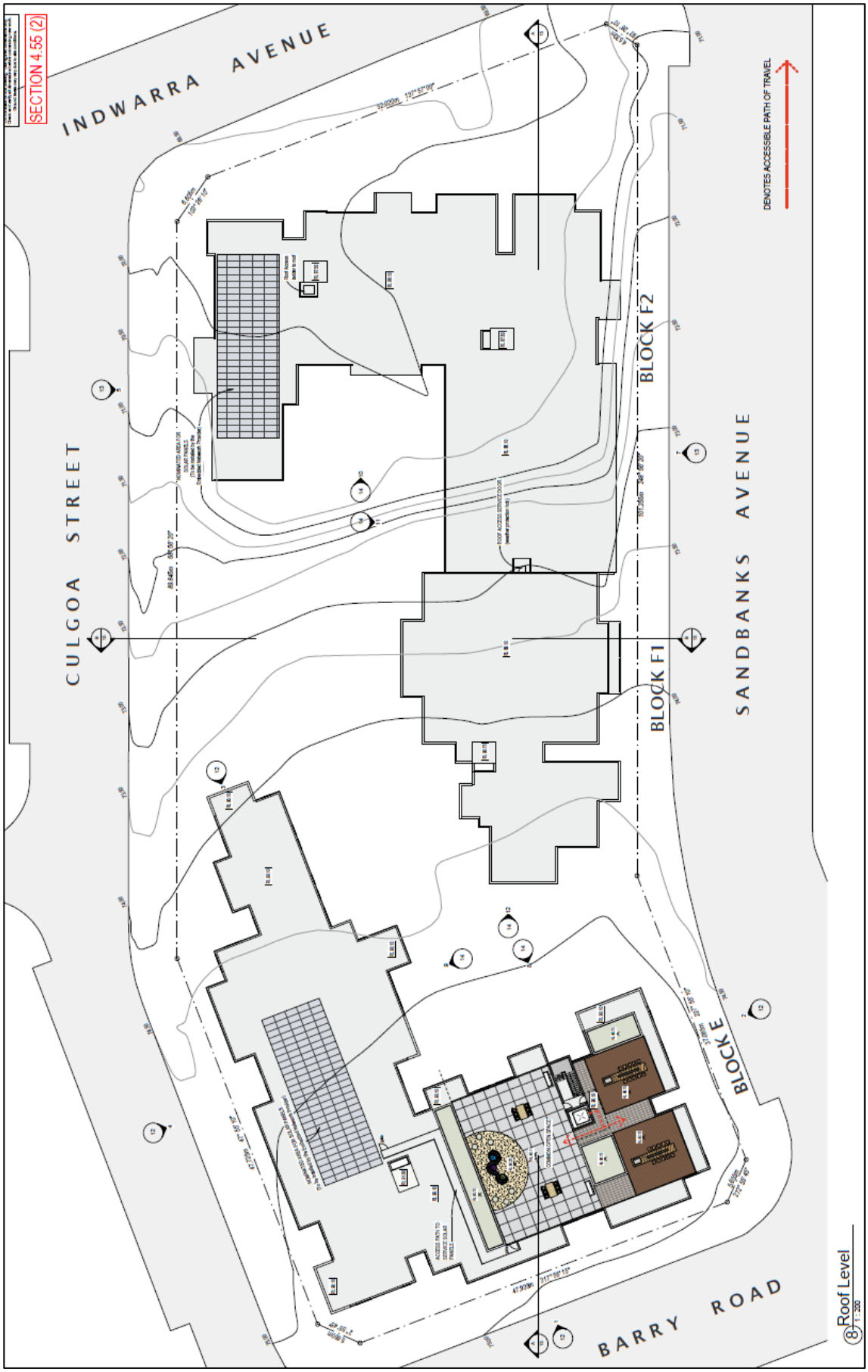
PROJECT NUMBER: 2400

REV No	REVISION DESCRIPTION	REV DATE
B	Section 4.55 Application Issue	26.02.20
A	Section 4.55 Application Issue	10.09.19

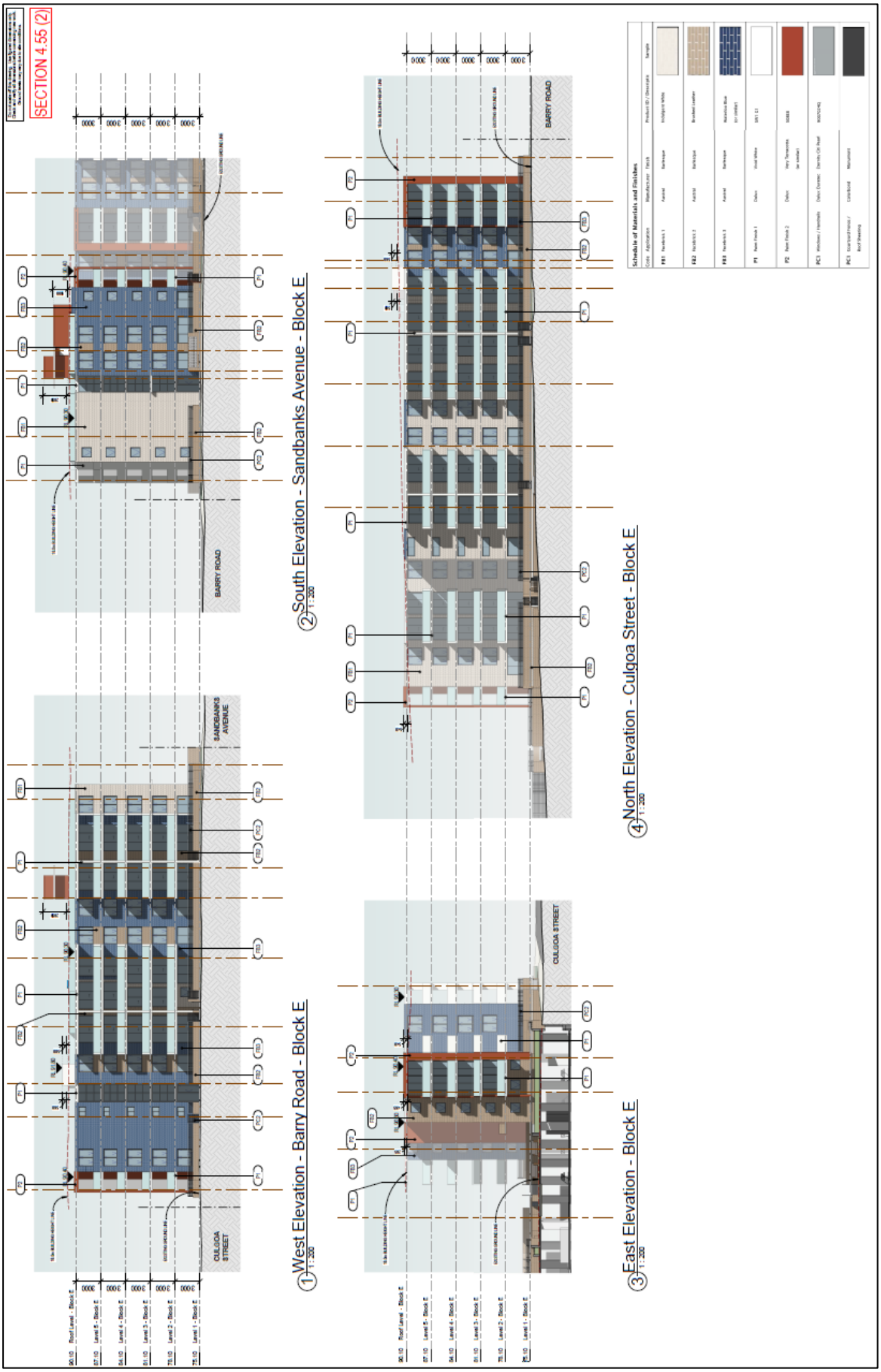
SCALE @ A1: 1:200

DRAWN BY: JD
CHECKED BY: PDP
DRAWING NUMBER: 10
REVISION: B
DRAWING: Level 4

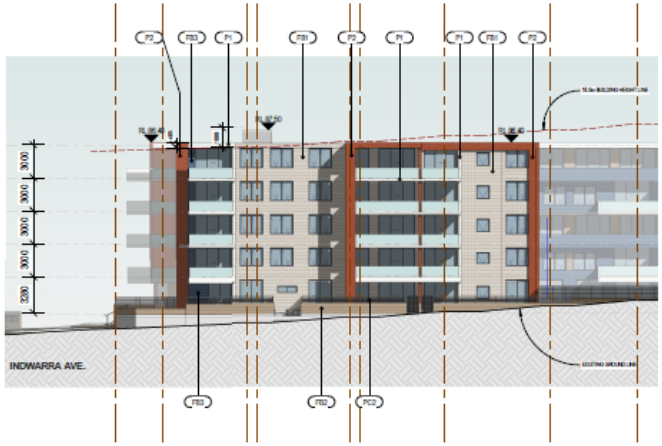
ATTACHMENT 7 – PROPOSED ROOF PLAN



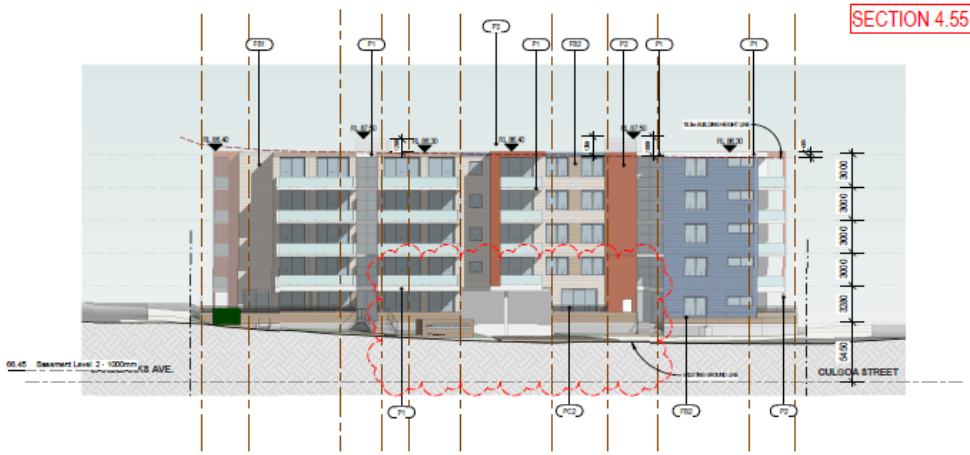
ATTACHMENT 8 – PROPOSED ELEVATIONS



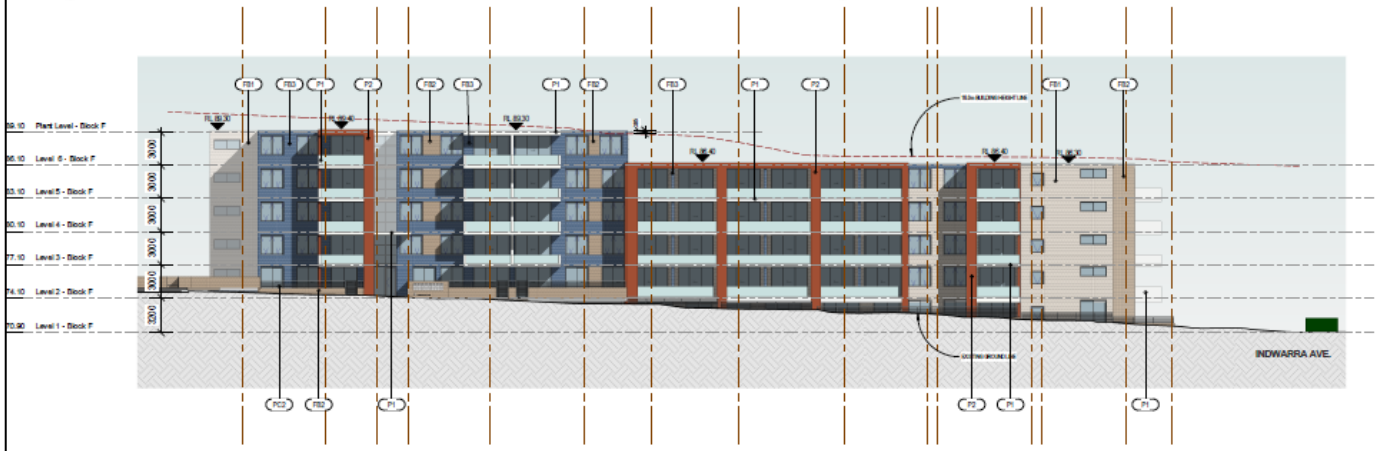
SECTION 4.55 (2)



5 North Elevation - Culgoa Street - Block F
1 : 200



6 East Elevation - Indwarra Avenue - Block F
1 : 200

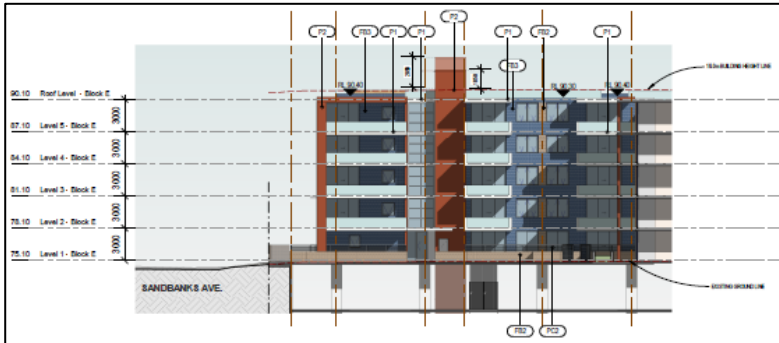


7 South Elevation - Sandbanks Avenue - Block F
1 : 200

Schedule of Materials and Finishes

Code	Application	Manufacturer	Finish	Product ID / Description	Sample
FB1	Facebrick 1	Austral	Burlesque	Indalgold White	
FB2	Facebrick 2	Austral	Burlesque	Brushed Leather	
FB3	Facebrick 3	Austral	Burlesque	Waterloo Blue (or similar)	
P1	Paint Finish 1	Dulux	Vivid White	SN1 E1	
P2	Paint Finish 2	Dulux	Very Terracotta (or similar)	50888	
PC1	Windows / Handrails	Dulux Duratec	Eternity Ctl Pearl	B0070240	
PC1	Coarbord Fascia / Roof Sheeting	Colorbond	Monument		

SECTION 4.55 (2)

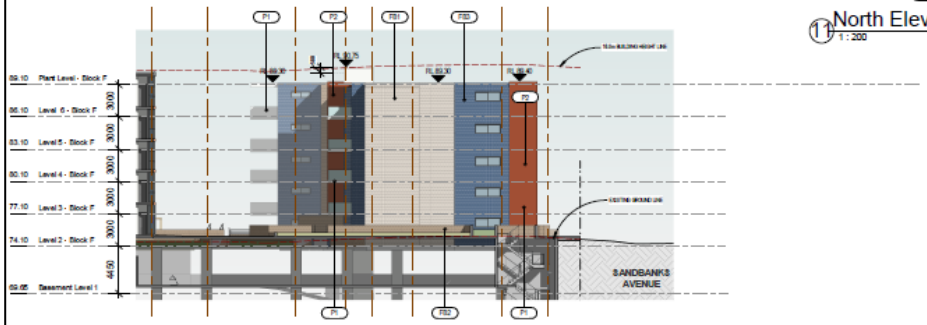


8 East Elevation - Internal - Block E
1 : 200

9 South Elevation - Internal - Block E
1 : 200

10 Part West Elevation 1 - Internal - Block F
1 : 200

11 North Elevation - Internal - Block F
1 : 200

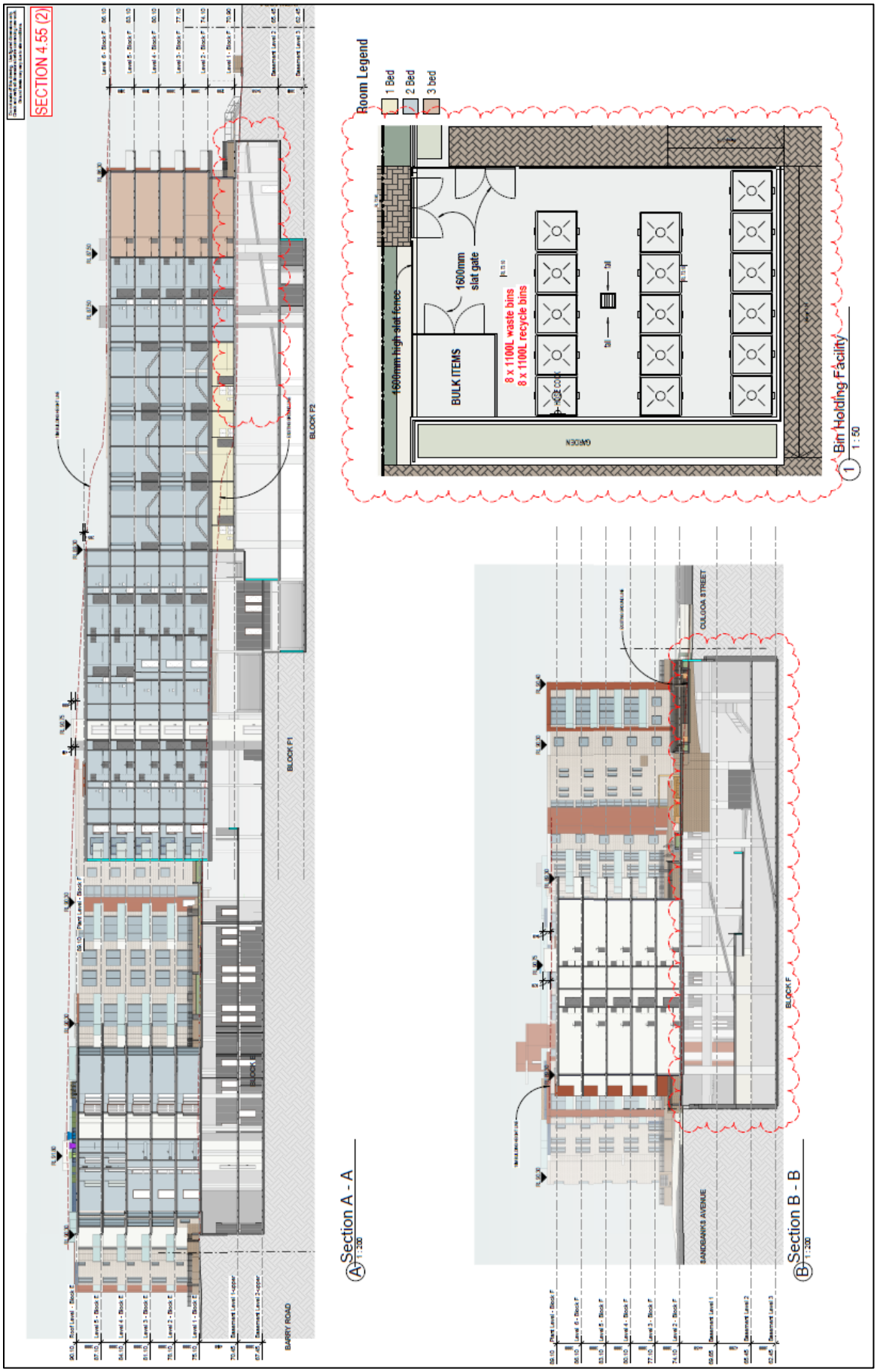


12 Part West Elevation 2 - Internal - Block F
1 : 200

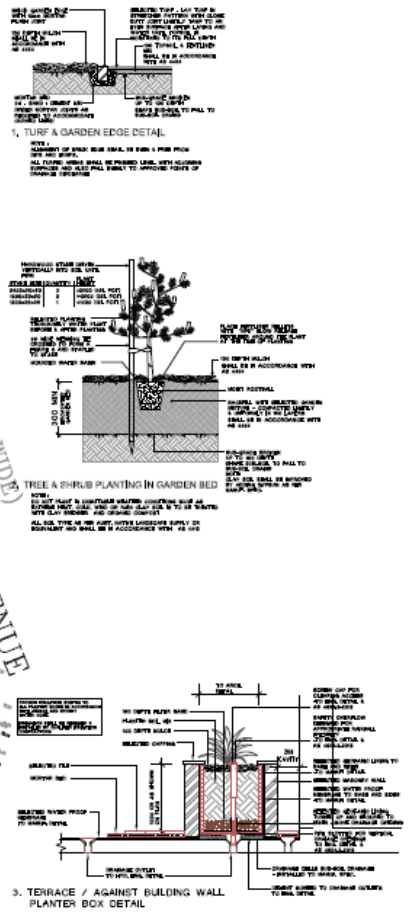
Schedule of Materials and Finishes

Code	Application	Manufacturer	Finish	Product ID / Description	Sample
FB1	Facebrick 1	Austral	Barbeque	Indulgent White	
FB2	Facebrick 2	Austral	Barbeque	Brushed Leather	
FB3	Facebrick 3	Austral	Barbeque	Nautica Blue (or similar)	
P1	Paint Finish 1	Dulux	Vivid White	SN1 C1	
P2	Paint Finish 2	Dulux	Very Terracotta (or similar)	S0888	
PC1	Windows / Handrails	Dulux Duratec	Dermis Off Pearl	S0670240	
PC2	Scyrboard Fascia / Roof Sheeting	Colorbond	Monument		

ATTACHMENT 9 – PROPOSED SECTIONS



ATTACHMENT 10 – PROPOSED LANDSCAPE PLANS



NOTE:
REFER TO DWG. No. 19018 CC 3-3
FOR LEGEND AND PLANTING SCHEDULE

REV	DESCRIPTION	DATE
D	AMEND AS PER DRAINAGE CHN	21.7.20
C	UPDATE s4.55 ISSUE	20.3.20
B	s4.55 ISSUE	17.2.20

NOTE:

1. All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION of AUSTRALIA.
2. Contractors must verify all dimensions at the site before commencing any work or making any shop drawings which must be approved before manufacturing.
3. Do not scale drawing. If in doubt - ASK
4. This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans
5. All Existing trees to remain shall be protected as per arborist report & council requirements
6. All grading shall be in accordance with the AS 4373
7. Thoroughly graduate weeds from all garden areas.
8. No variation to the works to be carried out without prior approval from owner.
9. All materials to be the best of their respective kinds and shall comply with approved sample type selected or specified.
10. Substitution of plant species or varieties will not be permitted.
11. Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
12. All storm water details & surface run off shall be to Hydraulic Engineers detail.
13. Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
14. Refer to survey plan for position of all existing services.
15. Refer to Architectural elevations & Sections for existing and proposed ground lines.
16. All landscape works shall comply with all councils DA & CC conditions and all relevant "AUSTRALIAN STANDARDS" and AUS SPEC NSW Specification C273-Landscaping.
17. Irrigation system - If required, shall be designed & installed to comply with AS 3500, AS 3500.1-1994, AS 3500.2-1996, AS 3500.5-1996, water board and other relevant authority regulations.

MAINTENANCE

- All landscape works are to be maintained for a period of 12 months (or as required by council DA Consent) by landscape contractor after final completion AND shall be maintained at all times in a suitable manner. Replace all plants which have failed with the same species. Mulch is to be maintained at specified depth. All plants and turf shall be watered on a regular basis to promote proper levels required for optimum growth. All garden areas are to be maintained free from weeds.

KEY PLAN

PROPOSED HOME UNITS

12 - 14 BARRY ROAD
NORTH KELLYVILLE

ARCHITECT

Architex

vision dynamics pty ltd.
landscape design
8 Blaxland Road
Kiara NSW 2071
p:0410 382 888
Ph:0000 0000 0000 Fax:0000 0000 0000
e: vdesigns@vdesigns.com.au

DRAWING TITLE

LANDSCAPE PLAN

DRAWN FF	SCALE 1:100@A1 OR 1:200@A3	REV
DRAWING NUMBER 19018 S4.55 2-3		D

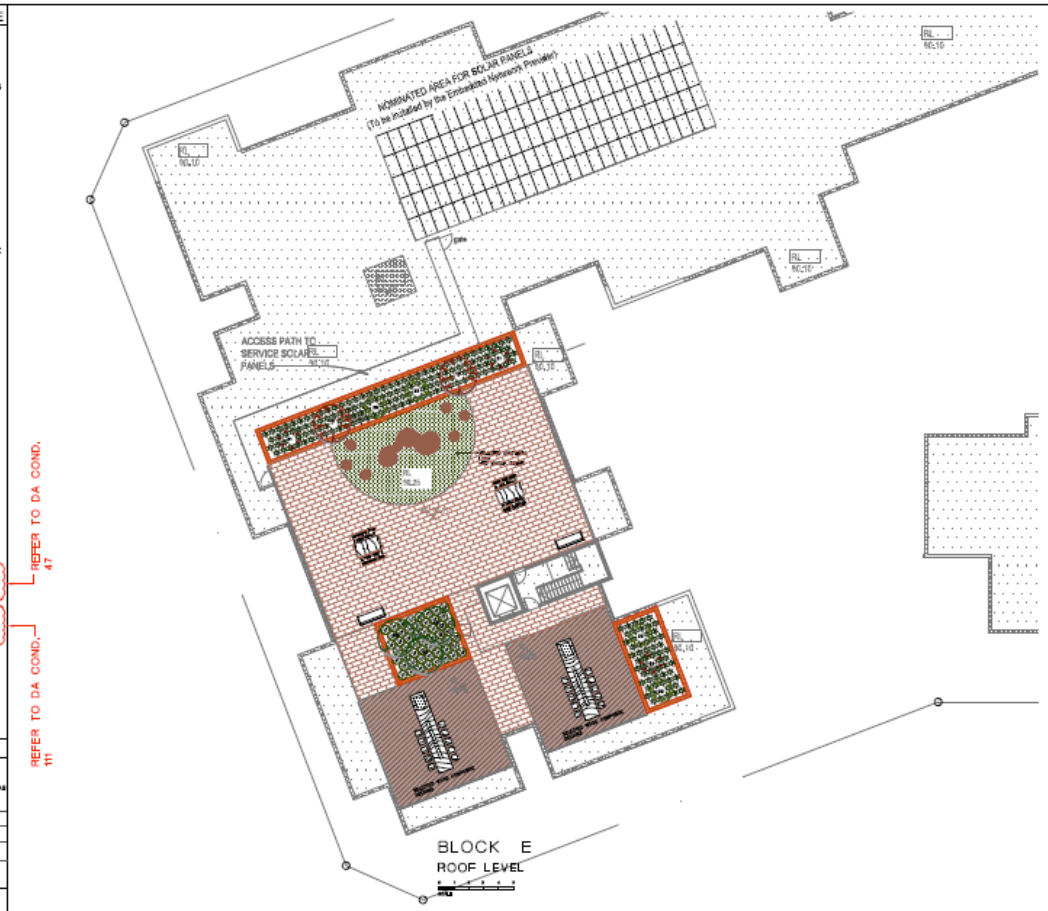
ISSUED

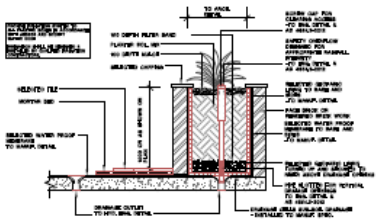
Australian Institute of Landscape Designers & Managers Ltd

LEGEND / FINISHES SCHEDULE

- EXISTING RL
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION. TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373
- PROPOSED TREES, SHRUBS & GROUND COVER. REFER NO. TO PLANT SCHEDULE
- BOUNDARY FENCE
- MULCHED GARDEN BED 900 WIDE MIN
- SELECTED BRICK GARDEN EDGE OR AS SELECTED. REFER TO DETAIL 1
- SELECTED RETAINING WALL /OGEE WALL. TOP OF RETAINING WALL RL IN GENERAL SHALL BE MAX 100mm ABOVE RGL. TO ENGINEER DETAIL
- 1000 HIGH PLANTER / 600 HIGH PLANTER / 300 HIGH PLANTER — INSITU PLANTER BOX OVER PODIUM COND. SLAB. REFER TO DETAILS 3 & 4 AND TO ENGINEER DETAIL
- LAWN AREA. NR WALTER BUFFALO. REFER TO DETAIL 1
- PATIO / TERRACE / PATH. SELECTED TILES
- COMMON OPEN SPACE. SELECTED TILES
- SELECTED WOOD COMPOSITE DECKING
- SELECTED WOOD OR SIMILAR http://www.redwoodcom.au/
- SELECTED LETTER BOX - TO AVOID POST REQUIREMENTS AND TO AS/NZS 4253/2004
- SELECTED AUTOMATIC BOLLARD - ILLUMINATION SHALL BE DESIGNED BY A QUALIFIED LIGHTING CONSULTANT AND IN ACCORDANCE WITH AS 4282 & AS 1158
- STORM WATER PIT. REFER TO ENGINEER PLANS FOR DETAILS
- SELECTED timber BENCH

ITEM	MATERIAL
SOIL	NOTE: ALL SOIL TYPE AS PER ANZ. NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419 AND AS 4454 FOR SOIL CONTENTS AND COMPOSITS
LAWN AREA	NR QUALITY TOP SOIL
NATIVE GARDEN BED	NATIVE GARDEN MIX
EXOTIC GARDEN BED	ORGANIC GARDEN MIX
PLANTER BOX	IN PLANTER BOX MIX ACCORDANCE WITH ARAMIXES & ANSTIX
MULCH	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4454. DECORATIVE GRAVEL TO DRD AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE. REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED BRICK OR AS SELECTED. REFER TO DETAIL 1
RETAINING WALL & PLANTER BOX	SELECTED MASONRY RETAINING WALL AND DRAINAGE TO ENGI. DETAIL
FENCE	
SIDES & REAR BOUNDARY	1800 HIGH LAPPED & CAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND
COURTYARD SEPERATION FENCE	REFER TO ARCHITECT'S DETAIL
FRONT	REFER TO ARCHITECT'S DETAIL
IRRIGATION	PROVIDE DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CODE. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS





4. TERRACE / PODIUM EDGE PLANTER BOX DETAIL

PROPOSED PLANT SCHEDULE

IN ACCORDANCE WITH AS 2303: 2015

No.	BOTANICAL NAME	COMMON NAME	APPROX MATURED HEIGHT	POT SIZE	QUANTITY
GROUND COVER / BOARDER					
1	Nandina domestica 'Nana'	Dwarf nandina	0.6	150mm	229
2	Lomandra 'TANIKA'	Dwarf Lomandra	0.75	150mm	117
3	Agapanthus africanus	Agapanthus	0.5	150mm	439
4	Liriope muscari 'Just Right'	Just Right Liriope	0.4	150mm	20
5	Dianella revoluta 'Destiny'	Destiny Flax Lily	0.4	150mm	170
7	Pennisetum 'Cherry Wine'	Cherry Wine	0.6	150mm	244
8	Dichondra 'Silver Falls'	Silver Falls	0.2	150mm	93
9	Trachelospermum 'Tri colour'	Star Jasmine	0.3	150mm	103
10	Asparagus sprengeri	Cushion Fern	0.5	150mm	63
LOW SHRUBS					
11	Buxus microphylla japonica	Japanese box	1	200mm	245
12	Gardenia augusta 'Florida'	Gardenia	1.2	200mm	158
13	Philodendron 'Xanadu'	Xanadu	0.7	200mm	126
14	Raphiolepis indica 'Snow Maiden'	Indian Hawthorn	1	200mm	127
15	Acacia cognata 'Limelight'	River Wattle	0.7	200mm	106
16	Murraya paniculata	Murraya	3	200mm	163
17	Pennisetum alopecuroides	Fountain grass	0.6	150mm	74
18	Acmena 'Allyn's Maid'	Lilly pilly	1.5	200mm	15
20	Westringia fruticosa	Westringia	1.5	200mm	47
TALL SHRUBS					
21	Callistemon citrinus	crimson bottlebrush	4	200mm	3
22	Syzygium australe	Grey Myrtle	3	200mm	11
23	Syzygium australe 'Resilience'	Lilly pilly	4	200mm	4
27	Rhaphis excelsa 'Bulungu'	Rhaphis	3	200mm	66
28	Strelitzia nicolai	Giant Bird of Paradise	3	200mm	37
29	Cordyline fruticosa 'Red Fire'	Fireworks palm	2.5	25 L	7
FEATURE SHRUBS					
31	Cordyline stricta	Slender palm lily	3	200mm	7
32	Dracaena cincinna	Spiral lily	1.2	200mm	20
33	Dracaena marginata	Dracaena	2.5	200mm	4
34	Plectranthus ornatus purpurea	Ornatus	1.2	200mm	31
35	Cordyline 'Red Sensation'	Red Sensation	1.2	25 L	16
36	Cycas revoluta	Sago Palm	1.5	25 L	24
37	Strelitzia juncea	Bird of Paradise	1.2	25 L	42
38	Strelitzia nicolai	Giant Bird of Paradise	6	25 L	10
39	Viburnum odoratissimum	Viburnum	1.5	200mm	24
40	Alpinia caerulea' variegata	Variegated Shell Ginger	1.5	200mm	24
TREES					
41	Callistemon viminalis	Weeping bottlebrush	7	25 L	3
42	Pyrus ussuriensis	Manchurian pear	9	200mm	6
43	Waterhouseia rotundifolia 'Wilma'	Dwarf Blueberry Ash	6	45 L	11
44	Tristaniopsis laurina 'Luscious'	Water gum	7	45 L	16
45	Pyrus calleryana 'Capital'	Ornamental Pear	8	45 L	26
46	Lagerstroemia indica 'Indian Summer'	Crape Myrtle	7	45 L	20
47	Acer palmatum Bloodgood	Coral Bark Maple	6	45 L	9
48	Magnolia 'Little Gem'	Magnolia	6	45 L	20
49	Ceratopetalus gleisnitzianus	Tuckeroo	6	45 L	7
50	Pistacia cayucha 'Raywood'	Claret Ash	10	45 L	4
51	Banksia serrata 'Colorama'	Silver Birch	7	45 L	10
52	Corymbia maculata	spotted gum	20	75 L	3
54	Melaleuca bracteata	Tallowwood	20	75 L	12
55	Angophora costata	smooth bark apple	20	75 L	12

NOTE

HEIGHT AND SPAN ARE INDICATIVE ONLY. SUBJECT TO ON SITE ENVIRONMENTAL FACTORS. USE ONLY AS A GUIDE

REV	DESCRIPTION	DATE
D	AMEND AS PER DRIVEWAY CHG	21.1.20
C	UPDATE 44/55 BDHE	29.2.20
B	44/55 ISSUE	17.2.20

NOTE:

1. All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION of AUSTRALIA.
2. Contractors must verify all dimensions of the site before commencing any work or making any shop drawings which must be approved before manufacturing.
3. Do not scale drawing. It is dwgs - ASK
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10. Substitution of plant species or varieties will not be accepted.
11. Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
12. All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
13. Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
14. Refer to survey plan for position of all existing services.
15. Refer to Architectural elevations & Sections for existing and proposed ground level.
16. All landscape works shall comply with all councils DA & CC conditions and all relevant "AUSTRALIAN STANDARDS" and AMS SPEC NSW Specification C070-Landscaping.
17. Irrigation system - If required, shall be designed & installed to comply with AS 3500, AS 3500.1-1994, AS 3500.2-1994, AS 3500.3-1990, water board and other relevant authority regulations.

MAINTENANCE

- All landscape works are to be maintained for a period of 12 months (or as required by council DA Consent) by landscape contractor after final completion. AND shall be maintained at all times in a suitable manner. Replace all plants which have failed with the same species. Mulch to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.

KEY PLAN

PROPOSED HOME UNITS

12 - 14 BARRY ROAD
NORTH KELLYVILLE

ARCHITECT'S

architex

vision dynamics pty ltd.
landscape design
6 Blaxland Road
Hilltop NSW 2071
Ph(02) 9499 8888 Fax(02) 9499 8889
ch / vdd@bigpond.com

DRAWING TITLE

LANDSCAPE PLAN

DRAWN FF | SCALE 1:100@A1 OR 1:200@A3 | REV. D

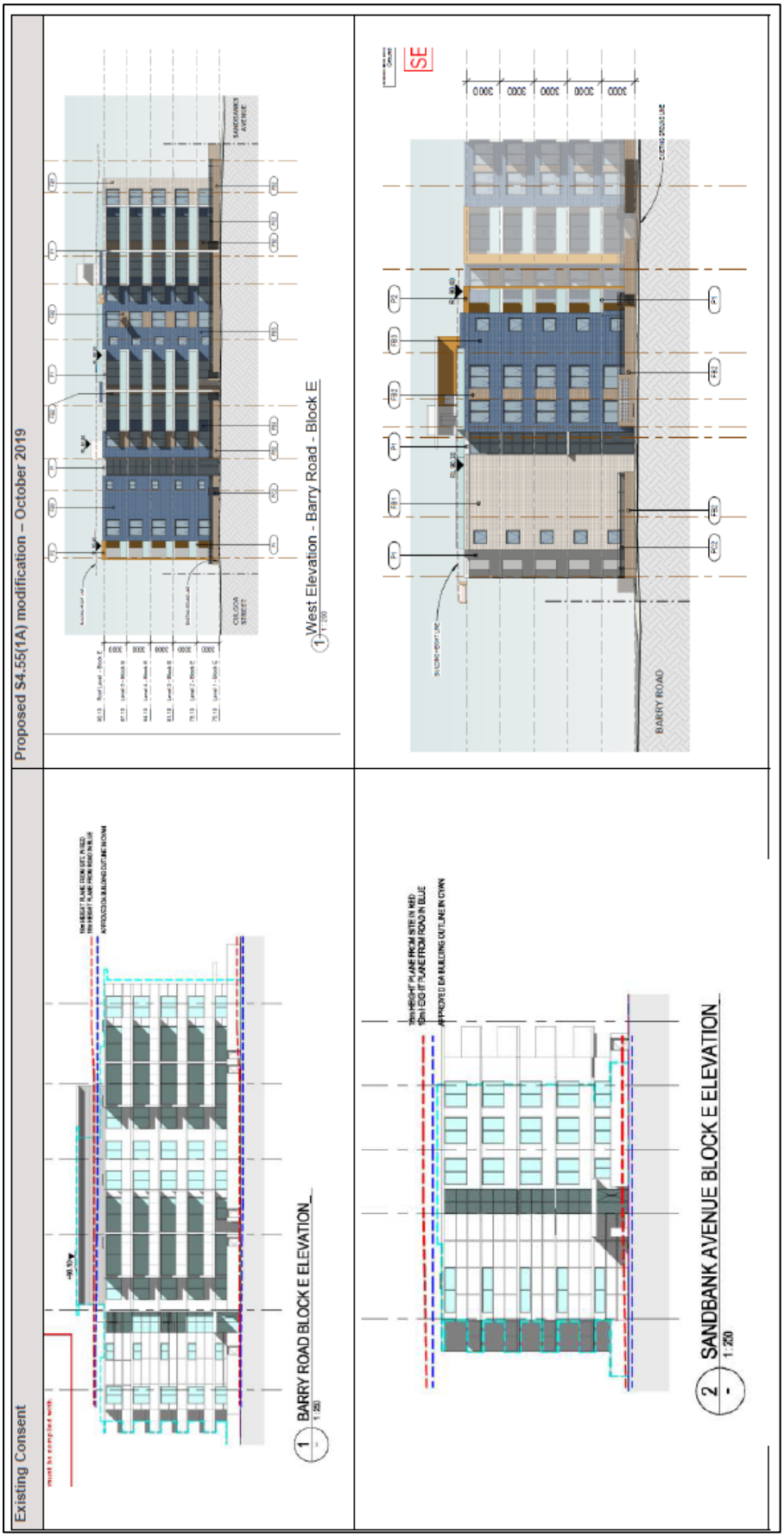
DRAWING NUMBER 19016 S4.55 1-3

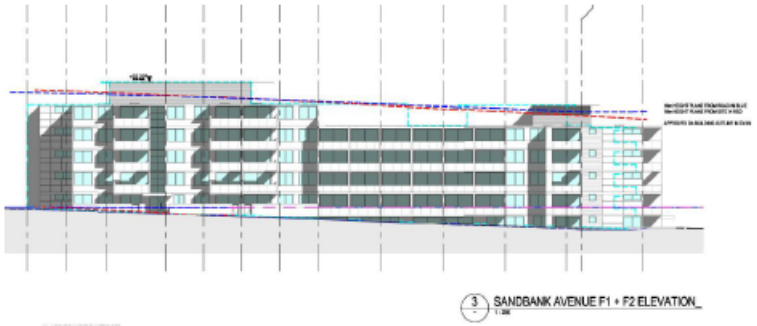
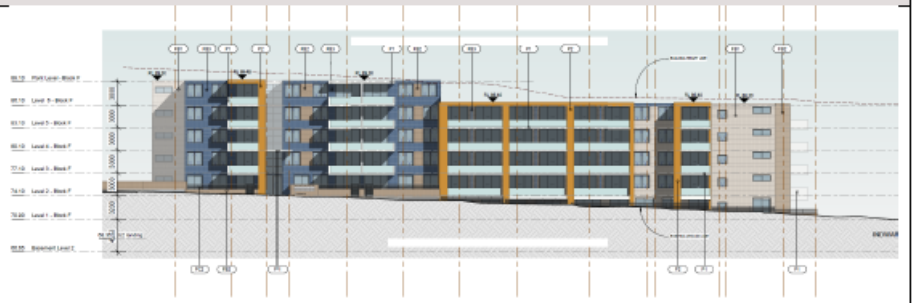
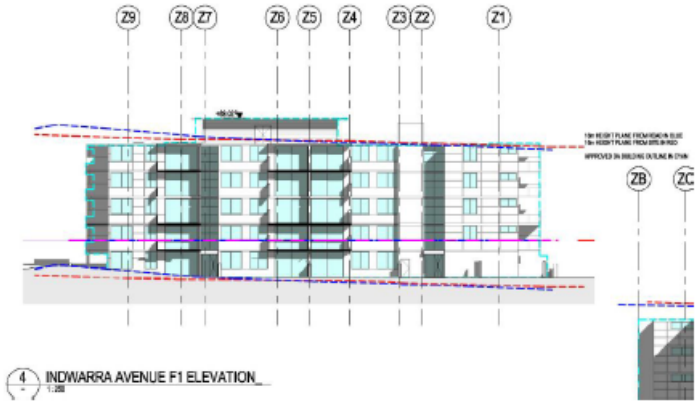
ISSUED

Australian Institute of Landscape Designers & Managers Ltd

MEMBER

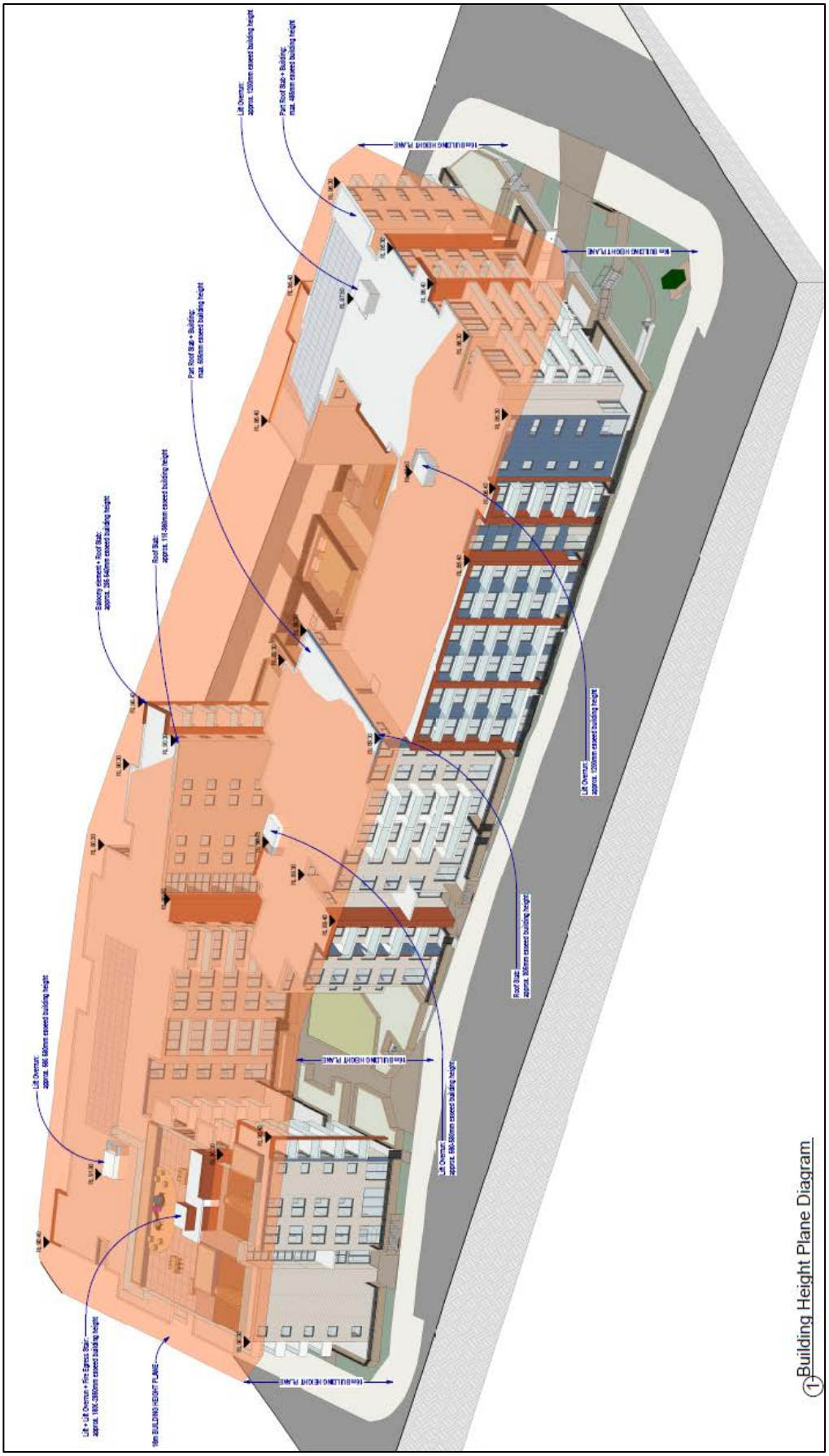
ATTACHMENT 11 – BUILDING HEIGHT COMPARISION PLANS



Existing Consent	Proposed S4.55(1A) modification – October 2019
	
	

Existing Consent	Proposed S4.55(1A) modification – October 2019
 5 CULGOA STREET BLOCK E ELEVATION_	 North Elevation - Culgoa Street - Block E
 6 CULGOA STREET BLOCK F2 ELEVATION_	 5 North Elevation - Culgoa Street - Block F

ATTACHMENT 12 – BUILDING HEIGHT PLANE DIAGRAM

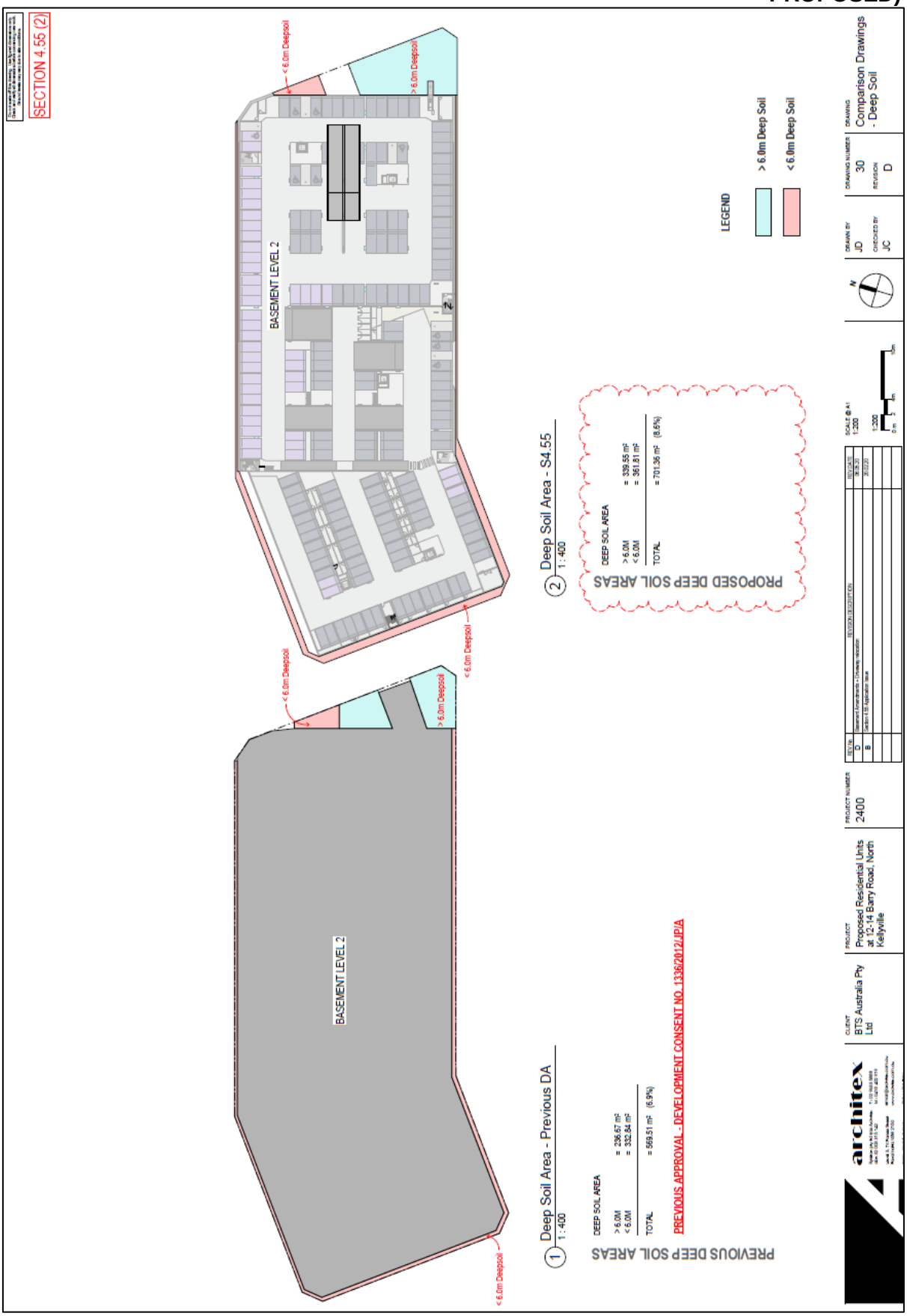


1 Building Height Plane Diagram

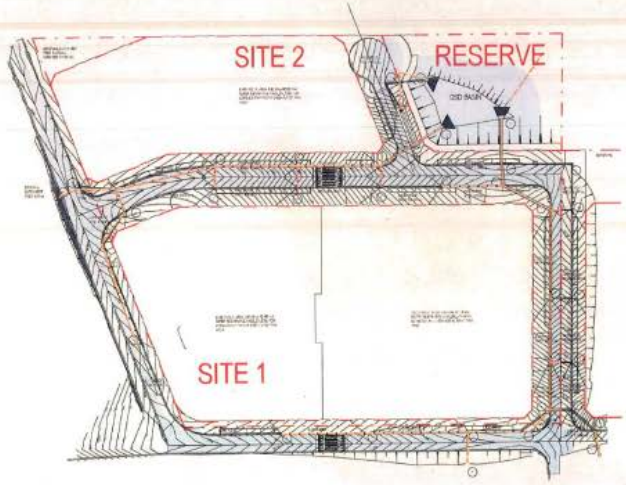
ATTACHMENT 13 – SITE COVERAGE COMPARISON PLAN (1336/2012/JP/A & PROPOSED)

ATTACHMENT 14 – LANDSCAPED AREA COMPARISON PLAN (1336/2012/JP/A & PROPOSED)

ATTACHMENT 15 – DEEP SOIL AREA COMPARISON PLAN (1336/2012/JP/A & PROPOSED)

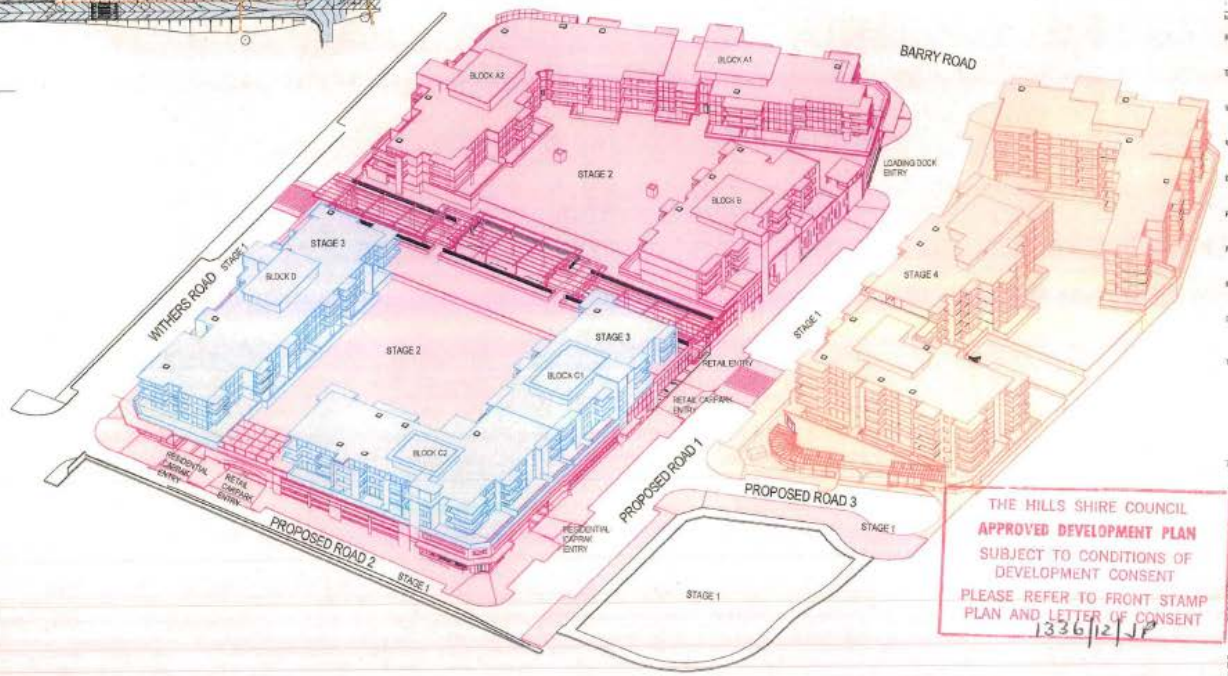


ATTACHMENT 16 – 1336/2012/JP APPROVED PLANS FOR SITE 2



2 STAGING DIAGRAM - STAGE 1

STAGING NOTES AND LEGEND



1 STAGING DIAGRAM - STAGES 2, 3, 4-4

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
SUBJECT TO CONDITIONS OF DEVELOPMENT CONSENT
PLEASE REFER TO FRONT STAMP PLAN AND LETTER OF CONSENT
1336/12/JP

FOR DA SUBMISSION

NOTES

JOE POLITO

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North Sydney NSW 2060
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F +612 9964 9885
ABN 91 097 747 746
www.woodhead.com.au

PROPOSED MIXED USE DEVELOPMENT
2 - 4 BARRY ROAD
NORTH KELLYVILLE

STAGING DIAGRAMS — As indicated

DA110 — 2

1 DA03 PROPOSED ROAD 1 F1 + F2 ELEVATION
1:200

4 DA02 PROPOSED TYPICAL COURTYARD FENCING
1:100

5 DA03 TYPICAL FENCING SECTION
1:100

2 DA03 PROPOSED ROAD 3 F2 ELEVATION
1:200

3 DA03 PROPOSED ROAD 4 BLOCK F2 ELEVATION
1:200

LEGEND - FINISHED MATERIALS

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
SUBJECT TO CONDITIONS OF DEVELOPMENT CONSENT
PLEASE REFER TO FRONT STAMP PLAN AND LETTER OF CONSENT
1336/12/12

Project Management: RESTIFA & PARTNERS
Quantity Surveyor: RIDER LEVETT BUCKNALL
Structural Eng: HENRY & HYMAS
Mechanical: WATERMAN
Electrical: WATERMAN
Hydraulic: WATERMAN
BCA Consultant: McMahon Group
Landscape Architect: SITE MAGIC

JOE POLITO

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343 Pacific Highway
North Sydney NSW 2060
T +612 9964 0800
F +612 9964 0883
ABN 61 007 747 748
www.woodhead.com.au

PROPOSED MIXED USE DEVELOPMENT
2 - 4 BARRY ROAD
NORTH KELLYVILLE

Project Number: 1021B.003
Drawing Title: SITE 2 BLOCK F1 & F2 EXTERNAL ELEVATIONS
Scale: As indicated
Drawing Number: DA13
Issue: 3

FOR DA SUBMISSION

1 DA03 BARRY ROAD BLOCK E ELEVATION
1 : 200

2 DA03 PROPOSED ROAD 1 BLOCK E ELEVATION
1 : 200

3 DA03 PROPOSED ROAD 4 BLOCK E ELEVATION
1 : 200

LEGEND - FINISHES/ MATERIALS

ALUMINIUM FRAME LOUVRE LOUVRES - A

ALUMINIUM FRAME LOUVRE LOUVRES - B

PAINTED MASONRY GENERAL - A

PAINTED MASONRY GENERAL - B

PAINTED MASONRY FEATURE - 1

SANDSTONE APPLIED FINISH

ROOF

RESIDENTIAL GLASS

RESIDENTIAL BALCONY FRAMES - A

GLASS BALUSTRADES

GREEN WALL

CORRIGATED WALLS

Rev Drawings

Key Plan

Issue	Revision Description	Date
A	[illegible]	[illegible]
B	[illegible]	[illegible]

Project Management: RESTIFA & PARTNERS, Suite 1 Ground Floor, 120 Walker Street North Sydney, NSW 2060 Australia

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 41 McLaren Street North Sydney NSW 2060, Australia

Structural & Civil: HEARN & HYNNS, Level 3, 70 Pacific Highway Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 55 Park Street South Melbourne Victoria 3205, Australia

Electrical: WATERMAN, 55 Park Street South Melbourne Victoria 3205, Australia

Hydraulic: WATERMAN, 55 Park Street South Melbourne Victoria 3205, Australia

Fire:

BCA Consultant: Mckenzie Group, Suite 601, Level 6 118 Kent Street Sydney NSW 2000, Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia

Client:

JOE POLITO
3-4 Barry Road North Kellyville 2155 Australia

Architects:

woodhead.

340 Pacific Highway
North Sydney NSW 2060
T +612 9964 9000
F +612 9964 9083
ABN 61 007 747 746
www.woodhead.com.au

Checked	PB
Drawing Coordinated	HK/JS
Project Director Approval	PB

Project Description: PROPOSED MIXED USE DEVELOPMENT
2 - 4 BARRY ROAD
NORTH KELLYVILLE

Project Number: 1021633

Drawing Title: SITE 2 BLOCK E
EXTERNAL ELEVATIONS

Scale: 1 : 200

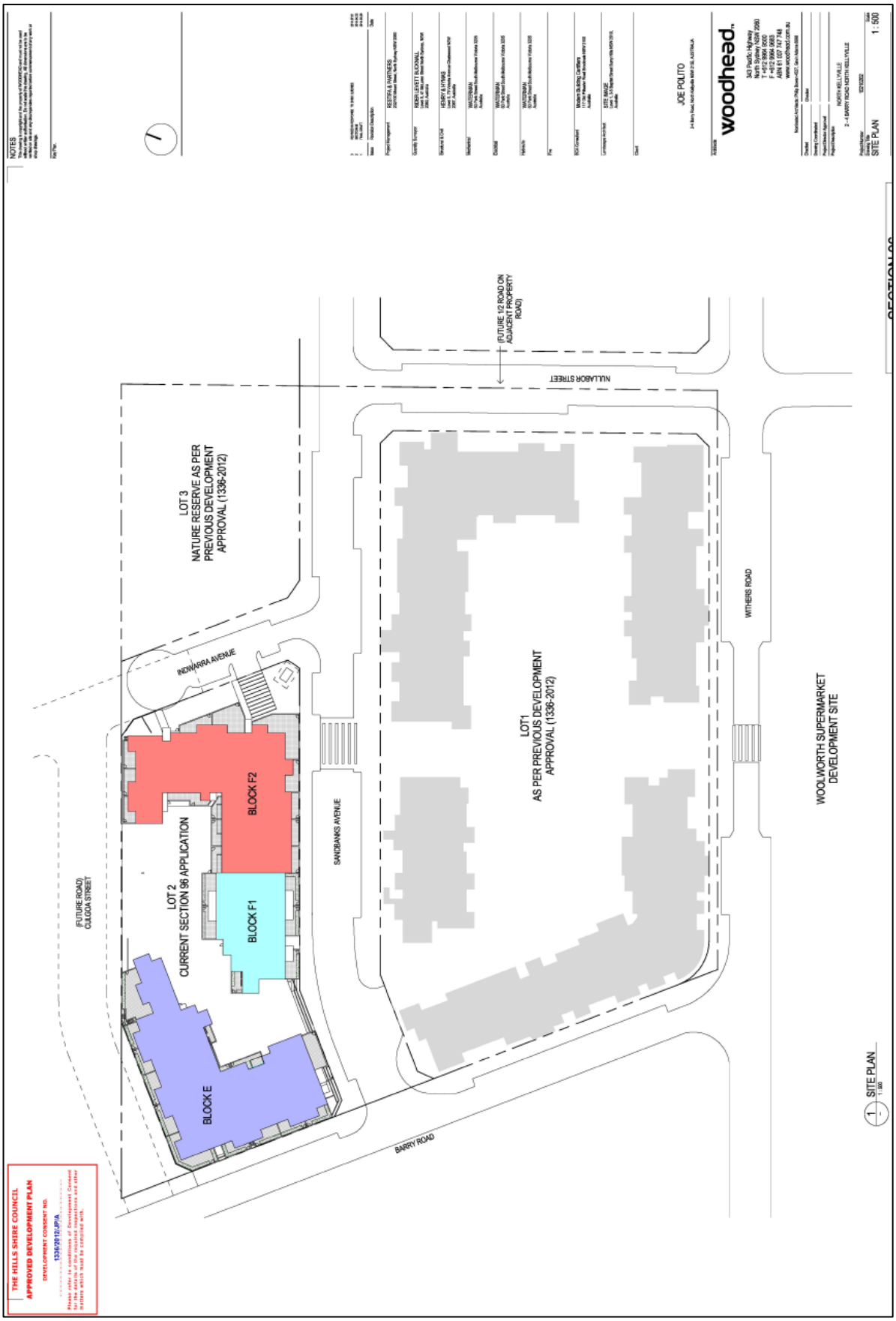
Drawing Number: DA14

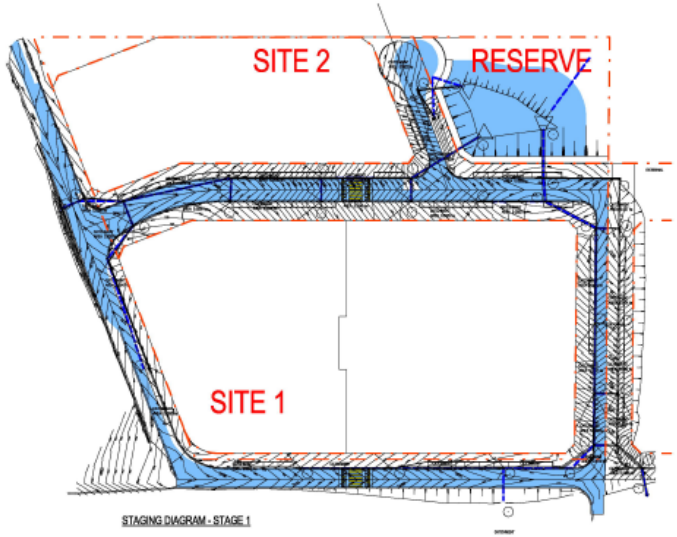
Issue: 2

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
SUBJECT TO CONDITIONS OF
DEVELOPMENT CONSENT
PLEASE REFER TO FRONT STAMP
PLAN AND LETTER OF CONSENT
1336/12/JP

FOR DA SUBMISSION

ATTACHMENT 17 – 1336/2012/JP/A APPROVED PLANS FOR SITE 2





STAGING DIAGRAM - STAGE 1

STAGING NOTES AND LEGEND

- BOUNDARY
- INGROUND STORMWATER PIPE AS PART OF STAGE 1 WORKS
- STAGE 1 - SUBDIVISION ROADS AND SERVICES
- STAGE 2 - SITE 2 RESIDENTIAL BLOCKS E, F
- STAGE 3 - RETAIL ONLY, BASEMENT PARK
- STAGE 4 - BLOCKS A1, A2
- STAGE 5 - BLOCK B
- STAGE 6 - BLOCKS C1, C2
- STAGE 7 - BLOCK D

THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.

STAGING DIAGRAM - STAGES 2 TO 7

SECTION 96

NOTES

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Key Plan:

Issue	Revision Description	Date
1	REVISION RESPONSE TO SHRC QUERIES	20.04.2012

Project Management	RESTIFA & PARTNERS 232/104 Mount Street, North Sydney NSW 2060
Quantity Surveyor	RIDER LEVETT BUCKNALL Level 6, 47 Walker Street North Sydney, NSW 2060, Australia
Structural & Civil	HENRY & HYMAS Level 5, 75 Victoria Avenue Chatswood NSW 2067, Australia
Mechanical	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Electrical	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Hydraulic	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Fire	
BCA Consultant	Modern Building Certifiers 117 Old Pittwater Road Brookvale NSW 2100 Australia
Landscape Architect	SITE IMAGE Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia
Client	JOE POLITO 2-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects

woodhead.

343 Pacific Highway
North Sydney NSW 2060
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ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen 4527, Gavin Adams 6666

Checked	Checker
Drawing Coordinated	
Project Director Approved	

Project Description:
NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 152102202

Drawing Title: STAGING

Scale: 1 : 1000

Drawing Number: S2033

Issue: 1

THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

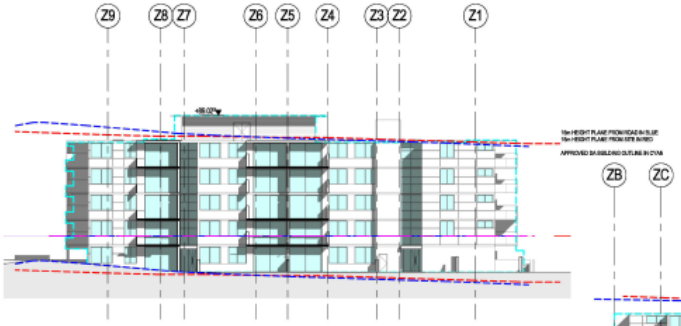
1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.

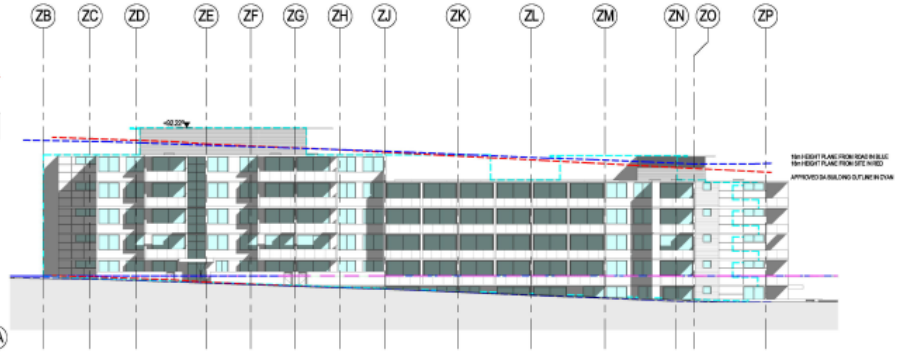
1 BARRY ROAD BLOCK E ELEVATION_
1 : 250

2 SANDBANK AVENUE BLOCK E ELEVATION_
1 : 250

6 CULGOA STREET BLOCK F2 ELEVATION_
1 : 250



4 INDWARRA AVENUE F1 ELEVATION_
1 : 250



3 SANDBANK AVENUE F1 + F2 ELEVATION_
1 : 250

5 CULGOA STREET BLOCK E ELEVATION_
1 : 250

LEGEND:

16m HEIGHT PLANE FROM SITE IN RED

16m HEIGHT PLANE FROM ROAD IN BLUE

APPROVED DA BUILDING OUTLINE IN CYAN

SECTION 96

NOTES

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Key Plan

Issue	Revision Description	Date
3	RESPONSE TO DRAG SUBMISSION	2014.01.07
2	SECTION 96	2014.06.20
1	FINAL DRAFT	2014.06.09

Project Management: RESTIFA & PARTNERS, 202/100 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 8, 47 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYMAS, Level 5, 70 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Fire

BCA Consultant: Modern Building Certifiers, 117 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia

Client

JOE POLITO

2-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects

woodhead.

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F +612 9964 9683
ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen 4527, Gavin Adams 6984

Checked | Checker

Drawing Coordinated

Project Director Approved

Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 1021/0202

Drawing Title: EXTERNAL ELEVATIONS

Scale: As indicated

Drawing Number: S2013

Issue: 3

THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.

1 SANDBANKS AVENUE BLOCK F - ELEVATION
1 : 200

LEGEND - FINISHES/ MATERIALS

- ALUMINIUM TIMBER LOOK LOUVRES - A
- ALUMINIUM TIMBER LOOK LOUVRES - B
- PAINTED MASONRY GENERAL - A
- PAINTED MASONRY GENERAL - B
- PAINTED MASONRY FEATURE - G
- SANDSTONE APPLIED FINISH
- ROOF
- RESIDENTIAL GLASS
- RESIDENTIAL WINDOW FRAMES - A
- GLASS BALCONIES
- GREEN WALL
- COURTYARD WALLS

4 PROPOSED TYPICAL COURTYARD FENCING
1 : 100

5 TYPICAL FENCING SECTION
1 : 100

2 INDWARRA AVENUE BLOCK F - ELEVATION
1 : 200

3 CULGOA STREET BLOCK F - ELEVATION
1 : 200

SECTION 96

NOTES

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Key Plan

Issue	Revision Description	Date
2	SECTION 96 FINAL DRAFT	09.04.02
1	FINAL DRAFT	2012.02.20

Project Management: RESTIFA & PARTNERS, 202/100 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 47 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYMAS, Level 5, 79 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAIN, 50 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAIN, 50 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAIN, 50 Park Street South Melbourne Victoria 3205 Australia

Fire:

BCA Consultant: Modern Building Certifiers, 111 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Bayfield Street Surry Hills NSW 2010, Australia

Client:

JOE POLITO
3-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects:

woodhead.

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ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen 4527, Gavin Adams 6996

Checked: Checker

Drawing Coordinated:

Project Director Approval:

Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 1201202

Drawing Title: ELEVATIONS BLOCK F

Scale: 1 : 200

Drawing Number: S2012

Issue: 2

THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with

1 BARRY ROAD BLOCK E - ELEVATION
1 : 200

2 SANDBANKS AVENUE BLOCK E - ELEVATION
1 : 200

LEGEND - FINISHES MATERIALS

ALUMINIUM TIMBER LOOK LOUVRES - A

ALUMINIUM TIMBER LOOK LOUVRES - B

PAINTED MASONRY GENERAL - A

PAINTED MASONRY GENERAL - B

PAINTED MASONRY FEATURE - B

SANDSTONE APPLIED FINISH

ROOF

RESIDENTIAL GLASS

RESIDENTIAL WINDOW FRAMES - A

GLASS BALCONIES

CONCRETE WALLS

3 CULGOA STREET BLOCK E - ELEVATION
1 : 200

SECTION 96

NOTES

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Key Plan

Issue	Revision Description	Date
2	SECTION 96	28/04/2014
1	Hydraulic Detail	28/04/2014

Project Management: RESTIFA & PARTNERS, 303 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 41 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYMAS, Level 5, 75 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 55 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAN, 55 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAN, 55 Park Street South Melbourne Victoria 3205 Australia

Fire:

BCA Consultant: Modern Building Certifiers, 117 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Oxford Street Surry Hills NSW 2010, Australia

Client:

JOE POLITO

2-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects:

woodhead.

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ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Green 4527, Gavin Adams 6668

Checked: Director

Drawing Coordinated:

Project Director Approval:

Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 1021/0202

Drawing Title: ELEVATIONS BLOCK E

Scale: 1 : 200

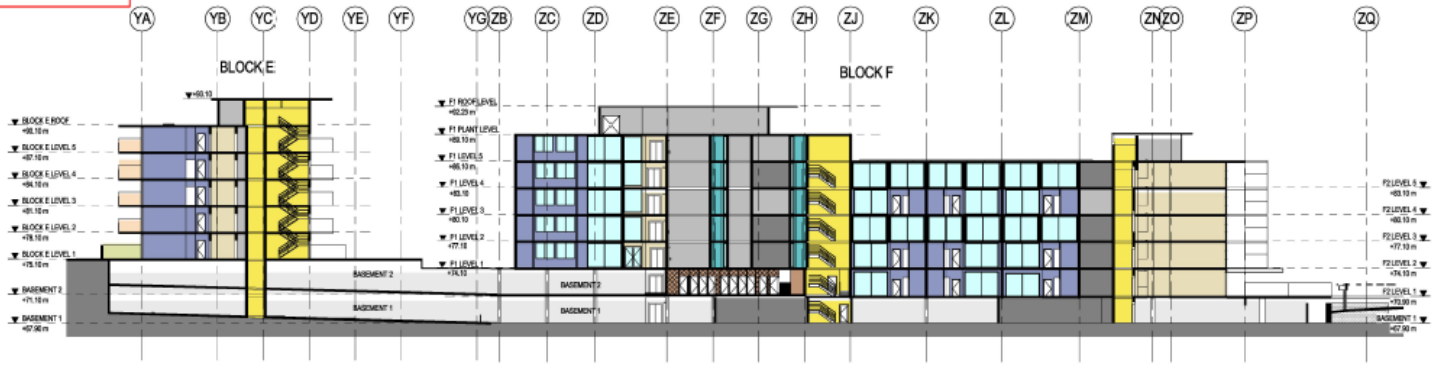
Drawing Number: S201-1

Issue: 2

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

ease refer to conditions of Development Consent
r the details of the required inspections and other
ters which must be complied with.



1 SANDBANK AVENUE - BLOCK E SECTION
1 : 250

2 SANDBANK AVENUE - BLOCK F SECTION
1 : 250

3 CULGOA STREET - BLOCK E SECTION
1 : 250

4 CULGOA STREET - BLOCK F SECTION
1 : 250

LEGEND

- 1 BED
- 2 BED
- 3 BED
- BOH / PLANT AREAS
- CARPARK
- CORRIDOR
- GARBAGE
- PRIVATE GARDEN
- SERVICES
- STORAGE
- VERTICAL CIRCULATION

SECTION 96

Key Plan.

Issue	Revision Description	Date
2	SECTION 96	20-04-2012
1	FINAL DRAFT	20-04-2012

Project Management: RESTIFA & PARTNERS, 203/100 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 41 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYRIAS, Level 5, 70 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Fire:

BCA Consultant: Modern Building Certifiers, 117 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia

Client: JOE POLITO, 2-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects: woodhead.

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ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen-4537, Gavin Adams-5996

Checked: Checker

Drawing Coordinated:

Project Director Approval:

Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 1021/0202

Drawing Title: SECTIONS

Scale: 1 : 250

Drawing Number: S2015

Issue: 2

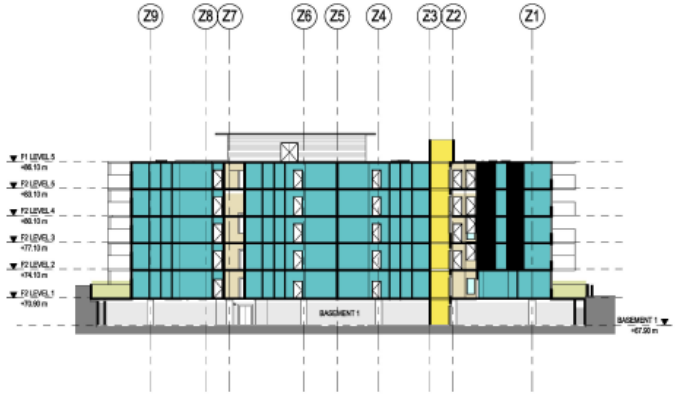
APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.

1 BARRY ROAD - BLOCK E SECTION
1 : 250



2 INDWARRA AVENUE - BLOCK F SECTION
1 : 250

LEGEND

- 2 BED
- BOH / PLANT AREAS
- CARPARK
- CORRIDOR
- PRIVATE GARDEN
- VERTICAL CIRCULATION

SECTION 96

Key Plan.

Issue	Revision Description	Date
2	SECTION 96	29.04.2016
1	FINAL DRAFT	20.04.2016

Project Management	RESTIFA & PARTNERS 203/100 Mount Street, North Sydney NSW 2060
Quantity Surveyor	RIDER LEVETT BUCKNALL Level 5, 41 McLaren Street North Sydney, NSW 2060, Australia
Structural & Civil	HENRY & HYMAS Level 5, 70 Victoria Avenue Chatswood NSW 2067, Australia
Mechanical	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Electrical	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Hydraulic	WATERMAN 60 Park Street South Melbourne Victoria 3205 Australia
Fire	
BCA Consultant	Modern Building Certifiers 117 Old Pittwater Road Brookvale NSW 2100 Australia
Landscape Architect	SITE IMAGE Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia
Client	

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Architects

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ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen 4527, Gavin Adams 5996

Checked	Checker
Drawing Coordinated	
Project Director Approval	

Project Description:

NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number	1002 02002
Drawing Title	SECTIONS
Scale	1 : 250
Drawing Number	S2016
Issue	2

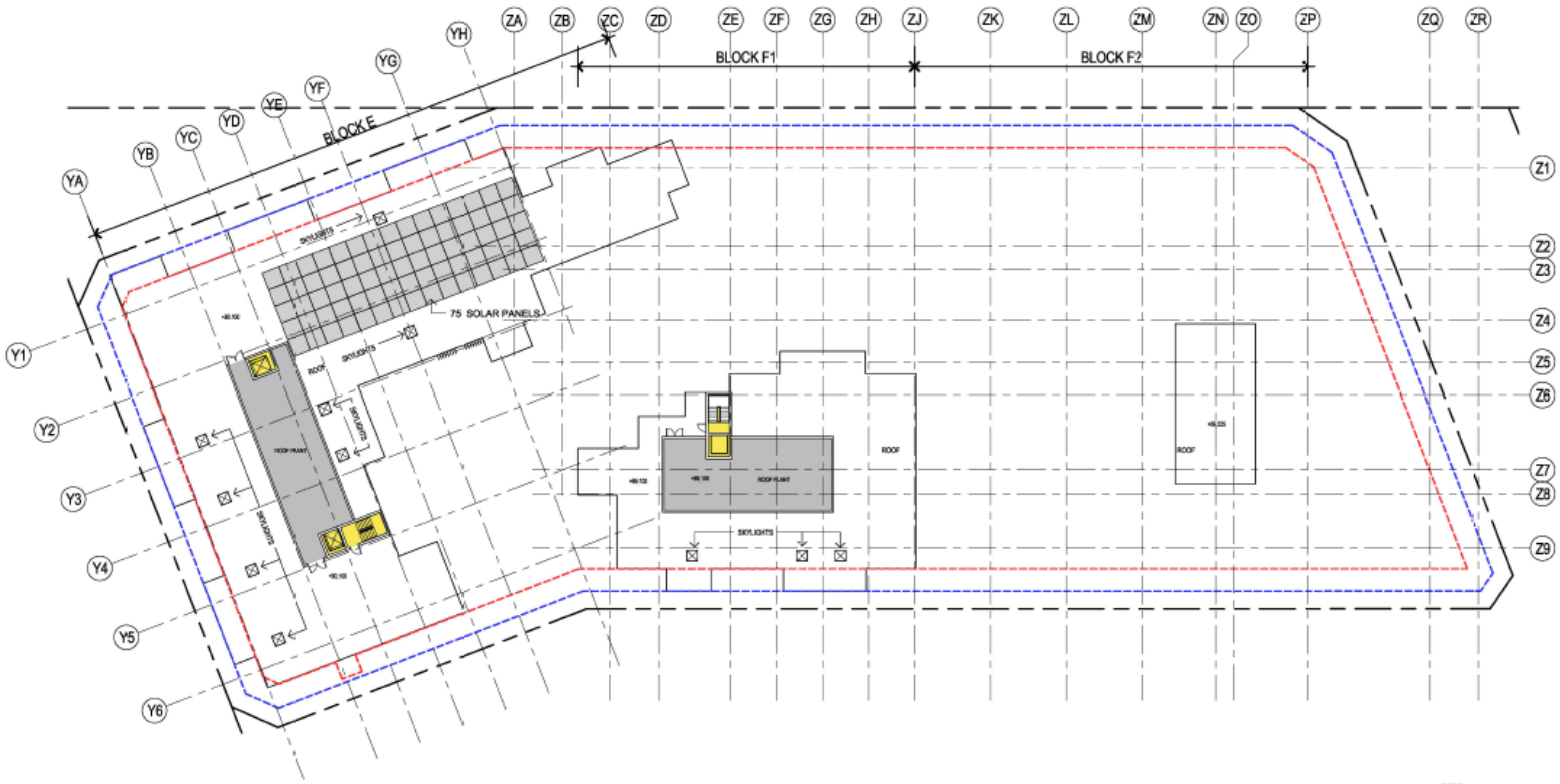
THE HILLS SHIRE COUNCIL

APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.



1 BLOCK E + BLOCK F1 ROOF PLAN
1 : 250

LEGEND
- BCA / RLANT AREAS
- SERVICES
- VERTICAL CIRCULATION

SECTION 96

NOTES

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Not Plan

Issue	Revision Description	Date
F	SECTION 96	27.04.22
E	ISSUE DRAFT	27.04.22

Project Management: RESTIFA & PARTNERS, 203/100 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 41 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYRNAS, Level 5, 191 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Fire

BCA Consultant: Modern Building Certifiers, 111 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia

Client

JOE POLITO

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Architects

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F +612 9964 9663
ABN 61 007 747 748
www.woodhead.com.au

Nominated Architects: Philip Bowen 4527, Gavin Adams 5996

Checked: Checker

Drawing Coordinated

Project Director Approval

Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 102102202

Drawing Title: BLOCK E + BLOCK F1 ROOF PLAN

Scale: 1 : 250

Drawing Number: S2010

Issue: 2

1336/2012/JP/A

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.

1 BLOCK F LEVEL 1 + BLOCK E LEVEL 3 FLOOR PLAN
1 : 250

PREVIOUS DA BUILDING OUTLINE

INCREASE IN BUILDING AREA (427 sqm)

REDUCTION IN BUILDING AREA (359.9 sqm)

SECTION 96

Key Plan

Issue	Revision Description	Date
F	SECTION 96	27.04.12
E	Final DA/PT	23.04.12

Project Management: RESTIFA & PARTNERS, 203/100 Mount Street, North Sydney NSW 2060

Quantity Surveyor: RIDER LEVETT BUCKNALL, Level 5, 41 McLaren Street North Sydney, NSW 2060, Australia

Structural & Civil: HENRY & HYRAS, Level 5, 191 Victoria Avenue Chatswood NSW 2067, Australia

Mechanical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Electrical: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Hydraulic: WATERMAN, 60 Park Street South Melbourne Victoria 3205 Australia

Fire

BCA Consultant: Modern Building Certifiers, 111 Old Pittwater Road Brookvale NSW 2100 Australia

Landscape Architect: SITE IMAGE, Level 1, 3-5 Baptist Street Surry Hills NSW 2010, Australia

Client: JOE POLITO, 2-4 Barry Road, North Kellyville NSW 2155, AUSTRALIA

Architects: woodhead.
343 Pacific Highway
North Sydney NSW 2060
T +612 9964 9500
F +612 9964 9663
ABN 61 007 747 748
www.wood@head.com.au
Nominated Architects: Philip Bowen 4537, Gavin Adams 5566

Checked: Checker
Drawing Coordinated
Project Checker Approved
Project Description: NORTH KELLYVILLE
2 - 4 BARRY ROAD NORTH KELLYVILLE

Project Number: 10210202
Drawing Title: APPROVED & PROPOSED AREA COMPARISION
Scale: As indicated
Drawing Number: S2001
Issue: 2

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
129 Showground Road, Castle Hill NSW 2154
PO Box 75, Castle Hill NSW 1765
Telephone 02 9843 0555 Email council@thehills.nsw.gov.au
Facsimile 02 9843 0409 www.thehills.nsw.gov.au
DX 8455 Castle Hill ABN No. 25 034 494 656

1 February 2013

Restifa & Partners Pty Ltd
Level 2
100 Mount St
NORTH SYDNEY NSW 2060

Ref No.:1336/2012/JP
JRPP 20 December 2012

Dear Sir

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by NSW Government Joint Regional Planning Panel (Sydney West Region) of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.
This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Review
Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

a) Designated development, or
a) Integrated development, or
b) An application by the Crown determined by Council under section 116(E).

Right of Appeal
Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

APPLICANT	Restifa & Partners Pty Ltd
OWNER:	Mr J Polito
PROPERTY:	Lot E DP 399088 2-4 Barry Road, KELLYVILLE
DEVELOPMENT:	Mixed use development comprising retail, commercial and residential units
ENDORSED DATE OF CONSENT:	20 December 2012

CONDITIONS OF CONSENT

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
DA00	Cover Sheet	Issue 2
DA01	Site Analysis	Issue 2
DA02	Residential Parking – Lower Level	Issue 3
DA03	Basement Plan	Issue 3
DA04	Ground Floor Plan	Issue 4
DA05	Podium Level Plan	Issue 3
DA06	Typical Residential Plan	Issue 2
DA07	Typical Residential Level	Issue 2
DA07A	Typical Residential Level Site 2	Issue 1
DA08	Roof Plan	Issue 2
DA09	Setback Plan	Issue 2
DA10	Site 1 Withers Road Elevation	Issue 3
DA11	Site 1 Barry Road/Prop Road 1 Elevations	Issue 2
DA12	Site 1 Proposed Road 1 Elevation	Issue 2
DA13	Block F1 and F2 External Elevations	Issue 3
DA14	Site 2 Block E External Elevations	Issue 2
DA15	External Elevations Site 1	Issue 2
DA16	External Elevations Site 2	Issue 2
DA20	Site 1 Section Looking South	Issue 2
DA21	Site 1 Section Looking South	Issue 2
DA22	Site 1 Section Looking East/West	Issue 2
DA23	Site 1 Section Block B, C1, C2	Issue 2
DA24	Site 1 Section Block A2,D	Issue 2
DA25	Site 2 Sections Block E	Issue 2
DA26	Site 2 Section Block F1 and F2	Issue 2
DA50	Typical Apartments	Issue 2
DA51	Typical Accessible Apartments	Issue 2
DA52	Typical Driveway and Ramps	Issue 2
DA53	Typical Loading Dock	Issue 2
DA100	Shadow Analysis – Winter Solstice Sheet 1	Issue 2
DA101	Shadow Analysis – Winter Solstice Sheet 2	Issue 2

DA102	Shadow Analysis – Winter Solstice Sheet 3	Issue 2
DA103	Shadow Analysis – Winter Solstice Sheet 4	Issue 2
DA104	Shadow Analysis – Winter Solstice Sheet 5	Issue 2
DA110	Staging Diagrams	Issue 2
DA120	Perspective Views	Issue 2
---	Plan of Detail and Levels	Sheet 1 of 2 Sheets
---	Plan of Detail and Levels	Sheet 2 of 2 Sheets
001	Landscape Masterplan	Issue D
100	Landscape Masterplan Ground Level	Issue F
101	Landscape Detail Plan Ground Level	Issue F
200	Landscape Masterplan Podium Level	Issue E
201	Landscape Detail Plan Podium Level	Issue E
202	Landscape Detail Plan Podium Level	Issue E
502	Landscape Masterplan	Issue B
501	Landscape Masterplan	Issue C
601	Landscape Cross Sections Roadway Types	Issue D

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. Staging of Works

The proposed works will be staged as follows in accordance with the approved 'staging diagrams':

- Stage 1 – subdivision, services and infrastructure, public park, road and drainage works;
- Stage 2 – all site 1 works with the exception of apartment blocks C1, C2 and D;
- Stage 3 – site 1 apartment blocks C1, C2 and D; and
- Stage 4 – all site 2 works.

3. Provision of Parking Spaces and Use

The development is required to be provided with 930 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These spaces are to comprise:

(i) 688 spaces for Site 1, including one accessible parking space per accessible residential unit (15 accessible units).

(ii) 242 spaces for Site 2, including one accessible parking space per accessible residential unit (13 accessible units).

(iii) All spaces within Site 2 are to be allocated for resident parking.

(iv) 53 of the residential visitor spaces within Site 1 are permitted to be used as 'dual use spaces', being spaces which are available for retail parking use during the day and available for residential visitor parking during the evening and overnight.

4. 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.

5. Supermarket Tenancy

Approval is granted for the use of the supermarket tenancy.

6. Separate Development Application for Occupations

A separate Development Application is required for the first use and occupation of the approved tenancies (not including the supermarket). This application is required to provide assessment against:

- Local Environmental Plan 2012; and

- Baulkham Hills Development Control Plan 2011.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation (upon receipt of individual applications, these hours of operation may be varied)
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

7. External Finishes

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

8. Construction Certificate

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

9. Building Work to be in Accordance with BCA

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

10. Separate Application for Subdivision

A separate application must be submitted for the subdivision of the approved development.

The subdivision application must provide for the following:

- The new public roads and road widening along Withers Road within the development site must be dedicated to Council at no cost prior to the issuing of an Occupation Certificate.
- The SP2 zoned land at the intersection of Withers Road and Barry Road must be excised and created as a separate lot so that it may be acquired by Council as part of a separate process.
- The RE1 zoned land at the northern part of the site must be excised and created as a separate lot so that it may be acquired by Council as part of a separate process.

The strata subdivision of either building cannot occur as complying development as the individual parking spaces have not been allocated to residential or retail units as part of the subject application. A development application for any proposed strata subdivision of either building is required.

11. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

12. Vehicular Access and Parking

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

a) AS/ NZS 2890.1:2004

b) AS/ NZS 2890.6:2009

c) AS 2890.2:2002

d) DCP Part D Section 1 – Parking

e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

i. 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.

ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.

iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.

iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

13. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

14. Minor Engineering Works

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

a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

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

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

http://www.thehills.nsw.gov.au/

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

The width of each proposed driveway must be generally consistent with the approved plans. With respect to driveways for service vehicles, compliance with AS/ NZS 2890 based on the largest service vehicle permitted to enter that part of the development is required, as conditioned earlier in this consent. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

15. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commending in the road reserve. A construction programme and

anticipated duration of works must be submitted to Council prior to works commending in the road reserve.

16. Public Liability Insurance
All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than $10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

17. Street Naming
Street naming must comply with Council's approved road names map. A copy of this map can be accessed from Council's website:

http://www.thehills.nsw.gov.au/

18. Street Trees (North Kellyville)
Street trees must be provided for the section of Withers Road, Barry Road, Nullabor Street (proposed road two), Sandbanks Avenue (proposed road one), Indwarra Avenue (proposed road three) and Culgoa Street (minor street adjacent to northern site boundary) within or fronting the development site at a spacing of between 7m and 10m. The location of street trees must compliment driveway locations. Corner lots must have a minimum of two trees. The species and size of all street trees must comply with Council's requirements and Section 3.5 and Appendix B from the North Kellyville DCP. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

19. Upgrading of Existing Water and Sewerage Services
Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

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

21. Temporary Turning Heads
A temporary cul-de-sac turning head with a minimum diameter of 19m is required at the termination point in all public roads. Where the cul-de-sac head cannot be accommodated wholly within the road reserve:

a) Additional adjacent land is to be dedicated as temporary public road; or

b) An easement for public access and services must be created over an appropriate part of the adjacent land.

A temporary turning head is required at the northern end of Indwarra Avenue (proposed road three) extending into the development site adjacent, not the reserve opposite.

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary cul-de-sac turning head. The bond amount must be based on 150% of the total value of carrying out such works or $20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being removed, restored and documentary evidence being provided confirming closure of the temporary public road or removal of the easement for public access and services. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary cul-de-sac head, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A temporary turning head is not required where the extension of a proposed road into an adjoining property, as part of a separate development application, is constructed and dedicated concurrently. This will require the concurrent issuing of a Subdivision Certificate and plan registration for both subdivisions.

22. Separate Approval Open Space Works

Written consent from Council is required for any proposed works in the open space or park areas created by this subdivision.

23. Water Sensitive Urban Design Handover Process

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

a) The location and type of each WSUD element, including details of its operation and design;

b) A brief description of the catchment characteristics, such as land uses, areas etc;

c) Estimated pollutant types, loads and indicative sources;

d) Intended maintenance responsibility, Council, landowner etc;

e) Inspection method and estimated frequency;

f) Adopted design cleaning/ maintenance frequency;

g) Estimate life-cycle costs;

h) Site access details, including confirmation of legal access, access limitations etc;

i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;

j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;

k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;

l) A work method statement;

m) A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

n) The developer will be responsible for the maintenance of the item for a one year maintenance period.

o) The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.

p) Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.

q) A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.

r) WAE drawings and any required engineering certifications are provided to Council.

s) Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.

t) Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

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

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

24. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate Engineering Construction Certificate required to be obtained by Council, as outlined elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required or not.

25. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

26. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

a) Council's *Stormwater Management Plan*

b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*

c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques.*

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20110663.1/2305A/R2/BW, dated 14 September 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6: Internal Noise Levels
- Section 7: Mechanical Plant
- Section 9: Loading dock

29. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigation Services Pty Ltd, referenced as E25160KHrpt2, dated November 2011 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- additional sampling is to be carried out in footprints of the existing structures. Appropriate validation is required if any contaminants are found within the soil or surrounding areas.
- submission of a dam dewatering management plan.

30. Fill Material - Prior to the importation and/or placement of any fill material on the subject site

A validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

i) be prepared by a person with experience in the geotechnical aspects of earthworks, and

ii) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and

iii) be prepared in accordance with:

a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and

b) the Department of Environment and Conservation - Contaminated Sites "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".

iv) confirm that the fill material:

a) provides no unacceptable risk to human health and the environment;

b) is free of contaminants;

c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");

d) is suitable for its intended purpose and land use, and

e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

v) less than 6000m^3 - 3 sampling locations,

vi) greater than 6000m^3 - 3 sampling locations with 1 extra location for each additional 2000m^3 or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	**No of Samples Per Volume**	**Volume of Fill (m^3)**
Virgin Excavated Natural Material	1 *(see Note 1)*	1000

**Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

31. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. 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. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

32. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

33. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

34. Waste Management- Commercial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

i) provided with a hose tap connected to the water supply;
ii) paved with impervious floor materials;
iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

35. Waste Storage and Separation - Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
2) timber waste to be separated and sent for recycling;
3) metals to be separated and sent for recycling;
4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

36. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to

substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

37. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

38. Domestic Waste Management

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 35 x 660L bulk garbage bins, 137 recycling bins (fortnightly) and 18 x garden organics (fortnightly).

39. Garbage Collection – Commercial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

40. NSW Police Requirements

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

a) Natural surveillance is to be maximised and physical barriers installed to secure the property from trespassers.

b) High resolution CCTV is to be installed to monitor common open spaces and the car park access/egress points, entrances to the unit blocks and loading docks.

(c) Lighting is required to meet Australian Standards. In particular, lighting is to be installed at the entry and exit points of the buildings, driveways and within the carparking areas.

(d) All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment. Pedestrian pathways are to be maintained with low landscaping for 3-5m either side to prevent concealment.

(e) Bicycle parking is to be lockable and covered and be within sight of capable guardians.

(f) All public access points are to be clearly marked.

(g) The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.

(h) The installation of gates or a similar form of access control within the carparking areas to restrict access to the residential carparks and retail/commercial after hours.

(i) Offenders often target this type of development, including in the construction phase. Security sensor lights and a security company to monitor the site is to be used while construction is in progress.

(j) The installation of signage at fire exits and stairs to ensure that these exits/stairs are kept closed.

(k) Avoid the creation of 'natural ladders' such as ledges, capable of supporting hands/feet and use of balustrades that will not provide an anchor point for ropes.

(l) The use/installation of all measures outlined in Section 7.2.14 of the Statement of Environmental Effects prepared by City Plan Services.

41. Roads and Maritime Services Requirements

The following condition is required by Roads and Maritime Services (RMS) or as otherwise agreed by RMS and Council in writing:

a. Shared pathways along the frontages of the site should be provided in accordance with Council' requirements.
b. The provision of off-street car parking shall be provided to the satisfactory of Council.
c. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
d. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
e. All pedestrian crossings on the subject site are to be clearly sign posted and marked on the road to ensure safety for pedestrians.
f. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.
g. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
h. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site and loading area, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
i. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
j. All demolition and construction vehicles are to be contained wholly within the site.
k. All vehicles are to enter and leave the site in a forward direction.
l. All work associated with the proposed development is to be at no cost to the RMS or Council.

42. Compliance with Rural Fire Service Requirements

Asset Protection Zones

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

i. At the commencement of building works and in perpetuity the property around the building shall be managed as follows:

- East up to property boundary as an Inner Protection Area, and
- North east for a distance of 25 metres as an Inner Protection Area,

until the bush fire hazard on the eastern and north eastern aspects of the subject site are removed as part of any future development.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

ii. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
Access
The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:
iii. The proposed public access roads shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except the requirement for a perimeter road.
Design and Construction
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

iv. New construction on the northern and eastern elevations of the proposed Tower Block C1/C2 shall comply with section 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
v. New construction on the southern and western elevations of the proposed Tower Block C1/C2 shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
vi. New construction on the northern, eastern, southern and western elevations of proposed Tower Block D shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' section 5 (BAL 12.5) and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

43. Compliance with NSW Office of Water Requirements
Compliance with the requirements of the NSW Office of Water requirements attached as Appendix A to this consent and dated 29 November 2012.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

44. Accessibility and Adaptability
(i) Fifteen adaptable units are required to be provided on Site 1 and thirteen adaptable units on Site 2.

(ii) Prior to issue of the Construction Certificate, a suitable qualified access consultant is required to confirm that the adaptable dwellings are capable of being modified to comply with the Australian Adaptable housing Standard AS 4299-1995.

45. Fencing
Prior to issue of the Construction Certificate, plans shall be amended to provide the following fencing/screening:

(i) Front fencing shall be in harmony with the street, consistent in design and style with the building and a maximum of 1m high. Private (ground level) open space areas shall be enclosed with a landscape screen with an effective height of 1.8 metres from the finished ground level.

(ii) Fences or other boundary treatments from a dwellings private open space facing into communal open space are to have a maximum total height of 1.4m. The solid component of the boundary treatment is to be a maximum of 1m. Above this, boundary treatments are to be at least 50% visually transparent.

46. Bicycle Parking
(i) The provision and maintenance thereafter of bicycle racks to hold a minimum of 51 bikes within the retail parking area.

(ii) Each residential unit is to be provided with a minimum of 1 bike rack space within the basement carpark for the exclusive use of that unit.

(iii) Adjacent to each lobby area, bike racks to hold a minimum 25 bikes are to be provided in the following locations:

Site 1
Block A1 - 3 racks
Block A2 - 2 racks
Block B - 2 racks
Block C1 - 2 racks
Block C - 2 racks
Block D - 3 racks

Site 2
Block E - 4 racks
Block F1 - 3 racks
Block F2 - 4 racks

47. Mail Box Locations

The submission of the following information to the satisfaction of Council's Manager, Forward Planning, prior to issue of the Construction Certificate.

- Detailed information of approved location of mailboxes from Australia Post for all residential units.
- Details of mail delivery points or location of mailboxes for retail units that have frontage to a road.
- Marked plans showing proposed internal unit numbers to all residential units.

Please note the following guidelines in relation to numbering:

- The location of the mailbox will be the primary address for the properties regardless of the location of access to the property;
- There are to be no duplicate unit numbers within the one property address eg. Shop 1 / 2 Barry Road and Unit 1 / 2 Barry Road is not permitted;
- All residential units are to be numbered in sequential order from the ground up within each section of a block;
- Suffixes are to be avoided.

48. Section 94 Contribution –North Kellyville

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development. The following payments are required to be paid prior to the issue of the first Construction Certificate for each stage of the development.

Payments comprise of the following:-

STAGE 1	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 22	No. of 2 Bedroom Units: 39	No. of 3 Bedroom Units: 21	Sum of Units	No. of Credits: 1	Total SN
Open Space - Land	$ 5,854.96	$ 11,248.39	$ 13,908.39	$ 13,908.39	$ 70,294.92	$ 399,690.01	$ 292,076.19	$ 762,080.72	$ 13,908.39	$ 748,172.33
Open Space - Capital	$ 914.68	$ 1,801.07	$ 2,172.81	$ 2,172.81	$ 10,976.29	$ 62,441.70	$ 45,629.31	$ 119,048.30	$ 2,172.81	$ 116,874.49
Transport Facilities - Land	$ 662.77	$ 850.02	$ 1,094.30	$ 1,094.30	$ 5,503.24	$ 31,941.17	$ 23,385.30	$ 60,829.71	$ 1,094.30	$ 59,735.41
Transport Facilities - Capital	$ 3,445.26	$ 6,590.25	$ 8,183.67	$ 8,183.67	$ 41,340.40	$ 235,179.75	$ 171,897.07	$ 448,377.41	$ 8,183.67	$ 440,193.75
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,026.76	$ 2,026.76	$ 10,283.88	$ 58,503.12	$ 42,782.96	$ 111,570.96	$ 2,026.76	$ 109,544.20
Water Management - Capital	$ 376.66	$ 669.31	$ 894.75	$ 894.75	$ 4,519.92	$ 25,712.08	$ 18,799.75	$ 49,032.76	$ 894.75	$ 48,138.01
Community Facilities - Land	$ 255.49	$ 342.18	$ 464.38	$ 464.38	$ 2,365.88	$ 13,345.02	$ 9,751.98	$ 25,462.88	$ 464.38	$ 24,998.50
Community Facilities - Capital	$ 476.29	$ 833.62	$ 1,131.32	$ 1,131.32	$ 5,718.00	$ 32,511.97	$ 23,797.72	$ 62,084.29	$ 1,131.32	$ 60,953.97
Administration	$ 46.19	$ 80.78	$ 109.62	$ 109.62	$ 555.80	$ 3,130.42	$ 2,302.52	$ 6,008.24	$ 109.62	$ 5,898.62
Total:	$ 13,829.30	$ 25,105.93	$ 30,080.30	$ 30,080.30	$ 151,548.30	$ 882,195.09	$ 630,800.00	$ 1,643,543.69	$ 30,080.30	$ 1,613,463.39

STAGE 2	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 8	No. of 2 Bedroom Units: 50	No. of 3 Bedroom Units: 19	Sum of Units	No. of Credits: 0	Total SN
Open Space - Land	$ 5,854.96	$ 11,248.39	$ 13,908.39	$ 13,908.39	$ 46,894.64	$ 512,429.50	$ 264,284.41	$ 825,303.55	$ -	$ 825,303.55
Open Space - Capital	$ 914.68	$ 1,801.07	$ 2,172.81	$ 2,172.81	$ 8,202.12	$ 80,053.50	$ 41,283.39	$ 129,538.51	$ -	$ 129,538.51
Transport Facilities - Land	$ 662.77	$ 850.02	$ 1,094.30	$ 1,094.30	$ 4,164.40	$ 40,955.50	$ 22,086.70	$ 67,206.60	$ -	$ 67,206.60
Transport Facilities - Capital	$ 3,445.26	$ 6,590.25	$ 8,183.67	$ 8,183.67	$ 31,006.40	$ 301,512.50	$ 155,489.73	$ 488,007.68	$ -	$ 488,007.68
Water Management - Land	$ 856.99	$ 1,500.08	$ 2,026.76	$ 2,026.76	$ 7,712.91	$ 75,004.00	$ 38,679.44	$ 121,396.35	$ -	$ 121,396.35
Water Management - Capital	$ 376.66	$ 669.31	$ 894.75	$ 894.75	$ 3,389.94	$ 32,965.50	$ 17,000.33	$ 53,355.69	$ -	$ 53,355.69
Community Facilities - Land	$ 255.49	$ 342.18	$ 464.38	$ 464.38	$ 1,774.41	$ 17,128.00	$ 8,833.22	$ 27,735.63	$ -	$ 27,735.63
Community Facilities - Capital	$ 476.29	$ 833.62	$ 1,131.32	$ 1,131.32	$ 4,288.20	$ 41,681.50	$ 21,495.08	$ 67,463.80	$ -	$ 67,463.80
Administration	$ 46.19	$ 80.78	$ 109.62	$ 109.62	$ 416.39	$ 4,039.00	$ 2,082.78	$ 6,537.13	$ -	$ 6,537.13
Total:	$ 13,829.30	$ 25,105.93	$ 30,080.30	$ 30,080.30	$ 113,841.00	$ 1,105,768.00	$ 570,800.00	$ 1,790,037.00	$ -	$ 1,790,037.00

STAGE 4	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 32	No. of 2 Bedroom Units: 74	No. of 3 Bedroom Units: 30	Sum of Units	No. of Credits: 0	Total $M
Open Space - Land	$ 9,894.96	$ 10,248.99	$ 13,908.39	$ 13,908.39	$ 317,086.20	$ 758,395.66	$ 417,251.70	$ 1,292,733.56	$ -	$ 1,292,733.56
Open Space - Capital	$ 914.58	$ 1,821.07	$ 2,172.81	$ 2,172.81	$ 28,243.60	$ 135,676.18	$ 65,184.30	$ 231,103.08	$ -	$ 231,103.08
Transport Facilities - Land	$ 492.77	$ 920.07	$ 1,099.30	$ 1,099.30	$ 9,236.40	$ 99,942.22	$ 32,976.00	$ 142,176.62	$ -	$ 142,176.62
Transport Facilities - Capital	$ 3,445.28	$ 6,580.28	$ 8,183.67	$ 8,183.67	$ 68,905.60	$ 446,238.50	$ 245,510.10	$ 760,654.20	$ -	$ 760,654.20
Water Management - Land	$ 856.99	$ 1,600.08	$ 2,009.76	$ 2,009.76	$ 17,138.80	$ 122,009.92	$ 61,292.80	$ 200,441.52	$ -	$ 200,441.52
Water Management - Capital	$ 374.48	$ 699.21	$ 894.73	$ 894.73	$ 7,522.20	$ 68,786.94	$ 26,842.40	$ 103,151.54	$ -	$ 103,151.54
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 3,909.80	$ 25,321.32	$ 13,931.40	$ 43,162.52	$ -	$ 43,162.52
Community Facilities - Capital	$ 476.25	$ 930.69	$ 1,131.32	$ 1,131.32	$ 9,525.00	$ 82,680.42	$ 33,939.60	$ 126,153.32	$ -	$ 126,153.32
Administration	$ 46.19	$ 80.79	$ 109.62	$ 109.62	$ 923.80	$ 9,677.72	$ 3,288.60	$ 13,890.32	$ -	$ 13,890.32
Total	$ 15,657.00	$ 22,193.33	$ 30,000.00	$ 30,000.00	$ 392,490.00	$ 1,859,858.08	$ 900,000.00	$ 3,152,348.08	$ -	$ 3,152,348.08

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. 13.

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

49. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of $20,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been maintained in accordance with the approved landscape plan.

50. 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.

51. Basement Car Park and Subsurface Drainage

The stormwater pump-out system must provide for the following:

a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;

b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;

c) An alarm system to alert a pump failure;

d) 100mm freeboard to all nearby parking spaces;

e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

52. 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 is issued.

53. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

54. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

55. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of $86,400.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of $30.00 per square metre based on the public road frontage of the subject site (380m) plus an additional 50m on each side (480m) and the width of the road measured from face of kerb on both sides (6m). The minimum bond amount is $10,000.00.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

56. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is $10,000.00.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

57. Bank Guarantee Requirements (Development)

Should a bank guarantee be the proposed method of submitting a security bond it must:

a) Have no expiry date;

b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1336/2012/JP;

c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

58. Engineering Works and Design

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

a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

The engineering works included as part of the development include both "subdivision works" and "building works". These can be separated into three categories:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:

   a) A completed application form.

b) Four copies of the design plans and specifications.

c) Payment of the applicable application and inspection fees.

d) Payment of any required security bonds.

2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

   A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 must be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" must be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 must be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or an adjoining private property, that does not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective.

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Sandbanks Avenue (Proposed Road 1)	Road Type: DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	1 x 10 (7)
Indwarra Avenue (Proposed Road 3)	Road Type: DCP Minor Street w/ Cycleway (Figure 11B) 3.5m/ 8.3m/ 4m/ 2.5m (18.3m total)	5 x 10 (5)

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

The roadside swale must be located on the low (eastern) side of Indwarra Avenue to limit the amount of earthworks associated with this road construction.

The wider (6m) wide verge must be provided on the southern side of Sandbanks Avenue, with the 4m wide verge located on the northern side of this road.

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

ii. Partial Width Road Construction

The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective.

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Nullabor Street (Proposed Road 2)	Road Type: DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	1 x 10 (7)
Culgoa Street (Northern Boundary)	Road Type: DCP Minor Street (Figure 11A) 3.5m/ 8.3m/ 4m/ 2m (17.8m total)	5 x 10 (5)

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

With respect to the partial width construction of Culgoa Street, the applicant is responsible for the triangular section of this road located within the development site as shown on the DCP pre-planned road layout map. Where partial width construction already exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the preparation of a detailed design for this road between Barry Road and Indwarra Avenue. The tendered cost of these works must be calculated and submitted to Council for checking. A bond for these works must be submitted before a Construction Certificate is issued, with the bond amount determined using 150% of the tendered cost (determined above).

The roadside swale must be located on the low (southern) side of Culgoa Street to limit the amount of earthworks associated with this road construction.

With respect to the partial width construction of Nullabor Street, the wider (6m) wide verge must be provided on the western side of Nullabor Street, within the development site, with the 4m wide verge located on the eastern side of this road within the adjoining property.

Where partial width construction does not exist opposite, you are responsible for the construction of the 6m wide footpath verge and 7.7m of road pavement, being half the eventual 15.4m wide carriageway, resulting in a total road reserve width of 13.7m within the subject site. The remaining 11.7m is to be provided once the adjoining property to the east is developed. Where partial width construction already exists opposite, the completed road must comply with the overall requirements outlined in the table above. Within the 7.7m wide carriageway, you must provide a low level retaining wall at the property boundary to address the level difference between the existing topography and the design for this road, generally as shown on the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

Until such time as the remainder of Nullabor Street has been constructed, this road is to operate in one direction only, namely in a northerly direction between Withers Road Sandbanks Avenue. This one way arrangement will have to extend west along Sandbanks Avenue to the intersection between Sandbanks Avenue/ Indwarra Street so that vehicles travelling east along Sandbanks Avenue are not directed to a dead end at the intersection of Sandbanks Avenue/ Nullabor Street. A detailed traffic management plan, including details of all proposed line-marking and regulatory signage, must be submitted with the detailed design. This one way circulation arrangement must be

approved, in writing, by Council's Manager – Infrastructure and Transport Planning before being implemented. The tendered cost of removing this line-marking and regulatory signage must be calculated and submitted to Council for checking. A bond to ensure these works are carried out must be submitted before a Construction Certificate is issued, with the bond amount determined using 150% of the tendered cost (determined above).

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

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

iii. Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Barry Road	Road Type: DCP Collector Road (Figure 7) 3.5m/ 12m/ 4.5m (20m total)	1 x 10 (6)
Withers Road	Road Type: DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	1 x 10 (7)

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

With respect to the partial width reconstruction of Barry Road, the wider (4.5m) wide verge must be provided on the eastern side of this road fronting the subject site. Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the 4.5m wide footpath verge, kerb and gutter and the reconstruction of 6m of road pavement (minimum). This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this overall carriageway width.

The existing Barry Road reserve is 20.115m wide, wider than the DCP overall road reserve width of 20m (see above). Accordingly, there is no additional widening required to be provided, aside from the SP2 zoned land at the intersection of Barry Road/ Withers Road. The additional 115mm is to be evenly distributed on either side to provide for a slightly wider verge.

With respect to the partial width reconstruction of Withers Road, the wider (6m) wide verge must be provided on the southern side of this road opposite the subject site, with the 4m wide verge provided across the site's frontage to this road. Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the 4m wide footpath verge, kerb and gutter and the reconstruction of 7.7m of road pavement (minimum). This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this overall carriageway width.

The longitudinal gradient of Withers Road fronting the site must comply with the longitudinal section prepared by Henry and Hymas (as amended) and approved by Council.

The existing Withers Road reserve is 20.115m wide, whereas the DCP requires an overall road reserve width of 25.4m (see above). Accordingly, 2.6425m of road widening is required on either side of Withers Road (5.285m in total) across the site's frontage.

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

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

iv. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of Culgoa Street in accordance with the DCP and the above documents. Where Culgoa Street is not constructed as part of this development, the bond provided (see above) must cover these works also.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the western side of Indwarra Avenue in accordance with the DCP and the above documents.

The western (6m wide) footpath verge in Nullabor Street, the northern (4m wide) footpath verge in Withers Road and the footpath verge on both sides (6m and 4m) of Sandbanks Avenue must be concreted, including access ramps at all intersections, in accordance with the DCP and the above documents.

v. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the eastern side of Indwarra Avenue in accordance with the DCP and the above documents.

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the eastern side of Barry Road in accordance with the DCP and the above documents.

vi. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

vii. Street Names Signs

Street name signs and posts are required, as approved by Council.

viii. Service Conduits

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

ix. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of bio-retention swales in Indwarra Avenue and Culgoa Street and proprietary stormwater quality treatment products, detention storage and rainwater reuse tanks within the development site, are required generally in accordance with the plans and information prepared by Henry and Hymas (as amended) and submitted with the development application.

Detailed plans for the water sensitive urban design elements must be submitted to Council for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed

water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the environmental targets prescribed in the North Kellyville DCP.

All model parameters and data outputs are to be provided to Council.

The following additional requirements apply:

1. The bio-retention swales in roads must be 4m wide and yield a detention volume of 0.75m3 per linear metre.

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, http://www.wsud.org/tools-resources/index.html; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, http://www.ncwe.org.au/arq/.

x. Local Pavement Widening – Right Turning Vehicles

The existing road pavement in the vicinity of Sandbanks Avenue, Culgoa Street and Nullabor Street must be widened to account for vehicles turning right into the subdivision from Barry Road or Withers Road and to minimise inconvenience to through traffic.

xi. Local Pavement Widening – Deceleration Lane

The existing road pavement in the vicinity of Sandbanks Avenue, Culgoa Street and Nullabor Street must be widened to account for vehicles turning left into the subdivision from Barry Road or Withers Road and to minimise inconvenience to through traffic.

xii. Temporary Turning Head

A temporary cul-de-sac turning head must be provided at the northern end of Indwarra Avenue (proposed road three). The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

xiii. Footpath Verge Formation

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

xiv. Stormwater Drainage

The temporary stormwater outlet (or outlets) within the future public reserve must be designed and constructed in accordance with the requirements of both Council and the NSW Office of Water.

xv. Stormwater Drainage – Temporary Management

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

xvi. Stormwater Drainage – Temporary Discharge

Tail out drains over adjoining properties are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets.

xvii. Pedestrian Crossing Thresholds

No pedestrian crossings or thresholds are to be constructed without separate written approval from Council's Local Traffic Committee via Council's Manager – Infrastructure and Transport Planning. The design and construction of any such pedestrian crossing thresholds must comply with the above documents, AS 1742.13:1991 and AUSTROADS Part 13. The design must consider signage, line marking, parking restrictions and night time visibility.

59. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

60. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

61. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

a) Allotment boundaries;

b) Adjoining roads;

c) Contours;

d) Existing vegetation;

e) Existing site drainage;

f) Critical natural areas;

g) Location of stockpiles;

h) Erosion control practices;

i) Sediment control practices; and

j) A maintenance program for the erosion and sediment controls.

62. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

63. Principal Certifying Authority

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

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

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

65. Management of Building Sites – Builder's Details
The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

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

66. Consultation with Service Authorities
Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

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

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

67. 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).

68. Pre-Construction Public Infrastructure Dilapidation Report
A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

a) Designated construction access and delivery routes; and

b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

69. Separate WSUD Detailed Design Approval
No work is to commence until a detailed design for the WSUD system has been approved by either Council or an accredited certifier.

70. Traffic Control Plan
A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RMS Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RMS accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

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

a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:

The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555

b) The name of the person responsible for carrying out the works;

c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;

d) That unauthorised entry to the work site is prohibited.

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

72. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than $10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

73. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

74. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

75. Erosion & Sediment Control Plan Kept on Site

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

76. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991*: The Demolition of Structures. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

77. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works).

Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

78. Resubmit Waste Management Details

Prior to work commencing on site the Waste Management Plan in relation to the demolition and construction stages of the development must be resubmitted to and approved by Council. The Plan shall readdress the following;

1. Waste contractor information;
2. Address of recycling outlet(s) and/or landfill site(s).

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website **www.thehills.nsw.gov.au**.

DURING CONSTRUCTION

79. Compliance with BASIX Certificates

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 Nos. 432548M, 432633M, 432645M, 432626M, 432636M and 432655M be complied with.

80. 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. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

81. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

82. Roof Water Drainage

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

83. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

84. Standard of Works

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

85. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

a) Prior to commencement of work;

b) Traffic control to AS 1742-3;

c) Bedding of pipes in trenches;

d) Trench backfill within roads;

e) Formwork for concrete structures;

f) Sub-grade proof roller test;

g) Proof roller test for kerb;

h) Sub-base course proof roller test;

i) Base course proof roller test;

j) Prior to placing of fill;

k) Road crossing;

l) Final inspection; and

m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

86. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

87. Stockpiles

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

88. Demolition of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank collection well or aerated waste water treatment system is to be destroyed, removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) available from the NSW Health website (www.health.nsw.gov.au).

89. Washing of Vehicles

The car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under the Trade Waste Agreement from Sydney Water. Alternate water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

a) Council's Stormwater Management Plan

b) Environmental Protection Authority's *Environment Protection Authority Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques.*

90. 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 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 for review prior to works recommencing on site.

91. Breaching and Filling of Dam

(a) Polluted water from the dam shall not be discharged to any watercourse. Council's Environmental Health Team shall be notified forty-eight (48) hours prior to the breaching of the dam of the proposed disposal method of waters and silt.

(b) All fill must be Virgin Excavated Natural Material (VENM), non-saline and must not contain contaminants such as demolition material or organic wastes. Details of the source of the material are to be obtained and provided to Council.

(c) An appropriately qualified fauna ecologist (licensed by NSW National Parks and Wildlife Service) is to be present on-site for the duration of dewatering of the dam. Should any fauna species be observed, the fauna ecologist is to ensure that appropriate action is taken with regard to rescue, care and relocation and destruction (where appropriate).

i. Native fauna – relocate fauna rescued to an appropriate location. In choosing relocation sites the ecologist is to consider the effects of overcrowding in other local dams and attempt relocating individuals over a few sites rather than one where it is deemed appropriate.

ii. Introduced fauna – euthanize introduced species in a manner that is consistent with animal welfare regulations including those administered by NSW Industry and Investment. Facts sheets for appropriate methods are located on this website.

iii. Further care needs to be taken when draining the dam that water is not discharged in creeks/rivers which may potentially introduce fish species/eggs (including but not limited to Common carp-*Cyprinus carpio* and Mosquito fish-*Gambusia holbrooki*) into that creek.

iv. The fauna ecologist is to submit a report to Council following the dam works and associated actions taken relating to the development. The report is to include a description of the relocation site/s and a species list of fauna utilising the dam, their numbers and condition. The report should also detail whether introduced species were destroyed and by which means.

v. The ecologist is advised to contact the NSW National Parks and Wildlife Service Wildlife Licensing Unit well prior to undertaking dam works/habitat disruption to ensure that they have the appropriate wildlife licenses.

(d) The earth dam is to be breached in accordance with the requirements of the Department of Environment Climate Change and Water (DECCW).

(e) All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

92. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part C, Section 3 – Landscaping and the approved landscape plan.

93. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required form 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.

94. 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.

95. Post Construction Public Infrastructure Dilapidation Report

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

96. Dedication of Public Road

An Occupation Certificate must not be issued until Culgoa Street, Indwarra Avenue, Nullabor Street and Sandbanks Avenue, as covered by this approval, have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

97. Dedication of Road Widening

An Occupation Certificate must not be issued until the road widening along the site's frontage to Withers Road, covered by this approval, has been dedicated at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

98. Pump System Certification

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

99. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant. Standard wording is available on Council's website and must be used.

i. Restriction – OSD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed onsite stormwater detention system at the expense of the property owner.

iii. Restriction – WSUD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed water sensitive urban design elements.

iv. Positive Covenant – WSUD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed water sensitive urban design elements at the expense of the property owner.

v. Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

vi. Restriction – Bedroom Numbers

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent or subsequent Section 96 applications. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

100. Completion of Water Sensitive Urban Design Elements

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

a) WAE drawings and any required engineering certifications;

b) Records of inspections;

c) An approved operations and maintenance plan; and

d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

101. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

102. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is $5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

103. Removal of Sediment and Erosion Control Measures

A $5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

104. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

105. Public Asset Creation Summary
A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

106. Acoustic Compliance Report
The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Noise Impact Assessment prepared by Acoustic Logic Pty Ltd dated 14 September 2012.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

107. Inspection of Bin Bay Storage Areas
Inspection of the bin bay storage areas is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

108. Hours of Operation
The hours of operation of the supermarket are limited to:

7am – 12 midnight Monday – Saturday; and
8am – midnight Sunday.

The hours of operation of the specialty tenancies, which are subject to a further Development Application, will be limited to:

8.30am – 6pm Monday – Wdnesday, Friday and Saturday;
8.30am – 9pm Thursday; and
10am – 4pm Sunday.

109. Hours of Operation for the Loading Docks
The hours of operation for the loading docks are 7am and 10pm.

110. Use of the 'Retail Street'
The use of the 'retail street' is to be for civic and community purposes including activities such as displays, community and similar events. The retail street is not to be used for the general retail sale of goods/items. Two kiosks are permitted within the retail street with a maximum area of 2.5m x 3m each. Other kiosks, temporary sale events and other retail purposes are not permitted without the further Development Consent of Council.

The retail street is to be available for use as a pedestrian thoroughfare during the opening hours of the centre.

111. 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 The Control of Obtrusive Effects of Outdoor Lighting.*

112. Offensive Noise - Acoustic Report
The proposed 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 an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

113. Waste Storage and Collection
To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

114. Servicing of Bins
Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

115. Waste
The bins are required to be positioned on the eastern side of the Proposed Road 3 until such time as Road 3 is built. The bins are permitted to be relocated to the western side upon completion of Road 3 being built.

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's planning instrument.

2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.

3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.

4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Kristine McKenzie on 9843 0319..

Yours faithfully

P. Osborne

Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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ABN No. 25 034 494 656

15 October, 2014

Restifa & Partners Pty Ltd
Level 2, 100 Mount St
NORTH SYDNEY NSW 2060

Ref No.1336/2012/JP/A
JRPP: 10/10/2014

Dear Sir/Madam

SECTION 96 MODIFICATION OF DEVELOPMENT CONSENT

CONSENT NUMBER: 1336/2012/JP/A

Pursuant to the provisions of Section 122(1) of the Environmental Planning and Assessment Regulation 2000, notice is hereby given of the determination by The NSW Government's Joint Regional Planning Panel (Sydney West Region) of the Development Application described below:

APPLICANT:	Restifa & Partners Pty Ltd
OWNER:	Mr J Polito
PROPERTY:	Lot E DP 399088 2-4 Barry Road, KELLYVILLE
DEVELOPMENT:	Section 96(2) Modification Application to an Approved Mixed Use Development
DATE OF APPROVAL:	10 October 2014
ENDORSED DATE OF ORIGINAL CONSENT:	20 December 2012

The Section 96 application for modification of Development Consent 1336/2012/JP be approved as follows:

1. Condition 1 be deleted and replaced with:

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

REFERENCED PLANS AND DOCUMENTS – DA 1336/2012/JP

DRAWING NO.	DESCRIPTION	DATE
DA00	Cover Sheet	Issue 2
DA01	Site Analysis	Issue 2
DA02	Residential Parking – Lower Level	Issue 3
DA03	Basement Plan	Issue 3
DA04	Ground Floor Plan	Issue 4
DA05	Podium Level Plan	Issue 3
DA06	Typical Residential Plan	Issue 2
DA07	Typical Residential Level	Issue 2
DA07A	Typical Residential Level Site 2	Issue 1
DA08	Roof Plan	Issue 2
DA09	Setback Plan	Issue 2
DA10	Site 1 Withers Road Elevation	Issue 3
DA11	Site 1 Barry Road/Prop Road 1 Elevations	Issue 2
DA12	Site 1 Proposed Road 1 Elevation	Issue 2
DA13	Block F1 and F2 External Elevations	Issue 3
DA14	Site 2 Block E External Elevations	Issue 2
DA15	External Elevations Site 1	Issue 2
DA16	External Elevations Site 2	Issue 2
DA20	Site 1 Section Looking South	Issue 2
DA21	Site 1 Section Looking South	Issue 2
DA22	Site 1 Section Looking East/West	Issue 2
DA23	Site 1 Section Block B, C1, C2	Issue 2
DA24	Site 1 Section Block A2,D	Issue 2
DA25	Site 2 Sections Block E	Issue 2
DA26	Site 2 Section Block F1 and F2	Issue 2
DA50	Typical Apartments	Issue 2
DA51	Typical Accessible Apartments	Issue 2
DA52	Typical Driveway and Ramps	Issue 2
DA53	Typical Loading Dock	Issue 2
DA100	Shadow Analysis – Winter Solstice Sheet 1	Issue 2
DA101	Shadow Analysis – Winter Solstice Sheet 2	Issue 2
DA102	Shadow Analysis – Winter Solstice Sheet 3	Issue 2
DA103	Shadow Analysis – Winter Solstice Sheet 4	Issue 2
DA104	Shadow Analysis – Winter Solstice Sheet 5	Issue 2
DA110	Staging Diagrams	Issue 2
DA120	Perspective Views	Issue 2
---	Plan of Detail and Levels	Sheet 1 of 2 Sheets
---	Plan of Detail and Levels	Sheet 2 of 2 Sheets
001	Landscape Masterplan	Issue D
100	Landscape Masterplan Ground Level	Issue F
101	Landscape Detail Plan Ground Level	Issue F
200	Landscape Masterplan Podium Level	Issue E
201	Landscape Detail Plan Podium Level	Issue E
202	Landscape Detail Plan Podium Level	Issue E
502	Landscape Masterplan	Issue B
501	Landscape Masterplan	Issue C
601	Landscape Cross Sections Roadway Types	Issue D

REFERENCED PLANS AND DOCUMENTS – DA 1336/2012/JP/A

DRAWING NO.	DESCRIPTION	DATE
S2000	Cover Sheet	2014.07.01 Issue 3
S2001	Approved and Proposed Area Comparison	2014.04.22 Issue 2
S2002	Site Plan	2014.07.01 Issue 3
S2003	Basement 1	2014.07.01 Issue 3
S2004	Basement 2 + Block F2 Level 1	2014.07.01 Issue 3
S2005	Block E Level 1, Block F1 Level 1 + Block F2 Level 2	2014.07.01 Issue 3
S2006	Block E Level 2, Block F1 Level 2 + Block F2 Level 3	2014.07.01 Issue 3
S2007	Block E Level 3, Block F1 Level 3 + Block F2 Level 4	2014.07.01 Issue 3
S2008	Block E Level 4, Block F1 Level 4 + Block F2 Level 5	2014.07.01 Issue 3
S2009	Block E Level 5, Block F1 Level 5 + Block F2 Roof	2014.07.01 Issue 3
S2010	Block E + Block F1 Roof Plan	2014.04.22 Issue 2
S2011	Elevations Block E	2014.04.22 Issue 2
S2012	Elevations Block F	2014.04.22 Issue 2
S2013	External Elevations	2014.07.01 Issue 3
S2015	Sections	2014.04.22 Issue 2
S2016	Sections	2014.04.22 Issue 2
S2020	Shadow Analysis – Winter Solstice Sheet 1	2014.04.22 Issue 2
S2021	Shadow Analysis – Winter Solstice Sheet 2	2014.04.22 Issue 2
S2022	Shadow Analysis – Winter Solstice Sheet 3	2014.04.22 Issue 2
S2030	Typical Bedroom Units	2014.04.22 Issue 2
S2031	Typical Accessible Bedroom Units	2014.04.22 Issue 2
S2033	Staging	2014.07.01 Issue 1
004	Landscape Concept Report	April 2014 Issue D

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

2. Condition 2 be deleted and replaced with:

2. Staging of Works
The proposed works will be staged as follows in accordance with the approved 'staging diagrams':

- Stage 1 - Subdivision, site services and infrastructure, road works and OSD basin.
- Stage 2A - Site 2 - All basement parking, the whole of the podium and apartment Block E.
- Stage 2B – Site 2 - Apartment Blocks F1 and F2.
- Stage 3 – Site 1 - All works up to the podium level for the whole of the site including all basement parking, retail/commercial tenancies, loading docks and the like.
- Stage 4 – Site 1 - Apartment Blocks A1 and A2.
- Stage 5 – Site 1 - Apartment Block B.
- Stage 6 – Site 1 - Apartment Blocks C1 and C2.

- Stage 7 - Site 1 - Apartment Block D.

3. Condition 3 be deleted and replaced with:

3. Provision of Parking Spaces and Use

The development is required to be provided with 1032 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These spaces are to comprise:

(i) 688 spaces for Site 1, including one accessible parking space per accessible residential unit (15 accessible units).

(ii) 343 spaces for Site 2, including one accessible parking space per accessible residential unit (19 accessible units).

(iii) All spaces within Site 2 are to be allocated for resident parking.

(iv) 53 of the residential visitor spaces within Site 1 are permitted to be used as 'dual use spaces', being spaces which are available for retail parking use during the day and available for residential visitor parking during the evening and overnight.

4. The addition of Condition 43a as follows:

43A. Excavation/ Anchoring Near Boundaries

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

a) Before a Construction Certificate is issued:

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

b) Before an Occupation Certificate is issued:

- Once works are complete, all loads must be removed from the anchors.

5. Condition 44 be deleted and replaced with:

44. Accessibility and Adaptability

(i) Fifteen adaptable units are required to be provided on Site 1 and nineteen adaptable units on Site 2.

(ii) Prior to issue of the Construction Certificate, a suitable qualified access consultant is required to confirm that the adaptable dwellings are capable of being modified to comply with the Australian Adaptable housing Standard AS 4299-1995.

6. Condition 46 be deleted and replaced with:

46. Bicycle Parking

(i) The provision and maintenance thereafter of bicycle racks to hold a minimum of 51 bikes within the retail parking area.

(ii) Each residential unit is to be provided with a minimum of 1 bike rack space within the basement carpark for the exclusive use of that unit.

(iii) Adjacent to each lobby area, bike racks to hold a minimum 29 bikes are to be provided in the following locations:

Site 1
Block A1 - 3 racks
Block A2 - 2 racks
Block B - 2 racks
Block C1 - 2 racks
Block C - 2 racks
Block D - 3 racks

Site 2
Block E - 7 racks
Block F1 - 4 racks
Block F2 - 4 racks

7. Condition 48 be deleted and replaced with:

48. Section 94 Contribution –North Kellyville

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development. The following payments are required to be paid prior to the issue of the first Construction Certificate for each stage of the development.

Payments comprise of the following:-

Stage 2A

Stage 2A	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 40	No. of 2 Bedroom Units: 30	No. of 3 Bedroom Units: 8	Size of Units	No. of Credits: 1	Total S94
Open Space - Land	$ 3,454.96	$ 10,248.39	$ 13,908.38	$ 13,908.38	$ 234,199.45	$ 307,457.70	$ 84,541.90	$ 611,198.00	$ 13,908.38	$ 897,289.62
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 38,587.18	$ 48,092.10	$ 10,864.05	$ 95,693.35	$ 2,172.81	$ 93,710.54
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 19,510.80	$ 24,300.90	$ 5,496.50	$ 48,308.20	$ 1,099.30	$ 47,208.90
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,182.67	$ 8,182.67	$ 145,302.05	$ 180,907.50	$ 40,918.35	$ 359,021.85	$ 8,182.67	$ 351,444.18
Water Management - Land	$ 956.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 34,276.60	$ 45,092.40	$ 10,176.80	$ 89,460.80	$ 2,035.76	$ 87,425.04
Water Management - Capital	$ 276.68	$ 484.31	$ 657.15	$ 657.15	$ 11,668.60	$ 14,779.50	$ 3,285.75	$ 29,014.45	$ 657.15	$ 28,424.70
Community Facilities - Land	$ 195.69	$ 342.19	$ 464.38	$ 464.38	$ 7,819.80	$ 10,283.40	$ 2,321.90	$ 20,406.90	$ 464.38	$ 19,942.52
Community Facilities - Capital	$ 478.20	$ 836.93	$ 1,135.43	$ 1,135.43	$ 19,050.00	$ 25,059.90	$ 5,654.30	$ 49,715.55	$ 1,135.43	$ 48,584.12
Administration	$ 46.13	$ 80.78	$ 109.62	$ 109.62	$ 1,846.00	$ 2,428.40	$ 548.10	$ 4,817.50	$ 109.62	$ 4,707.88
Total	$ 12,629.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ 508,180.00	$ 668,177.60	$ 150,000.00	$ 1,318,137.50	$ 30,000.00	$ 1,288,137.50

Stage 2B

Stage 2B	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 27	No. of 2 Bedroom Units: 62	No. of 3 Bedroom Units: 5	Size of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,954.96	$ 10,248.39	$ 13,908.38	$ 13,908.38	$ 158,633.92	$ 635,412.58	$ 69,540.90	$ 863,038.40	$ -	$ 863,038.40
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 24,896.36	$ 99,298.34	$ 10,864.05	$ 134,826.75	$ -	$ 134,826.75
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 12,494.79	$ 50,202.30	$ 5,496.50	$ 68,213.15	$ -	$ 68,213.15
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,182.67	$ 8,182.67	$ 93,816.35	$ 373,875.50	$ 40,918.35	$ 507,810.20	$ -	$ 507,810.20
Water Management - Land	$ 956.99	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 23,135.73	$ 93,094.96	$ 10,178.80	$ 126,322.49	$ -	$ 126,322.49
Water Management - Capital	$ 276.68	$ 484.31	$ 657.15	$ 657.15	$ 7,597.21	$ 30,279.72	$ 3,285.75	$ 41,120.73	$ -	$ 41,120.73
Community Facilities - Land	$ 195.69	$ 342.19	$ 464.38	$ 464.38	$ 5,089.38	$ 21,046.32	$ 2,321.90	$ 28,811.20	$ -	$ 28,811.20
Community Facilities - Capital	$ 478.20	$ 836.93	$ 1,135.43	$ 1,135.43	$ 12,397.56	$ 51,298.06	$ 5,654.30	$ 70,350.46	$ -	$ 70,350.46
Administration	$ 46.13	$ 80.78	$ 109.62	$ 109.62	$ 1,201.06	$ 4,969.36	$ 548.10	$ 6,817.51	$ -	$ 6,817.51
Total	$ 12,629.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ 340,983.00	$ 1,370,507.04	$ 150,000.00	$ 1,861,550.04	$ -	$ 1,861,550.04

Stage 4

Stage 4	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 24	No. of 3 Bedroom Units: 18	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 52,694.64	$ 245,966.16	$ 250,250.34	$ 549,011.64	$ -	$ 549,011.64
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 8,232.12	$ 38,425.68	$ 39,110.58	$ 85,768.38	$ -	$ 85,768.38
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 4,164.93	$ 19,442.55	$ 19,787.40	$ 43,393.88	$ -	$ 43,393.88
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 31,005.45	$ 144,728.00	$ 147,306.06	$ 323,027.51	$ -	$ 323,027.51
Water Management - Land	$ 856.49	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 7,712.91	$ 36,000.92	$ 36,642.68	$ 80,356.51	$ -	$ 80,356.51
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 3,389.94	$ 15,823.44	$ 16,106.56	$ 35,318.88	$ -	$ 35,318.88
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 1,759.41	$ 8,212.32	$ 8,358.84	$ 18,330.57	$ -	$ 18,330.57
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 4,286.25	$ 20,007.12	$ 20,363.94	$ 44,657.31	$ -	$ 44,657.31
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 415.35	$ 1,938.72	$ 1,973.16	$ 4,327.23	$ -	$ 4,327.23
Total	$ 12,829.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ 113,661.00	$ 530,542.08	$ 540,000.00	$ 1,184,203.08	$ -	$ 1,184,203.08

Stage 5

Stage 5	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 2	No. of 2 Bedroom Units: 15	No. of 3 Bedroom Units: 9	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 57,564.88	$ 153,726.85	$ 45,725.14	$ 313,018.87	$ -	$ 313,018.87
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 8,994.04	$ 24,016.05	$ 7,144.42	$ 48,928.31	$ -	$ 48,928.31
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 1,388.31	$ 12,150.45	$ 3,297.90	$ 16,836.66	$ -	$ 16,836.66
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 33,885.15	$ 90,453.75	$ 24,551.01	$ 125,389.91	$ -	$ 125,389.91
Water Management - Land	$ 856.49	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 2,570.87	$ 22,501.20	$ 6,107.28	$ 31,179.45	$ -	$ 31,179.45
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 1,129.98	$ 9,889.65	$ 2,684.26	$ 13,703.88	$ -	$ 13,703.88
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 586.47	$ 5,132.76	$ 1,393.14	$ 7,112.37	$ -	$ 7,112.37
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 1,428.75	$ 12,504.45	$ 3,393.99	$ 17,327.19	$ -	$ 17,327.19
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 138.45	$ 1,211.70	$ 328.86	$ 1,678.01	$ -	$ 1,678.01
Total	$ 12,829.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ 37,887.00	$ 331,588.80	$ 90,000.00	$ 459,475.80	$ -	$ 459,475.80

Stage 6

Stage 6	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 25	No. of 3 Bedroom Units: 12	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ 52,694.64	$ 256,214.75	$ 166,900.50	$ 475,809.85	$ -	$ 475,809.85
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ 8,232.12	$ 40,026.75	$ 26,070.72	$ 74,332.59	$ -	$ 74,332.59
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ 4,164.93	$ 20,250.75	$ 13,191.60	$ 37,607.38	$ -	$ 37,607.38
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ 31,005.45	$ 150,756.25	$ 98,204.04	$ 279,965.74	$ -	$ 279,965.74
Water Management - Land	$ 856.49	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ 7,712.91	$ 37,502.00	$ 24,429.12	$ 69,644.03	$ -	$ 69,644.03
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ 3,389.94	$ 16,482.75	$ 10,737.00	$ 30,609.69	$ -	$ 30,609.69
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ 1,759.41	$ 8,554.25	$ 5,572.56	$ 15,886.47	$ -	$ 15,886.47
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ 4,286.25	$ 20,840.75	$ 13,575.96	$ 38,702.96	$ -	$ 38,702.96
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ 415.35	$ 2,019.50	$ 1,315.44	$ 3,750.29	$ -	$ 3,750.29
Total	$ 12,829.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ 113,661.00	$ 552,648.00	$ 360,000.00	$ 1,026,309.00	$ -	$ 1,026,309.00

Stage 7

Stage 7	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 0	No. of 2 Bedroom Units: 25	No. of 3 Bedroom Units: 7	Sum of Units	No. of Credits: 0	Total S94
Open Space - Land	$ 5,854.96	$ 10,248.59	$ 13,908.38	$ 13,908.38	$ -	$ 256,214.75	$ 97,358.66	$ 353,573.41	$ -	$ 353,573.41
Open Space - Capital	$ 914.68	$ 1,601.07	$ 2,172.81	$ 2,172.81	$ -	$ 40,026.75	$ 15,206.42	$ 55,233.42	$ -	$ 55,233.42
Transport Facilities - Land	$ 462.77	$ 810.03	$ 1,099.30	$ 1,099.30	$ -	$ 20,250.75	$ 7,695.10	$ 27,945.85	$ -	$ 27,945.85
Transport Facilities - Capital	$ 3,445.05	$ 6,030.25	$ 8,183.67	$ 8,183.67	$ -	$ 150,756.25	$ 57,285.59	$ 208,041.84	$ -	$ 208,041.84
Water Management - Land	$ 856.49	$ 1,500.08	$ 2,035.76	$ 2,035.76	$ -	$ 37,502.00	$ 14,250.32	$ 51,752.32	$ -	$ 51,752.32
Water Management - Capital	$ 376.66	$ 659.31	$ 894.75	$ 894.75	$ -	$ 16,482.75	$ 6,261.45	$ 22,744.20	$ -	$ 22,744.20
Community Facilities - Land	$ 195.49	$ 342.18	$ 464.38	$ 464.38	$ -	$ 8,554.25	$ 3,250.46	$ 11,804.71	$ -	$ 11,804.71
Community Facilities - Capital	$ 476.25	$ 833.63	$ 1,131.33	$ 1,131.33	$ -	$ 20,840.75	$ 7,919.31	$ 28,760.06	$ -	$ 28,760.06
Administration	$ 46.15	$ 80.78	$ 109.62	$ 109.62	$ -	$ 2,019.50	$ 767.34	$ 2,786.84	$ -	$ 2,786.84
Total	$ 12,829.00	$ 22,105.92	$ 30,000.00	$ 30,000.00	$ -	$ 552,648.00	$ 210,000.00	$ 762,648.00	$ -	$ 762,648.00

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

This condition has been imposed in accordance with Contributions Plan No. 13.

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

8. Condition 79 be deleted and replaced with:

79. Compliance with BASIX Certificates

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 Nos. 432548M, 432633M, 432626M, 432636M, 537427M Block E and 537964M Block F be complied with.

9. The addition of Condition 62a as follows:

62a. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growths Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates.

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

10. The addition of Condition 91a as follows:

91a. Adherence to Operational Waste Management Plan (Blocks E, F1 and F2)
All requirements of the Waste Management Plan submitted as part of the Section 96(A) Development Application, prepared by KMH Environmental and dated 3 July 2014 must be implemented during construction as well as the ongoing management of the development.

11. The addition of Condition 91b as follows:

91b. Construction of Bulk Bin Hardstand Area (Blocks E, F1 and F2)
The bulk bin hardstand area must be constructed of concrete and is to be bounded by kerb (or equivalent) to prevent bin movement. The finished surface is to be level and non-slip. The floor area must be sized to comfortably store and manoeuvre a minimum of fifteen (15) 660L bulk bins. Each hardstand area is required to be provided with a waste serving path (maximum gradient of 1:20) which leads to the street including kerb crossing, so collectors can safely wheel bins to and from the rear of the collection vehicle for servicing purposes.

12. The addition of Condition 91c as follows:

91c. Provision of No Parking Signs (Blocks E, F1 and F2)
Provide No Parking 6:00am to 12:00pm Monday and Thursday from the intersection of Indwarra Avenue and Sandbanks Avenue to the end of the cul-de-sac (entire street frontage along Indwarra Avenue). This is to ensure that there is no conflict between on-street vehicle parking and waste collection.

13. The addition of Condition 107a as follows:

107a. Bin Vehicle and Mover Trailer (Blocks E, F1 and F2)
Prior to an Occupation Certificate being issued (interim or final), a mechanical bin mover suitable for 660L bulk bins and a six (6) bay wide bin mover trolley to suit 240L mobile bins (or equivalent) must be provided at the development. The selected mechanical bin mover must be able to convey the bulk bins and loaded bin mover trolley over all ramps and slopes between the waste storage and collection points.

14. The addition of Condition 116 as follows:

116. Waste and Recycling Management (Blocks E, F1 and F2)
Engagement of a caretaker responsible for the movement of all bins provided to the development to and from the waste storage and collection points on the allocated day of collection as determined by Council. Bins must be removed from the street and the hardstand collection area within 6 hours of collection.

Pursuant to Clause 122 of the Environmental Planning and Assessment Act Regulations 2000, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.

2. To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.

3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.

4. To ensure the relevant heads of consideration under Section 79C of the Act 1979 are maintained.

Right of Review
Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

a) Designated development, or
a) Integrated development, or
b) An application by the Crown determined by Council under section 116(E).

Right of Appeal
Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

Should you require any further information please contact Kristine McKenzie on 9843 0319.

Yours faithfully

P. Osborne

Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT