

## COUNCIL ASSESSMENT REPORT

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSCC- 620 DA 699/2025/JP
<b>PROPOSAL</b>	Mixed Use Development comprising Six Buildings and including 826 Residential Apartments, a Child Care Facility, Retail and Café Uses.
<b>ADDRESS</b>	Lot 3 and 4 DP 1253073 301 Samantha Riley Drive, Kellyville
<b>APPLICANT</b>	Kellyville Investments No.1 Pty Ltd
<b>OWNER</b>	Centro Holdings Pty Ltd
<b>DA LODGEMENT DATE</b>	5 November 2024
<b>APPLICATION TYPE</b>	Development Application – Nominated Integrated Development
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2, Schedule 6 of the Planning Systems SEPP CIV > \$30 million
<b>CIV</b>	\$236,418,808.00
<b>CLAUSE 4.6 REQUESTS</b>	Clause 4.3 Height of Buildings – The Hills Local Environmental Plan 2019
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• The Hills Local Environmental Plan 2019</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	One submission against the proposal received. Concerns raised regarding the orderly development of the site with respect to adjoining land.

**DOCUMENTS  
SUBMITTED FOR  
CONSIDERATION**

Architectural Plans prepared by Tony Owen Partners Revision F dated October 2024

Concept Public Domain and Stormwater Drainage Design prepared by S&G Consultants Pty Ltd Revision A dated 23 October 2024

Landscape Plans prepared by Canvas Landscape Architects Revision A dated 22 October 2024

Statement of Environmental Effects prepared by Ethos Urban Revision 2 dated 25 October 2024

Design Report prepared by Tony Owen Partners dated October 2024

Clause 4.6 Variation Request prepared by Ethos Urban dated 25 October 2024

Cost Summary Report prepared by Archi-QS dated 23 October 2024

Ecologically Sustainable Design Report prepared by Eco Engineering Group Revision 1 dated 23 October 2024

BASIX & NatHERS Assessment Report prepared by Eco Engineering Group Revision 1 dated 25 October 2024

BCA Assessment prepared by Building Certification Services Revision 2 dated 22 October 2024

Preliminary Geotechnical Assessment prepared by ei Australia dated 17 October 2024

Traffic Impact Assessment prepared by Genesis Traffic Revision 2 dated 25 October 2024

Access Assessment Report prepared by Eastcoast Accessibility Revision 4 dated 30 October 2024

Statement of Heritage Impact prepared by Artefact Revision 3 dated 24 October 2024

Flood Desktop Review prepared by S&G Consultants Pty Ltd dated 25 October 2024

Stormwater Management Report prepared by S&G Consultants Pty Ltd Revision A dated 23 October 2024

Preliminary Site Investigation prepared by ei Australia dated 4 September 2024

Arboricultural Impact Assessment prepared by Seasoned Tree Consulting Revision 1 dated 16 October 2024

Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited Revision 4 dated 23 October 2024

Noise Impact Assessment prepared by Rodney Stevens Acoustics Revision 2 dated 5 November 2024

Construction Waste Management Plan prepared by Elephants Foot Consulting Revision B dated 23 October 2024

Operational Waste Management Plan prepared by Elephants Foot Consulting Revision D dated 8 November 2024

Crime Risk Assessment prepared by NEAL Consulting Solutions Revision 2 dated 25 October 2024

Valuation Report prepared by Savills dated 10 April 2024

	Services Infrastructure Report prepared by Neuron Revision 1 dated 23 October 2024 Plan of Management prepared by Ology Early Childhood Consulting Revision 1.2 dated October 2024
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	The proposed development is subject to the payment of a Housing and Productivity Contribution under Section 7.24 of the EP&A Act 1979. If approval was recommended, a condition of consent relating to Housing and Productivity Contributions would be required.
<b>RECOMMENDATION</b>	Refusal
<b>DRAFT CONDITIONS TO APPLICANT</b>	Not Applicable
<b>SCHEDULED MEETING DATE</b>	17 April 2025
<b>PLAN VERSION</b>	Revision F dated October 2024
<b>PREPARED BY</b>	Jacob Kiner
<b>CONFLICT OF INTEREST DECLARATION</b>	None Declared
<b>DATE OF REPORT</b>	17 April 2025

## EXECUTIVE SUMMARY

Development Application 699/2025/JP seeks approval for a Mixed Use Development comprising Six Buildings and including 826 Residential Apartments, a Child Care Facility, Retail and Café Uses. The development will also include the construction of new roadways within the site, basement car parking for 985 spaces and public domain works.

The site is located within the Sydney Norwest Metro Corridor and is situated north-east of the Kellyville Metro Station.

The site is zoned part R1 General Residential and part SP2 Infrastructure pursuant to Clause 2.2 of The Hills Local Environmental Plan 2019 (the LEP). Development for the purposes of a residential flat building, centre based child care facility and restaurant or café are permissible within the R1 General Residential zone. Development for the purposes of retail premises or shops is permitted with consent within the site under Clause 2.5 of the LEP. Whilst none of the proposed uses are permitted within the SP2 Infrastructure zoned land, the uses are located entirely within the R1 General Residential zoned portion of the site.

The application has been referred to the Sydney Central City Planning Panel (Panel) as the proposal is identified to be regionally significant development pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is for a development with a capital investment value of more than \$30 million.

The principle planning controls relevant to the proposal include SEPP Housing 2021, SEPP Transport and Infrastructure 2021, The Hills Local Environmental Plan 2019 and The Hills

Development Control Plan 2012 (THDCP). The proposal is inconsistent with various provisions of the planning controls including Clause 4.3 Height of Buildings and the indicative layout for the subject site.

The application is accompanied by a request to vary Clause 4.3 Height of Buildings development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2019. The proposal seeks to vary the building height for all six proposed towers, with heights of 37.3m to 88.38m proposed. The proposal seeks variations to the maximum building height ranging from 71% to 328%. The accompanying Clause 4.6 request to vary a development standard is not considered to be well-founded. The variation to building height will create buildings of excessive bulk and scale and result in undue impacts on residential amenity. A variation to the building height in this instance is considered to be unsatisfactory and not supported.

The subject site is identified within the Bella Vista and Kellyville Transport Oriented Development (TOD) Accelerated Precinct. State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024 commenced on 27 November 2024 and include amendments to The Hills LEP that apply to the site relating to building heights, affordable housing and design. The amendment also included Section 1.8(5) which notes that a development application made, but not finally determined, before the commencement of the amendment must be determined as if the policy had not commenced. The subject development application as lodged on 5 November 2024 and therefore the amendments to the LEP do not apply to the proposed development.

The proposal is defined as Nominated Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Department of Planning and Environment – Water under the provisions of the Water Management Act 2000. General Terms of Approval have been issued by the Department of Planning and Environment – Water in relation to the proposed development. The development application was also referred to Transport for NSW, Sydney Metro and Endeavour Energy pursuant to SEPP Transport and Infrastructure 2021, Sydney Water and NSW Police.

The key issues associated with the proposal include:

- Orderly Development - The proposed development has not satisfactorily demonstrated that the site can be developed in an orderly manner. The proposed development has not attempted to amalgamate with the adjoining R1 General Residential zoned land to develop the site in a coordinated and orderly manner, which will result in an inefficient development of the site that is inconsistent with the indicative layout of the site established under Part D Section 16 – 301 Samantha Riley Drive of the DCP.
- Building Heights – the proposed development does not comply with the maximum building heights stipulated under Clause 4.3 of The Hills Local Environmental Plan 2019. The building heights proposed are considered to be excessive and of a bulk and scale that is inconsistent with the intent of the building height controls and the existing prevailing character of the surrounding residential area.
- Design Excellence – The proposed development has not satisfactorily demonstrated that the development exhibits design excellence in accordance with Section 7.7 of the LEP and is inconsistent with the design principles outlined under Section 147 and Schedule 9 of State Environmental Planning Policy (Housing) 2021.

- Public Utility Infrastructure - The proposed development has not provided adequate documentation to demonstrate that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required, in accordance with Section 6.3 of the LEP.
- Stormwater and Flooding – The proposed development has not demonstrated that the development has adequately addressed the flood constraints of the site and has not provided a stormwater design which demonstrates that the development can drain to a lawful point of discharge.
- Acoustic Impacts – The proposed development has not demonstrated that the noise generated from the proposed childcare is within acceptable noise criteria.
- Contamination – The proposed development has not been accompanied with a Detailed Site Investigation to detail whether the site is suitable for its intended use and whether any remediation works are required.
- Transport for NSW – The proposed development has not considered the comments raised by Transport for NSW regarding future bus services along Samantha Riley Drive.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act 1979, the provisions of the relevant State Environmental Planning Policies, the provisions of The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 the proposal cannot be supported.

The orderly development issue is a fundamental issue and does not allow the application to be supported. The issues of building height, bulk and scale and design excellence are also critical issues, due to the significant non-compliances with the building height controls that apply to the application. The remaining issues relating to public utility infrastructure, stormwater, flooding, acoustic impacts and contamination are of a technical nature which, if the orderly development and building height issues were not apparent, are likely to have been resolved through amendments and/or additional information. The comments raised by Sydney Metro and Transport for NSW also remain unaddressed. These technical issues, along with the other critical issues, are still considered in this report in terms of the acceptability of the proposal as currently presented and accordingly contribute to the reasons for refusal.

A Class 1 deemed refusal appeal was lodged with the Land and Environment Court on 25 February 2025. The appeal is scheduled for a Section 34 Conciliation Conference on 9 July 2025.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 699/2025/JP is recommended for refusal subject to the reasons contained at **Attachment A** of this report.

## 1. THE SITE AND LOCALITY

### 1.1 The Site

The subject site is known as 301 Samantha Riley Drive, Kellyville (Lot 3 and 4 DP 1253073). The overall site has an area of 2.172 hectares. The overall site has a frontage of approximately 161 metres to Samantha Riley Drive and a frontage of 87m to Derrobarry



Street. The subject site is comprised of two irregular shaped lots zoned part R1 General Residential and part SP2 Infrastructure pursuant to The Hills Local Environment Plan 2019. The relevant acquisition authority of the SP2 zoned portion of the site is Sydney Water Corporation.

The subject site is currently vacant and does not contain any buildings. There is an existing left-in left-out intersection constructed within the front portion of the site that was intended for the future development of the site, however it does not currently have any connection to Samantha Riley Drive. The site generally slopes from the south-west corner towards the north-eastern corner of the site and adjoining riparian corridor.



**Figure 1. Aerial Photograph of Site (Source: Nearmaps, 20/01/2025)**

## **1.2 The Locality**

The subject site is located within the Kellyville Rouse Hill Release Area and the Sydney Norwest Metro Corridor. The surrounding area is largely developed, with the areas to the east and south-east being residential in nature. The site is adjacent to the Kellyville Metro Station and its associated car parking areas to the west and south-west of the subject site.

The site is also bound by a riparian corridor along its eastern boundary which forms part of the stormwater management system for the surrounding area. The adjoining land is zoned SP2 Infrastructure and is designated for stormwater management.

The site is currently accessed via Samantha Riley Drive, which is identified as an arterial road. The site also has frontage to Derrobarry Street, which currently provides access to the Kellyville Metro parking area. Derrobarry Street will be extended as part of any development of the subject site.

The intersection of Samantha Riley Drive and Old Windsor Road and the intersection of Samantha Riley Drive and Decora Drive are signalised. Pedestrians accessing the Kellyville Metro Station would use either of these signalised intersections to cross Samantha Riley Drive.

The closest bus stops to the site are located on the west-bound side of Samantha Riley Drive and within the Kellyville Metro station to the south-west of the site. Transport for NSW have indicated they are currently development transport options for the Metro corridor that will require bus priority measures along Samantha Riley Drive as part of the Bella Vista and Kellyville Precincts Transit Oriented Development (TOD) program.

## **2. THE PROPOSAL AND BACKGROUND**

### **2.1 The Proposal**

The subject Development Application seeks approval for a Mixed Use Development comprising Six Buildings and including 826 Residential Apartments, a Child Care Facility, Retail and Café Uses.

The proposal includes 826 residential apartments spread across six residential towers. The residential towers range in height from 10 to 25 storeys and contain a mix of one-bedroom, two-bedroom and three-bedroom apartments.

A centre based child care facility is proposed at the ground level of Building 4 and is proposed to cater for up to 100 children. The child care is proposed to contain six separate group rooms to cater for various age groups. A minimum of 15 staff would be required for the childcare.

The proposal includes 12 retail tenancies and one restaurant or café tenancy within Buildings 3 and 4 of the development. The total gross floor area of the retail component is 1029.1m<sup>2</sup>. The retail tenancies are proposed to operate from 9:00am to 6:00pm, 7 days a week. The restaurant or café tenancy is proposed to operate from 7:00am to 10:00pm, 7 days a week.

The site preparation works proposed include the removal of all existing vegetation on site and earthworks and retaining walls including excavation for a three level basement. The proposal will construct an east-west link road to provide access to the development. The applicant has suggested that the ring road that frames the block will be provided as part of any development of the adjacent land.

Two communal public domain spaces are proposed as part of the overall development, identified as the 'Green Plaza' and 'Civic Plaza'. The Green Plaza is described as including a large 'kick about' area, playground, community plaza, BBQ areas, shared path and a space for pop up marquees. The Civic Plaza is identified as a community green.

Each residential building is proposed to contain a rooftop terrace for use by the residents. The areas will include play areas, BBQ areas, shade pergolas and landscaping.

The proposed development seeks to include 985 car parking spaces across the ground floor and three basement levels. The total parking provided consists of 759 residential parking spaces (including accessible spaces), 118 visitor spaces, 76 retail spaces and 32 childcare spaces. The proposal also includes 32 motorcycle parking spaces and 30 bicycle parking spaces. Loading bays servicing the retail tenancies are located within Buildings 2, 3 and 5.

**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	2.169 hectares
GFA	Residential - 82,751.3m <sup>2</sup> Retail Premises – 1029.1m <sup>2</sup> Centre Based Child Care Facility – 666m <sup>2</sup> Total – 84,446.4m <sup>2</sup>
FSR (retail/residential)	3.89:1
Clause 4.6 Requests	Yes – variation requested to Clause 4.3 Height of Buildings of The Hills Local Environmental Plan 2019.
No of apartments	826 apartments total One bedroom – 189 Two bedroom – 546 Three bedroom – 91
Max Height	Building 1 – 37.3m Building 2 – 38.09m Building 3 – 42.84m Building 4 – 88.38m Building 5 – 69.8m Building 6 – 67.87m
Landscaped area	7899.3m <sup>2</sup>
Car Parking spaces	985 parking spaces: <ul style="list-style-type: none"> <li>- 759 residential parking spaces (including accessible spaces)</li> <li>- 118 visitor spaces</li> <li>- 76 retail spaces</li> <li>- 32 childcare spaces</li> <li>- 32 motorcycle parking spaces</li> <li>- 30 bicycle parking spaces.</li> </ul>
Setbacks	0m setbacks proposed
Site Coverage	6464.26m <sup>2</sup>
Communal Open Space area	4666.2m <sup>2</sup> ground floor communal open space 6668.1m <sup>2</sup> above ground communal open space
Deep Soil Zone area	3258.2m <sup>2</sup>

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 18 October 2024 where various issues were discussed. A summary of the key issues raised at the prelodgement stage are outlined as follows:



- The proposal does not consider the orderly development of the adjoining R1 General Residential zoned land and may isolate the adjoining site.
- The proposal is an overdevelopment of the site due to the excessive height variations beyond the applicable planning controls.
- Given the bulk and scale of the development, input from the Design Advisory Panel prior to lodgement was recommended.
- A comprehensive acoustic report would need to be submitted with the application to detail the predicted noise levels and impacts associated with the development. Use of AAAC guidelines was not supported with respect to the outdoor play areas of the childcare.
- A preliminary site investigation is required for the application. If the preliminary site investigation determined that there are areas that are required to be remediated, then a detailed site investigation and a remediation action plan would be required.
- The applicant was recommended to liaise with Sydney Water with regards to the existing flood behaviour of the site and flooding models.
- A geotechnical report assessing groundwater taken during construction and post-construction was required.

The development application was lodged on 5 November 2024.

A deemed refusal appeal was lodged with the Land and Environment Court on 25 February 2025.

A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

<b>Date</b>	<b>Event</b>
<b>5 November 2024</b>	DA lodged
<b>6 November 2024</b>	DA referred to external agencies
<b>19 November 2024</b>	Exhibition of the application
<b>29 November 2024</b>	Letter issued to applicant noting application cannot be supported and requested to withdraw.
<b>4 December 2024</b>	Design Advisory Panel meeting held.
<b>7 March 2025</b>	Appeal lodged with Land and Environment Court (deemed refusal).

## 2.3 Site History

The subject site has been subject to a previous development consent for a mixed commercial development including offices, restaurants and serviced hotel suites under DA 716/2009/HC. Physical commencement of the application has not occurred and the application has lapsed.

The subject site is identified within the Bella Vista and Kellyville Transport Oriented Development (TOD) Accelerated Precinct. The Bella Vista and Kellyville Rezoning Proposal was exhibited for public consultation between 9 July and 23 August 2024. The rezoning proposal sought to amend the maximum height of buildings and floor space ratio controls applying to the site. The rezoning came into effect on 27 November 2024, resulting in amendments to the height of buildings and floor space ratio controls applying to the site.

The amendments made to The Hills Local Environmental Plan 2019 that are applicable to the site are summarised below:

- Section 7.27 has been added to the LEP which applies to land identified as 'Area 3' on the Clause Application Map. Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.
- Section 7.28 Affordable Housing has been added to the LEP which establishes percentage rates of the gross floor area of new residential accommodation developments which must be either dedicated to Council for the purposes of providing affordable housing, or the payment of an equivalent monetary contribution to Council. The subject site must provide 10% as per the Affordable Housing Map of the LEP.
- Introduced an Incentive Height of Buildings controls of part 80m and part 99.5m to the subject site. Section 7.32 has been added to the LEP accordingly, and notes that a building on land to which this clause applies may have a building height up to the building height shown for the land on the Incentive Height of Buildings Map if the consent authority is satisfied that the land has been or will be consolidated into a single lot.

As part of the amendments, Section 1.8A (5) was added to the LEP. Section 1.8A (5) of the LEP notes that a development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024 must be determined as if the policy had not commenced.

The building height incentives established under the SEPP Amendment therefore do not apply to the proposed development given the Development Application was lodged on 5 November 2024, before the commencement date of the amendments.

## 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be Nominated Integrated Development pursuant to section 4.46(1).

### 3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *The Hills Local Environmental Plan 2019*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable State Environmental Planning Policies**  
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
Housing SEPP	<ul style="list-style-type: none"> <li>• <b>Section 147</b> – determination of development applications and modification applications for residential apartment development</li> <li>• <b>Section 148</b> – non discretionary development standards for residential apartment development</li> <li>• <b>Schedule 9</b> – Design principles for residential apartment development</li> </ul>	N
Transport and	<ul style="list-style-type: none"> <li>• <b>Section 2.48</b> – development within or adjacent to electricity infrastructure – satisfactory.</li> </ul>	N

Infrastructure SEPP	<ul style="list-style-type: none"> <li>• <b>Section 2.98</b> – development adjacent to rail corridors - unsatisfactory</li> <li>• <b>Section 2.99</b> – Excavation in, above , below or adjacent to rail corridors – unsatisfactory</li> <li>• <b>Section 2.122</b> – traffic generating development – unsatisfactory.</li> <li>• <b>Part 3.3</b> – Early education and care facilities - satisfactory.</li> </ul>	
RH SEPP	Clause 4.6 – A Detailed Site Investigation has not been submitted with the application and therefore the site cannot be considered suitable for its intended use.	N
BC SEPP	Section 6.13 – the impacts of the proposed development have been considered with regards to the environment of the Hawkesbury-Nepean River Catchment and it is unclear how the development will impact on the catchment.	N
Sustainable Buildings SEPP	Section 2.1 – standards for BASIX development and BASIX optional development	Y
THLEP	<ul style="list-style-type: none"> <li>• <b>Clause 4.1A</b> – minimum lot size for residential buildings – complies.</li> <li>• <b>Clause 4.3</b> – Height of Buildings – variations proposed.</li> <li>• <b>Clause 4.4</b> – floor space ratio – complies.</li> <li>• <b>Clause 4.6</b> – variation to height of buildings sought.</li> <li>• <b>Clause 5.1</b> – Relevant acquisition authority – satisfactory.</li> <li>• <b>Clause 5.3</b> – Development near zone boundaries – satisfactory.</li> <li>• <b>Clause 5.10</b> – Heritage conservation - in vicinity of heritage item, unlikely to generate any impacts.</li> <li>• <b>Clause 5.21</b> – Flood Planning – unsatisfactory.</li> <li>• <b>Clause 6.3</b> – Public utility infrastructure – unsatisfactory.</li> <li>• <b>Clause 7.2</b> – Earthworks – satisfactory.</li> <li>• <b>Clause 7.7</b> – Design Excellence – unsatisfactory.</li> <li>• <b>Schedule 1 Section 2</b> – additional permitted uses – satisfactory.</li> </ul>	N
THDCP	Part B Section 5 – Residential Flat Buildings Part B Section 6 – Business Part C Section 1 Parking Part C Section 3 – Landscaping Part C Section 6 – Flood Controlled Land Part D Section 16 – 301 Samantha Riley Drive, Kellyville	N

**a) State Environmental Planning Policy (Planning Systems) 2021**

The proposed development is for the demolition of existing structures and construction of a Mixed Use Development comprising Six Buildings and including 826 Residential Apartments,

a Child Care Facility, Retail and Café Uses. The proposed development has an estimated development cost of \$236,418,808.00. Accordingly, the proposed development is identified as 'regionally significant development' under Clause 2 of Schedule 6 of the Planning Systems SEPP as the development has an estimated development cost of more than \$30 million. The Sydney Central City Planning Panel are therefore the nominated consent authority for the application.

**b) State Environmental Planning Policy (Housing) 2021**

Section 147 of State Environmental Planning Policy (Housing) 2021 stipulates that a development consent for residential apartment development must not be modified unless the consent authority has considering the quality of the design of the development in accordance with the design principles as set out in Schedule 9 of the SEPP, and the Apartment Design Guide.

Design principles for residential apartment development

In accordance with Section 29 of the Regulation, a Design Quality Statement prepared by Tony Owen (Nominated Architect No 7080) of Tony Owen Architects Pty Ltd has been submitted with the subject modification. The proposal has been considered against the relevant design quality principles contained within Schedule 9 of State Environmental Planning Policy (Housing) 2021 as follows:

Principle 1: Context and neighbourhood character

The development does not satisfactorily respond to and reflect the context into which it is placed. The site is located along the Sydney Metro corridor and within the Bella Vista and Kellyville Metro Precinct, which is a significant transport link. Whilst the proposed use is commensurate with higher density around transport hubs, the bulk and scale of the proposed development does not provide an acceptable interface with the Metro corridor or adjoining residential lots.

Principle 2: Built form and scale

The architectural expression of the proposed building are essentially of the same genre and materiality across all six buildings, which is considered an inappropriate design response for a site of this size and scale. Materials and expression have been applied in each building in an attempt to create architectural diversity. Whilst the architectural aesthetic may be acceptable visually for a smaller number of buildings, in terms of urban design diversity is considered too uniform when considered across the overall development.

Given the proposed variations to the building height, the bulk and scale of the development is considered inappropriate. The proposed development has not considered the interface with the Metro corridor and adjoining residential areas.

Principle 3: Density

Whilst the site is identified for higher density given its proximity to the Kellyville Metro station, the overall development is of a bulk and scale that exceeds the intended controls for the site with respect to building heights and density.

Principle 4: Sustainability



The design achieves natural ventilation and insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The application has been supported by BASIX and NATHERS Certificates which outline the sustainability requirements and energy efficiency of the proposed building.

#### Principle 5: Landscape

Insufficient landscaping details have been provided to determine the suitability of the landscaping of the development and the functionality of common open spaces.

#### Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. Concern has been raised with the functionality of common open spaces and internal circulation.

#### Principle 7: Safety

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

#### Principle 8: Housing diversity and social interaction

The overall development contributes to a range of housing types within the context of the Kellyville Metro Precinct. The development includes residential units and shop-top housing to complement the numerous detached dwellings that are within the area.

The development is within proximity to the Kellyville Metro station and provides housing within proximity to transport.

The location of this development provides dwellings within a precinct that will provide in the future a range of support services such as retail and commercial shops.

#### Principle 9: Aesthetic

The concerns raised with regards to the bulk and scale and uniformity of materiality and architectural expression have not been addressed. The proposed development has not demonstrated that it exhibits design excellence.

In accordance with Section 147 (1) (b) of the Housing SEPP, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide (ADG).

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

Clause	Design Criteria	Compliance
<b>Siting</b>		
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit.  0.9 spaces per 2 bedroom unit.  1.40 spaces per 3 bedroom unit.  1 space per 5 units (visitor parking).</p>	<p>733 residential spaces and 166 visitor spaces required under ADG.</p> <p>759 residential spaces and 118 visitor spaces proposed.</p> <p>The proposal does not meet the minimum parking requirement for visitor parking. The proposal instead seeks to rely on the rates established under the RMS Guide to Traffic Generating Developments.</p>
<b>Designing the Building</b>		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	The proposal has considered this for the overall development, rather than for each individual building. It is unclear whether compliance is achieved.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	The proposal has considered this for the overall development, rather than for each individual building. It is unclear whether compliance is achieved.
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	The proposal has considered this for the overall development, rather than for each individual building. It

	<p>cross ventilated if the balconies cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>is unclear whether compliance is achieved.</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup></p> <p>1 bedroom – 6m<sup>3</sup></p> <p>2 bedroom – 8m<sup>3</sup></p> <p>3+ bedrooms – 10m<sup>3</sup></p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Some apartments do not provide at least 50% of the storage areas internal to the apartment.</p>

**c) State Environmental Planning Policy (Transport and Infrastructure) 2021**

The provisions Chapter 2 and Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to the proposal and have been considered in the assessment of the development application.

**Chapter 2**

The application was referred to Endeavour Energy under Section 2.48 of the SEPP as the development is carried out within or immediately adjacent to an easement for electricity purposes. No objections were raised by Endeavour Energy subject to conditions.

The application was referred to Sydney Metro under Section 2.98 and Section 2.99 of the SEPP as the development is adjacent to a rail corridor and excavation is proposed adjacent to the rail corridor. A response was received from Sydney Metro requesting further information. Concurrence has not been granted under Section 2.99 of the SEPP.

The proposal is classified as traffic generating development pursuant to Section 2.122 and Schedule 3 of the SEPP. The development includes residential accommodation with 300 or more dwellings, and therefore is traffic generating development. The application was referred to Transport for NSW under Section 2.122 of the SEPP. A response was received from Transport for NSW noting the subject development site is affected by a road proposal for future bus facilities along Samantha Riley Drive and the proposal includes the connection of a fourth leg at the intersection of Samantha Riley Drive and Decora Drive which requires an in-principal agreement under section 87 (4) of the Roads Act 1993.

Transport for NSW requested that development does not occur with a portion of the site fronting Samantha Riley Drive to facilitate future bus facilities, as shown by the below pink mapping.



**Figure 2. Transport for NSW – future transport planning on Samantha Riley Drive.**

Transport for NSW also requested that a traffic control signal plan, concept road design plan and an electronic copy of the SIDRA models for the future intersection be submitted.

### Chapter 3

As the proposed development includes a centre-based child care facility, the provisions of Part 3.3 within Chapter 3 of the SEPP need to be considered. The proposal is not considered to be satisfactory with respect to Part 3.3 of the SEPP.

The centre-based child care facility component of the proposed development has also been considered against the National Quality Framework Assessment Checklist and Child Care Centre Guidelines (CCCG). The proposal is considered to be generally satisfactory with respect to both the Checklist and Guidelines, however insufficient information has been submitted to determine whether the acoustic impacts are acceptable (C1, C11, C24 and C25 of CCCG), insufficient detail has been provided with regards to the fencing surrounds the proposed childcare (C6, C7, C9 of CCCG) and defined pedestrian crossings within the car park have not been shown (C36 of CCCG).

Given the insufficient information provided, it cannot be determined that the proposal is satisfactory with regards to the Child Care Centre Guidelines pursuant to Section 3.23 of the SEPP.

#### **d) State Environmental Planning Policy (Resilience and Hazards) 2021**

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of RH SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation prepared by EI Australia dated 4 September 2024 has been submitted with the application. The PSI concludes that there was potential for contamination to exist within subsurface soils and recommended further soil investigations to be undertaken.

Council's Environmental Health department have reviewed the PSI and have requested a Detailed Site Investigation to be prepared and submitted based on the findings of the PSI. The Detailed Site Investigation is to include soil investigations within targeted areas where:

- Evidence of illegal dumping is apparent such as areas of clay spoil, and anthropogenic materials
- Any areas of charred ground or where evidence of fire is apparent; and
- Areas where vegetation appears stressed or where visual indicators of contamination are identified

A Detailed Site Investigation has not been submitted with the proposal, and therefore the contamination status and remediation strategies are unknown.

The proposal is therefore not satisfactory with regards to Section 4.6 (1) (b) in that it has not been demonstrated that the land is suitable in its contaminated state, or can be suitable after remediation.

**e) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) have been considered in the assessment of the development application. Section 6.13 of the SEPP establishes general planning considerations for proposed developments within the Hawkesbury-Nepean River catchment area and aims 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.

Insufficient information has been provided with regards to the stormwater measures and design in order to determine whether the proposed development is satisfactory with regards to Section 6.6 of the SEPP.

It is unclear whether the proposed development will impact on the river system as a dust management plan has not been prepared for the development.

Due to the significant earthworks proposed during the construction phase of the development, a site-specific dust management plan was requested to be submitted. Given the dust management concerns remain unresolved, it is unclear what the impact of the development may be on the Hawkesbury-Nepean River catchment.

Accordingly, the proposal is not considered satisfactory with respect to the SEPP.

**f) State Environmental Planning Policy (Sustainable Buildings) 2022**

*State Environmental Planning Policy (Sustainable Buildings) 2022* applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.



The application is accompanied by BASIX Certificates No.1770372M, No.1770375M, No.1770377M and N1770378M and a BASIX and NatHERS Assessment Report prepared by Eco Engineering Group committing to environmental sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the SEPP. The proposal is satisfactory with regards to the requirements of the SEPP.

**g) The Hills Local Environmental Plan 2019**

The relevant local environmental plan applying to the site is *The Hills Local Environmental Plan 2019* ('the LEP').

The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- (d) to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.*

The proposal is considered to be consistent with these aims.

***Savings Provisions (Section 1.8A)***

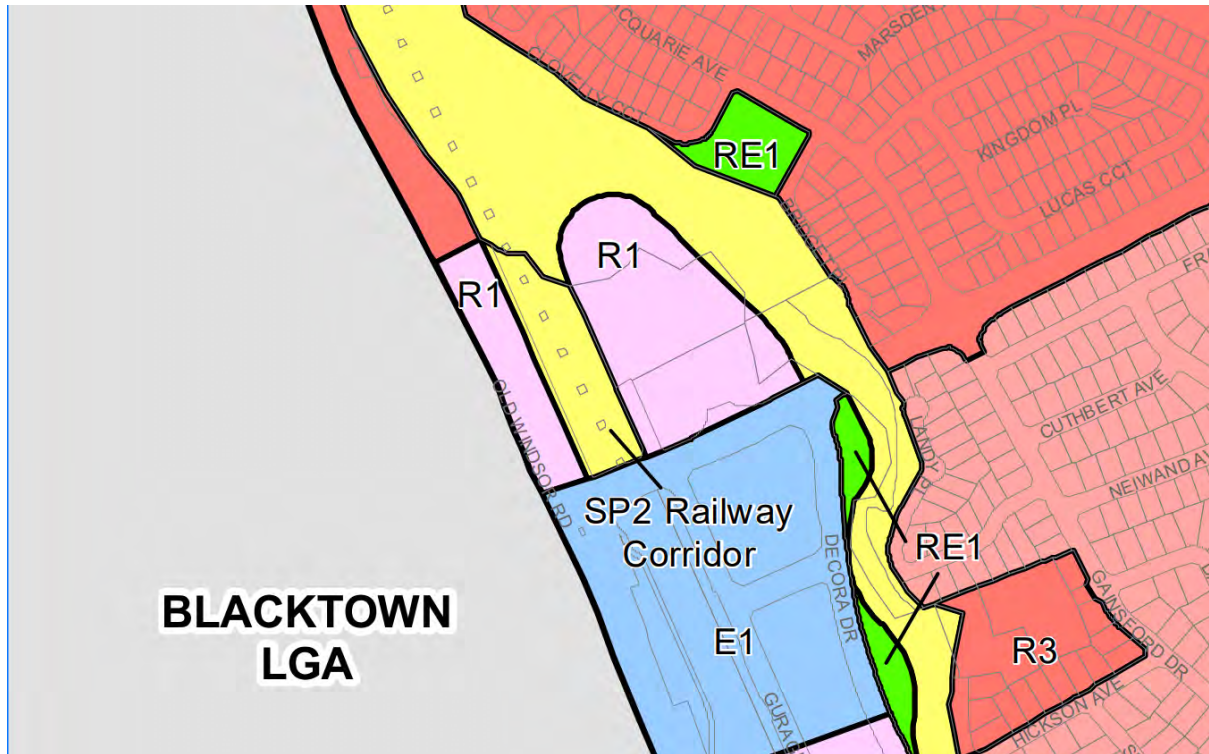
Section 1.8A(5) includes a savings provision for development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024. Section 1.8(5) stipulates that for such application made but not finally determined before the commencement of the SEPP Amendment, the development application must be determined as if that policy had not commenced.

State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024 commenced on 27 November 2024. The subject development was lodged on 5 November 2024 and therefore the building heights and

incentives established under the SEPP Amendment do not apply to the proposed development.

### *Zoning and Permissibility (Part 2)*

The site zoned part R1 General Residential and part SP2 Infrastructure pursuant to Clause 2.2 of the LEP.



**Figure 3. Extract of Zoning Map Sheet LZN\_015.**

The uses proposed as part of the development are defined as residential flat building, retail premises and restaurant or cafe are permissible within the R1 General Residential zone pursuant to Section 2.3 of the LEP. The proposal also seeks consent for the use of retail premises, which are permitted with consent within the site under Section 2.5 of the LEP. All of the proposed uses are permitted in the R1 General Residential zone. The proposed uses are prohibited in the SP2 Infrastructure zone, however none of the proposed uses are located within the SP2 Infrastructure zoned portion of the site.

The objectives of the R1 General Residential zone include the following (pursuant to the Land Use Table in Section 2.3):

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.*

The proposal is considered to be consistent with these zone objectives as the development will provide additional housing opportunities and contribute to a variety of housing types and densities within the locality. The proposal will also provide retail land uses to meet the day to day needs of residents.

The objectives of the SP2 Infrastructure zone include the following (pursuant to the Land Use Table in Section 2.3):

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is considered to be consistent with these zone objectives as none of the proposed uses are located within the SP2 zone and accordingly will not detract from the provision of infrastructure.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

The proposal does not comply with the Height of Buildings development standard under Section 4.3 of the LEP and accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum building heights.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	G – 450m <sup>2</sup> U3 – 1800m <sup>2</sup>	21690m <sup>2</sup>	Yes
Height of buildings (CI 4.3(2))	K – 10 metres M1 – 12 metres P2 – 18 metres T1 – 25 Metres V2 – 37 metres X2 – 46 metres	37.3 metres to 88.38m	No
FSR (CI 4.4(2))	4:1 (84,429.6m <sup>2</sup> )	3.99:1 (84,409.1m <sup>2</sup> )	Yes
Land acquisition (CI 5.1)	SP2 Infrastructure – Stormwater Management System	Sydney Water Corporation	Yes
Heritage (CI 5.10)	No heritage items present nearby.	Satisfactory.	Yes
Flood Planning (CI 5.21)	Compatibility with flood levels.	Unsatisfactory.	No

Public Utility Infrastructure (CI 6.3)	Public Utility Infrastructure essential for the proposed development must be available or adequate arrangements have been made to make infrastructure available when required.	Adequate arrangements have not been made to ensure infrastructure is available to service the proposed development.	No
Earthworks (CI 7.2)	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Insufficient information.	No
Design Excellence (CI 7.7)	Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	The proposal has not demonstrated design excellence.  The feedback from the Design Review Panel has not been considered in the proposal.	No
Schedule 1 (2)	Development consent under subclause (2) may only be granted if the retail floor space on the site is no more than 1900m <sup>2</sup> .	1029.1m <sup>2</sup> of retail floor space provided.	Yes

The proposal is considered to be generally inconsistent with the LEP.

#### *Clause 4.6 Request*

Clause 4.3 of the LEP prescribes a maximum height of building control applying to the site. There are several different building heights applicable to the site. A summary of the applicable building heights in relation to the proposed buildings and the proposed building heights is summarised in the below table:

Building	Applicable LEP Height	Proposed height (parapet)	Proposed Height (lift)	Variation (Parapet)	Variation (Lift)

1	P2: 18m	33.35m	37.3m	15.35m (85%)	19.3m (107%)
	K: 10m	33.35m	37.3m	23.34m (233%)	27.29m (273%)
2	P2: 18m	35.59m	38.09m	17.59m (97%)	20.09m (111%)
	K: 10m	35.59m	38.09m	25.58m (255%)	28.08m (280%)
3	P2: 18m	39.04m	42.84m	21.04m (116%)	24.84m (138%)
	K: 10m	39.04m	42.84m	29.04m (290%)	32.84m (328%)
	T1: 25m	39.04m	42.84m	14.04m (56%)	17.84m (71%)
4	X2: 46m	84.38m	88.38m	35.28m (83%)	39.28m (87%)
5	V2: 37m	65.8m	69.8m	28.8m (78%)	32.8m (88%)
	K:10m	26.8m	N/A	16.8m (168%)	N/A
	T1: 25m	65.8m	69.8m	42.19m (168%)	46.19m (185%)
6	T1: 25m	63.87m	67.87m	38.87m (155%)	42.87m (171%)

As per Section 4.3, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A Section 4.6 variation request has been submitted with the application and seeks variations ranging from 71% to 328%.

Clause 4.6 Exceptions to Development Standards states:

*(1) The objectives of this clause are as follows—*

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*



- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*  
*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**Note—**

*The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

- (4) *The consent authority must keep a record of its assessment carried out under subclause (3)*

- (5) *(Repealed)*

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*  
*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

- (7) *(Repealed)*

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

- (a) a development standard for complying development,*  
*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*  
*(c) clause 5.4,*  
*(caa) clause 5.5,*  
*(cab) (Repealed)*  
*(ca) clause 6.3,*  
*(cb) clause 7.11,*  
*(cc) clause 7.15.*

The applicant has provided a request to vary the Height of Buildings development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2019 (see Attachment D) which is summarised as follows:

- *The proposal presents an outcome for the site that will not give rise to any significant amenity loss for the existing and future residents of the area despite varying the maximum height control*
- *Strict compliance with the maximum building height will undermine the state strategic objectives established for the Kellyville Station Precinct under the TOD rezoning proposal.*
- *The proposal achieves the objectives of the height of building development standard.*
- *The provision of additional homes afforded by the proposed height variation is more closely aligned with the strategic objectives set out for the Kellyville Station Precinct and further reinforces the social, economic and environmental benefits offered by transit-oriented development.*

**Comment:**

The objectives of Clause 4.3 Height of Buildings of The Hills LEP 2019 are as follows:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- (b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.*

Clause 4.6(3) of the LEP stipulates that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that:

- (a) Compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) There are sufficient environmental planning grounds to justify the contravention of the development standard.*

With respect to point 3(a), it is considered that contravention of the development is not unreasonable or unnecessary in this instance. The extent of the variations significantly exceeds the building height standards applicable to the site, and the proposal has not adequately demonstrated that compliance is unreasonable or unnecessary.

With respect to point 3(b), the proposal has not demonstrated that there are sufficient environmental planning grounds to justify the contravention of the building height development standard.

The Clause 4.6 variation request can not be supported as the proposal has not satisfactorily demonstrated that compliance with the maximum building height controls is unreasonable or unnecessary in this instance. The building heights proposed are considered to be excessive and the proposed development is of a bulk and scale that is inconsistent with the intent of the building height controls and the existing prevailing character of the surrounding residential area.

### **3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, which may be relevant to the proposal.

### 3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *The Hills Development Control Plan 2012*
  - *Part B Section 5 – Residential Flat Buildings*
  - *Part B Section 6 – Business*
  - *Part C Section 1 – Parking*
  - *Part C Section 3 - Landscaping*
  - *Part C Section 6 – Flood Controlled Land*
  - *Part D Section 16 – 301 Samantha Riley Drive, Kellyville*

The proposed development has been considered against the abovementioned sections of The Hills Development Control Plan 2012. Detailed compliance tables are attached as Attachment B. The proposed development achieves compliance with the requirements of the DCP with the exception of the following:

#### Part B Section 5 – Residential Flat Buildings

DEVELOPMENT STANDARD (CLAUSE NO.)	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.4 Building Heights	Refer to building height maps of The Hills Local Environmental Plan 2012.  No buildings shall contain more than 4 storeys above natural ground level.	Variations proposed to building height control of LEP.	No
3.7 Building Length	Max. 50m	Podium for buildings 5 and 6 results in a building length greater than 50m.	No
3.8 Building Design and Streetscape	Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002"  Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street.  Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.  Must not be repetitive in design and incorporate	The proposal has not addressed the Guidelines.	No

	harmonious design variations such as verandas, entrances, facades, etc.		
3.9 Urban Design Guidelines	Demonstrate conformity with "Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002"	The proposal has not addressed the Guidelines.	No
3.12 Building Materials	<p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p> <p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.</p>	The proposal has not demonstrated design excellence.	No

3.17 Stormwater Management	<p>Drainage easements required where the development property does not drain directly into the existing stormwater drainage system or a public road. Development Consent will not be issued until the submission of documents demonstrating the creation of any necessary easements over downstream properties.</p> <ul style="list-style-type: none"> <li>- Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.</li> <li>- Where necessary, downstream amplification of existing drainage facilities will be required including Council infrastructure if required.</li> <li>- Developments within the Upper Parramatta River Catchment must comply with any requirements of the Sydney Catchment Management Authority.</li> <li>- On-site detention, water recycling, or water quality management systems may be required to Council's and/or the Sydney Catchment Management Authority and/or the Hawkesbury Catchment requirements, to counteract an increase in stormwater runoff.</li> <li>-Design of drainage systems to be in accordance with Council's Design Guidelines for Subdivisions/ Developments.</li> <li>- Water Sensitive Urban Design (WSUD) principles to be employed in the management of the site's stormwater in terms of water retention, reuse and cleansing. In this regard, the</li> </ul>	Insufficient information has been submitted to determine the suitability of the stormwater drainage.	No
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	<p>drainage design is to include measures to manage the water quality of stormwater runoff. At a minimum the design is to integrate bio-retention filters along roadways, driveways and within open space areas;</p> <ul style="list-style-type: none"> <li>- On site detention tanks are only permitted in common areas within a proposed development (for example driveways, common open space) and not within private courtyards.</li> </ul>		
3.22 Pedestrian/Bicycle Links	<p>Within the Site</p> <ul style="list-style-type: none"> <li>- Access to dwellings should be direct and without unnecessary barriers. No steps between the street frontage and the principal building entrances.</li> <li>- Provide clearly defined pedestrian pathways between proposed development and proposed footpaths along sub-arterial roads.</li> <li>- Adequate lighting in common and access areas.</li> <li>- All pathways and ramps to conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2-1992. and Council's Policy "Making Access for All" (2002).</li> <li>- All surfaces to be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture.</li> <li>- Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are</li> </ul>	The proposed development does not include bicycle paths along its road frontages or provide connections to existing bicycle infrastructure.	No

	<p>accessible, as detailed in the The Hills Shire Council policy entitled "Making Access For All" (2002).</p> <ul style="list-style-type: none"> <li>- Pathway locations must ensure natural surveillance of the pathway from primary living areas of adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.</li> <li>- A bicycle lockup facility to be provided close to the main entry to the building.</li> </ul> <p>Local Pedestrian Links</p> <ul style="list-style-type: none"> <li>- Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway: <ul style="list-style-type: none"> <li>- The link must be no less than 3m wide;</li> <li>- Should be a straight-line link through the site linking streets or other public spaces; and</li> <li>- Cannot include stairs and any ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and</li> </ul> </li> <li>-) The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users. A solid fence along the boundary of the pathway restricting views of the pathway from adjoining properties not acceptable.</li> <li>- The pedestrian link must be dedicated to Council as a public footway and the</li> </ul>	
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	footpath, and lighting must be provided at no cost to Council.		
3.24 Services	<ul style="list-style-type: none"> <li>- Development consent not to be granted until satisfactory arrangements are made with relevant authorities for the provision of services.</li> <li>- Pump out sewage management systems not acceptable for apartment building developments.</li> <li>- Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: <ul style="list-style-type: none"> <li>- To provide safe and convenient access by residents and the service authority; and</li> <li>- Visually integrated with the development and have regard to the amenity of adjoining development and streetscape.</li> </ul> </li> <li>- All electricity and telephone services on site must be underground.</li> <li>- Laundries shall be provided to each dwelling.</li> </ul>	The proposed development has not demonstrated that satisfactory arrangements have been made or are available to service the development.	No
3.27 Fencing	<ul style="list-style-type: none"> <li>- Fencing materials chosen must protect the acoustic amenity and privacy of courtyards. Courtyard fences shall be constructed of masonry.</li> <li>- Boundary fencing/ walls fronting a street shall be setback a minimum of 2 metres, to permit landscaping, and shall include recesses and other architectural features.</li> <li>- Fencing or walls shall be combined and integrated with site landscaping.</li> <li>- The following fencing or finishes are not acceptable because of its poor visual appearance:</li> </ul>	Insufficient details provided for fencing surrounding the childcare.	No

	<ul style="list-style-type: none"> <li>- Pre-painted solid, metal fencing; or</li> <li>- Rendered finishes where the entire fence is fully rendered.</li> </ul>		
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## Part C Section 1 - Parking

2.1 General Parking Requirements		
2.1.1 General		
Control	Proposed	Compliance
<p>a) Number of required parking spaces and associated conditions must be provided in accordance with Table 1. Any part spaces must be rounded up to the nearest whole number.</p> <p>RFB – site specific Shops – minimum 1 space per 18.5sqm of GLFA Restaurant or Café – Minimum 1 space per 5 seats plus 12 spaces per 100sqm of GFA Childcare – 1 space per employee, plus 1 space per 6 children enrolled</p>	<p>RFB – site specific applies.</p> <p>Shops- 47 (complies)</p> <p>Café – 29 (doesn't comply – has not considered outdoor seating)</p> <p>Childcare – 32 (complies)</p>	No

## Part D Section 16 – 301 Samantha Riley Drive, Kellyville

<b><u>DEVELOPMENT STANDARD (CLAUSE NO.)</u></b>	<b><u>DCP REQUIREMENTS</u></b>	<b><u>PROPOSED DEVELOPMENT</u></b>	<b><u>COMPLIANCE</u></b>
4.1 Site Planning	<p>(a) Future development must response to the road layout identified within Figure 3.</p> <p>(b) A central common open space area is to be provided in accordance with Figure 3.</p> <p>(c) Development is to address all edges of the site.</p>	The proposal is inconsistent with the indicative layout.	No
4.5 Building Heights	<p>(a) Building heights are to be varied over the site to ensure a visually interesting skyline and to prevent a repetitive built form.</p> <p>(b) The podiums and towers elements shall have building height transition as identified in Figure 4.</p>	The proposed development exceed the maximum building heights permitted under the LEP.	No

	<p>(c) The combined height of the podium and tower shall be a maximum of 18 storeys (65 metres) in accordance with the LEP.</p> <p>(d) The highest tower element shall be located closest to the Metro station, at the south west corner of the site. The height of other tower elements shall graduate downward toward the riparian interface to the north and east of the site.</p> <p>(e) Towers shall be designed to limit impact of overshadowing and overlooking on the sensitive uses which surround the site.</p> <p>(f) The building height and roof form shall be designed to reduce the bulk and scale of the development.</p>		
4.6 Podium and Tower Elements	<p>(a) Podium elements shall be incorporated into the design of development along the interface of the drainage corridor.</p> <p>(b) The podium design shall be deliberately distinctive and separate from the building forms above.</p> <p>(c) Tower elements shall have a narrow footprint to create slender building forms with a maximum footprint of 1000sqm.</p> <p>(d) Tower elements shall comprise various building heights to create a unique feature and reduce the visual bulk of development.</p>	Tower elements have a footprint greater than 1000sqm.	No
4.11 Building Depth	(a) The maximum depth of the residential components of each building is 18m, excluding balconies, parapets and awnings.	22m	No
4.13 Density	(a) No more than 650 residential units may be provided on the site.	No – 826 proposed. This does not considered full extent of site due to orderly development issues.	No

4.14 Unit Layout and Design	<p>(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.</p> <p>(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</p> <p>(c) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <ul style="list-style-type: none"> <li>- Type 1</li> <li>- Type 2</li> <li>- Type 3</li> </ul> <p>(a) Type 1 shall not exceed 30% of the total number of 1,2 and 3 bed apartments</p> <p>(b) Type 2 shall not exceed 50%</p> <p>(c) All remaining apartments are to comply with Type 3.</p>	<p>No – exceeds Type 1 (30%) (d).</p> <p>32% Type 1 provided (16.52 apartments over yield).</p>	No
Common Open Space	<p>(a) 20sqm per unit</p> <p>(b) To include seating, shade, bbq, play equipment</p> <p>(c) Pool, gymnasium and other facilities should be provided</p>	No pool, gym or recreational facilities provided.	No
4.20 Vehicular Access	<p>(a) A perimeter road surrounding the site is to be provided in accordance with the site plan map within figure 1.</p> <p>The road layout must integrate with the road network proposed in support of the metro.</p> <p>c) vehicular access points shall provide safe and efficient ingress/ egress to the site</p> <p>d) direct vehicular access from Samantha Riley Drive is discouraged.</p>	Perimeter road not provided due to orderly development issues.	No
4.21 Car Parking	(a) on-site parking rates	1190 residential spaces required.	No

	1 bedroom apartments: 1 space per dwelling 2 bedroom apartments: 1.5 spaces per dwelling 3 bedroom apartments: 2 spaces per dwelling Visitor Parking: 1 space/ 5 dwellings for developments with more than 60 units.	166 visitor spaces required.  759 residential spaces provided.  118 visitor spaces provided.  The proposal seeks to utilise the rates established under the RMS Guide for Traffic Generating Development.	
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### Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- The Hills Contributions Plan No. 8 – Kellyville Rouse Hill

If approval was recommended, the Contributions Plan would need to be considered and a condition of consent relating to Section 7.11 contributions would be required.

The proposed development is also subject to the Housing and Productivity Contribution under Section 7.24 of the EP&A Act 1979. If approval was recommended, a condition of consent relating to Housing and Productivity Contributions would be required.

### **3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

### **3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations**

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed - provisions of AS 2601;
- If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan;
- Dark Sky Planning Guideline if applicable;
- *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) if for manor house or multi dwelling housing (terraces).

The above provisions are not relevant to the proposed development and therefore do not require further consideration.



### 3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposed development is inconsistent with the indicative layout for the site established under the site specific DCP. Whilst the site is intended to be developed for high density residential given its proximity to the Kellyville Metro station, the proposal has not adequately demonstrated that the development is consistent with the intended design outcomes for the site, particularly with regards to height, bulk, scale and design excellence.

The design, scale and mass of the built form is no considerate of the surrounding areas and has not demonstrated that an appropriate interface with the Kellyville Metro station and the adjoining residential areas can be achieved.

- Access and traffic – The proposed development has not demonstrated that the perimeter road can be delivered in an orderly manner. The proposed development has also not demonstrated that the minimum parking requirements have been achieved for the proposal, particularly with regards to the proposed restaurant or café. The residential component seeks to vary the DCP established rates and instead rely upon the rates of the RMS Guide for Traffic Generating Developments. The proposal further has not demonstrated that adequate pedestrian and bicycle connectivity within and to and from the site can be provided. The comments issued by Transport for NSW have also not been considered and may impact on future public transport delivery within the area.
- Public Domain – The proposed development seeks to include communal open space areas and public domain space. The proposal has not demonstrated that suitable pedestrian linkages are available to such areas however. The Design Excellence Panel have also raised concern with the functionality of the public domain areas.
- Utilities – The proposed development has not demonstrated that public utility services are available for the proposed development or that adequate arrangements have been made to make such infrastructure available when it is required.
- Heritage – The site does not contain any known heritage items and is not within close proximity to any known heritage items. Conditions of consent could be imposed relating to any unexpected finds.
- Air and soils impacts – An air quality assessment has not been submitted as part of the development and therefore it can not be determined the impact of the development on the air quality surrounding the site. A detailed site investigation has also not been submitted to demonstrate that the site is suitable for residential use.
- Flora and fauna impacts – The site does not contain any significant areas of vegetation and is generally cleared. The proposed development is not considered to generate any impacts on flora and fauna.

- Natural environment – Insufficient details have been provided with regards to the proposed earthworks and any impacts that such earthworks may generate. Any impacts on the natural environment as of the proposed development can not be determined at this stage due to the lack of information.
- Noise – The submitted acoustic report has not adequately demonstrated that acceptable noise criteria can be met as part of the proposed development. The proposed childcare centre in particular is likely to be a noise source, of which the impacts have not been considered.
- Natural hazards – The proposed development has not adequately demonstrated that the flooding impacts on the site have been mitigated or are able to be managed as part of the development.
- Safety, security and crime prevention – Passive surveillance opportunities are available given the design of the apartment balconies overlooking the communal open space. Conditions of consent could be imposed relating to CPTED principles and relating to advice from the NSW Police.
- Social impact – The proposed development is within close proximity to the Kellyville Metro station and provides future residents with access to public transport. The proposal has not demonstrated that there is adequate pedestrian connectivity to the Metro however.

Whilst the proposed development includes communal open space and retail tenancies, the proposal has not provided recreational facilities for its residents such as a swimming pool or gym to provide for the active recreational needs of residents.

- Economic impact – The proposed development would provide employment opportunities throughout the life of the development, relating to construction jobs and ongoing retail opportunities associated with proposed retail tenancies.
- Site design and internal design – The design of the proposed development has not considered the orderly development of the site with the adjoining land and further has not demonstrated design excellence.
- Construction – A dust management plan has not been submitted with the application to enable the construction impacts to be adequately considered or managed.
- Cumulative impacts – The ongoing use of the development may result in potential traffic and noise generation. The application has not adequately demonstrated that traffic and noise concerns can be addressed, such as road design, pedestrian and bicycle connectivity and the acoustic impacts of the proposed child care centre.

Accordingly, it is considered that the proposal will result in significant adverse impacts in the locality as outlined above.

### **3.7 Section 4.15(1)(c) - Suitability of the site**

The site is suitable for high density residential and shop top housing uses given its proximity to the Kellyville Metro station. However, the proposal is inconsistent with the indicative layout established for the site due to the separate ownerships of the overall site. The separate

ownership results in fragmented development, to which the proposed development has not adequately considered the orderly and coordinated development of the overall site.

The proposed development has not demonstrated that adequate services are available and has not demonstrated that the proposal will help facilitate future transport upgrades within the vicinity of the site.

The proposed development has not satisfactorily addressed the flooding constraints of the site.

### **3.8 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.9 Section 4.15(1)(e) - Public interest**

The proposed development is not considered to have adequately considered the impacts of the development on the public. The proposed development is inconsistent with the provisions of The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012. The proposal is inconsistent with the indicative layout for the site established under the DCP.

The proposed development includes significant variations to building height resulting in a bulk and scale that does not provide a desirable outcome for the streetscape and metro corridor.

The proposal has not demonstrated that the site can be developed in an orderly manner with respect to the adjoining property which forms part of the overall site identified in the indicative layout plan.

Given this, the proposal is not considered to be within the public interest.

## **4. REFERRALS AND SUBMISSIONS**

### **4.1 Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

**Table 5: Concurrence and Referrals to agencies**

<b>Agency</b>	<b>Concurrence/ referral trigger</b>	<b>Comments (Issue, resolution, conditions)</b>	<b>Resolved</b>
<b>Referral/Consultation Agencies</b>			
Endeavour Energy	S2.48 – SEPP (Transport and Infrastructure) 2021	The application was referred to Endeavour Energy under s2.48 of the SEPP. No objections were raised subject to conditions.	Y

Sydney Water	S78 – Sydney Water Act 1994	No objections raised. Comments provided relating to servicing requirements.  This referral related to servicing only. Sydney Water have provided a separate submission in as an adjoining landowner.	Y
Sydney Metro	S2.98 and S2.99 – SEPP (Transport and Infrastructure) 2021	A response was received from Sydney Metro requesting additional information. Concurrence has not been granted pursuant to Section 2.99 of the SEPP.	N
Transport for NSW	S2.122 – SEPP (Transport and Infrastructure) 2021 Development that is deemed to be traffic generating development in Schedule 3.	A response was received from Transport for NSW in relation to the proposed development, requesting additional information.	N
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
DPE Water	S91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	General Terms of Approval have been issued by DPE Water.	Y

The outstanding issues raised by Sydney Metro and Transport for NSW are outlined below. A copy of the correspondence from both agencies is included in Attachment E.

#### Sydney Metro

The application was referred to Sydney Metro under Section 2.98 and Section 2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A response was received on 24 February 2025 requesting additional information. Sydney Metro noted that concurrence is unable to be granted until the additional information is provided for Sydney Metro's further review. The additional information requested is as follows:

- a) A detailed survey plan defining the development boundaries, including the building footprint, rail corridor, rail infrastructure, Sydney Metro substratum land, and the distance to the Sydney Metro elevated structure. All measurements contained within the survey plan must be verified by a registered surveyor.
- b) Cross-sectional drawings showing the rail corridor (first and second reserve) with measurements of the distance from the project boundary and excavation to the Sydney Metro elevated structure. All measurements contained within the cross-sectional drawings must be verified by a registered surveyor.
- c) A plan showing all craneage and other aerial operations for the development is to be submitted.



Drive / Decora Drive. Subject to the section 87 (4) approval of TfNSW, the developer will be required to enter a Works Authorisation Deed (WAD) with the agency for the proposed TCS and associated civil works prior to commencing the signal and road works.

## 4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and has raised concerns in relation to stormwater, flooding, orderly development, road design, orderly development and groundwater.	No - refer to below discussion.
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised concerns in relation to road design, linemarking, pedestrian and bicycle connectivity and loading bays.	No – refer to below discussion.
Health	Council's Environmental Health Officer reviewed the proposal and raised concerns in relation to contamination, acoustics, food premises fit out, air quality and dust management.	No – refer to below discussion.
Landscaping	Council's Landscaping Officer reviewed the proposal and has raised concerns in relation to the landscaping of the development.	No – refer to below discussion.
Waste	Council's Resource Recovery Officer reviewed the proposal and has raised no objections, subject to conditions.	No – refer to below discussion.
Land Information	Council's Land Information Officer reviewed the proposal and has requested amendments to unit numbering and mailbox locations.	No

The outstanding issues raised by Council officers are outlined below.

### Engineering

Council's Engineering department has raised concern that the development application does not adequately address orderly development, road design, flooding, groundwater impact and stormwater design requirements pertaining to the proposal. The following key items remain unresolved:

- The proposed development is required to be designed in accordance with Council's Design Guidelines Subdivision/ Developments and relevant Development Control

Plans with respect to civil, stormwater, traffic and access.

- The civil plans shall be consistent with the future draft subdivision plan. The SP2 land shall be shown clearly on the civil plans. No works are permitted within the SP2 Infrastructure zoned land.
- Proposed road no. 2 shall be maintained under private ownership.
- The applicant is to confirm the flood levels with Sydney Water due to Rehabilitation and Trunk Drainage Works of Elizabeth Macarthur Creek Rouse Hill Development Area (Rev. 02) by RHDHV, dated 12/01/2024. The applicant is to confirm with Sydney Water and provide written advice. It was noted that the applicant has obtained the 1% AEP from the Rouse Hill flood study 2014.
- With respect to the above, the 1% AEP shall be shown on the plans and all the earthworks including batter or retaining wall shall be above the 1% AEP (i.e. whatever is higher, the flood level from the Rehabilitation and Trunk Drainage Works of Elizabeth Macarthur Creek Rouse Hill Development Area (Rev. 02) by RHDHV, dated 12/01/2024 or Rouse Hill flood study 2014).
- If the civil work encroaches within the 1% AEP, then a new flood study is required.
- A groundwater assessment has not been submitted with the development application. A groundwater assessment is to be prepared and submitted to confirm the extent of groundwater taken during construction and the ongoing groundwater taken post construction. Should the groundwater displacement be greater than 3ML/year then the basement shall be designed and constructed as a tanked basement or concurrence from Water NSW is required.
- Stormwater plan shall be prepared and submitted with the application to demonstrate how the stormwater is managed from the site and can drain to a lawful/legal point of discharge as per section 4.4 of the Council's Design Guidelines Subdivision/ Developments.
- The proposed development has not considered the orderly development of the site with regards to the existing left-in left-out intersection leg fronting the development site.

### Traffic

Council's Traffic Engineering department has raised the following concerns with the proposal:

- The site specific DCP for 301 Samantha Riley Drive states that "Pedestrian footpaths and bicycle links shall be provided along all road frontages and are to connect with existing bicycle and pedestrian infrastructure". However, it appears that the proposed development does not include bicycle paths (minimum 2.5m wide) along its road frontages or provide connections to existing bicycle infrastructure. Instead, it only proposes 2m wide footpaths.
- Due to the separate land ownerships, the intersection of Road 1 (ring road) and Road 2 will only be partially constructed as part of this proposal. A signage and linemarking plan shall be provided, outlining the interim intersection arrangements, including the provision of any crash barriers, signage, line markings, street lighting etc. The same applies to all other intersections and turning heads associated with the proposed development.



Generally, all proposed turning heads shall be designed with a minimum 19m diameter to accommodate 19m Articulated Vehicles (AV). The proposed turning heads at the ends of Road 1 (the partially constructed ring road) are insufficient, as they can only accommodate vehicles up to the size of a 10m garbage truck and require vehicles to perform a 3-point turn.

- The proposed road layout illustrates that parking bays are only provided on one side of the internal roads. Parking bays should be provided on both sides of the roads (e.g., a 2.5m parking lane on each side), as per the indicative road layout from the Bella Vista and Kellyville Precinct DCP, on which the proposed road layout is based. Indented parking bays should also be provided on Derrobarry Street between Samantha Riley Drive and Road 2, consistent with the alignment of Road 01. Adequate footpath area is to be maintained.
- The proposed raised pedestrian crossing on Road 02, including any associated signage and line markings, must be designed and constructed in accordance with the Australian Standards, Austroads Guide, TfNSW supplements and technical directions, and Council's specifications. This includes compliance with Approach Sight Distance (ASD), Stopping Sight Distance (SSD), Safe Intersection Sight Distance (SISD), and Crossing Sight Distance (CSD). Compliance with these requirements must be demonstrated on plans and/or in design reports and approved by the Principal Certifying Authority (PCA) prior to construction. If Road 02 is to be dedicated as a public road and the proposed pedestrian crossing is to be constructed upon dedication, the provision of the crossing will be subject to consideration by the Local Traffic Committee and approval by Council.
- For building 1, the conflict between MRV leaving the loading bay and the B99 leaving the carpark is to be addressed. Queuing within the vehicular crossing over the public verge or within the public road will not be supported. The Sight Distance Requirements for the MRV leaving the loading bay also need to be checked.

### Environmental Health

Council's Environmental Health Officer has raised concern that the proposed development does not adequately address the acoustic impacts, air quality impacts, contamination, dust management and food premises fit out requirements pertaining to the proposed development.

- An acoustic report is required assessing all noise generated from the childcare such as outdoor play, indoor play, vehicles entering and exiting and exiting and all mechanical plant. The noise level requirement for childcare centres in The Hills Shire Council area is 5dB(A) above the background when measured at any boundary adjoining or adjacent to a residential unit. The AAAC guidelines that increase the background noise level and provide a 4hour 10dB(A) above background noise for outdoor play are not accepted.
- The acoustic report is required to assess the entire fit out of the outdoor play area and provide advice on heights and locations of all play equipment proposed and must also assess noise impact when the children are playing on the decking proposed within the outdoor play area. Any acoustic barriers or other installations recommended by the acoustic report are to be included within the plans.
- As the development is impacted by rail and road traffic noise, the acoustic report must

demonstrate that the internal noise criteria of the childcare centre does not exceed 40dB(A)Leq as per table 3.1 of the Development near Rail Corridors and Busy Roads – Interim Guideline 2008 published by the Department of Planning.

- The Landscaping Plans prepared by Canvas Landscape Architects dated 22 October 2024 and Architectural Plans prepared by Tony Own Partners dated October 2024 show that there are outdoor tables around the area labelled “café”. The Statement of Environmental Effects acknowledge that the café will operate until 10pm. The acoustic report will need to consider the outdoor dining and the potential noise impacts on the residential apartments.
- Due to the proximity of the proposed development to busy roads, and air quality assessment is requested to be undertaken. The air quality assessment is to be prepared by a suitably qualified consultant.
- A Detailed Site Investigation (DSI) is required to be submitted based on the findings of the Preliminary Site Investigation Report that was prepared by EI Australia Pty Ltd, dated 4 September 2024. The DSI is to include soil investigations within targeted areas where:
  - i. Evidence of illegal dumping is apparent such as areas of clay spool, and anthropogenic materials
  - ii. Any areas of charred ground or where evidence of fire is apparent; and
  - iii. Areas where vegetation appears stressed or where visual indicators of contamination are identified
- Due to the significant earthworks proposed during the construction phase of the development, a site-specific dust management plan is requested to be submitted for review.
- Detailed plans are to be provided that show the fit out of all commercial food shops including kitchens in the childcare centres comply with AS4674 Design, construction and fit-out of food premises.

### Landscaping

Council’s Landscaping Officer has raised concern with the proposal due to the lack of landscaping details and plans provided. Of particular concern, the following matters were raised:

- Detailed staged Landscape Plans are to be prepared and submitted in accordance with the Apartment Design Guide, THDCP Part B Section 5 – Residential Flat Building, THDCP Part D Section 16 – 301 Samantha Riley Drive, Kellyville and THDCP Part C Section 3 – Landscaping.
- The proposed development is to be in accordance with THDCP Part D Section 16 – 301 Samantha Riley Drive, Kellyville Clause 4.9:
  - i. Green walls are encouraged on podium walls along active frontages to soften the interface between future development and the public realm.
  - ii. A minimum of 40% of the roof space must be used as a rooftop garden.

- iii. Rooftop gardens must be adequately enclosed and accessible to occupants of the development.
- iv. Plant growth is to be optimized by:
  - i. Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.
  - ii. Providing appropriate soil conditions and irrigation methods.
  - iii. Providing appropriate drainage
- Outdoor Play Areas to be designed as per THDCP Part B Section 6 Clause 2.34 Centre-based Child Care Facilities and NSW Department of Planning and Environment's Child Care Planning Guideline. Play space design is to be provided. Large trees and further planting are to be proposed within the outdoor play areas to allow for interaction with nature which demonstrates that the Childcare Planning Guideline 4.10 Natural environment to 'provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment' has been met. Species that suit local soil and climatic conditions and the character of the environment are recommended in accordance with CCPG 4.11 Shade.

Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

### 4.3 Community Consultation

The proposal was exhibited in accordance with Section 7 under Schedule 1 of the Environmental Planning and Assessment Act 1979 from 19 November 2024 to 17 January 2025. The proposal was notified to 70 adjoining and adjacent properties and was exhibited on Council's website in accordance with Council's Community Participation plan.

Council received one unique submission, objecting to the proposal. The issues raised in the submission are considered in **Table 7**.

**Table 7: Community Submissions**

Issue	No of submissions	Council Comments
<b>Orderly Development</b>  Submissions raised concern the orderly development of the site with respect to the	1	<p>The zoning of the site and adjoining sites, as well as the indicative layout plan for the site, envisage the site to be amalgamated and developed in a coordinated manner.</p> <p>The proposal has not satisfactorily demonstrated that orderly development can be achieved.</p>

adjoining land (Lot 1 DP 1028391 and Lot 192 DP 1249550).		Refusal of the application is recommended on this basis. Refer to the Key Issues section of this report for further detail.
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## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Orderly Development

The subject site and adjoining property are zoned part R1 General Residential and part SP2 Infrastructure. The extent of the R1 General Residential Zoning envisages the development site to be amalgamated and developed in a coordinated manner. An extract of the Land Zoning Map is provided below.

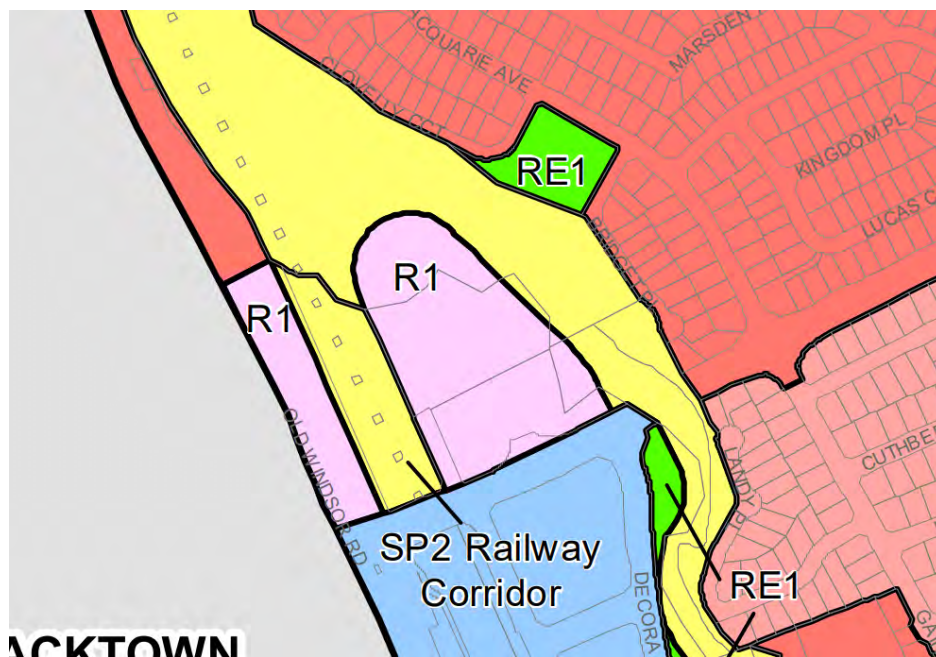


Figure 5. Extract of LZN\_015 Land Zoning Map from The Hills Local Environmental Plan 2019

Part B Section 16 – 301 Samantha Riley Drive, Kellyville of The Hills Development Control Plan 2012 also contemplates the site being amalgamated with the adjoining land to form a consolidated development site. Figure 3 from the site specific DCP illustrates this. Whilst the non-compliance with the DCP is noted, the fragmented boundaries and inefficient layout would otherwise remain as an orderly development issue and would warrant refusal.



Figure 3  
DCP Site Plan

Figure 7. Extract of Figure 3 from Part D Section 16 of the DCP.

The proposed development has not satisfactorily demonstrated that the site can be developed in an orderly manner. The proposed development has not attempted to amalgamate with the adjoining R1 General Residential zoned land to develop the site in a coordinated and orderly manner, which will result in an inefficient development of the site that is inconsistent with the indicative layout of the site established under Part D Section 16 – 301 Samantha Riley Drive of the DCP.

The Statement of Environmental Effects has provided commentary regarding the orderly development matter, however, has not adequately detailed how the Court established principles have been addressed. A valuation report has been submitted but no documentation showing negotiations or correspondence with Sydney Water has been provided. The concept plan submitted shows how the remainder of the site could be developed, but no commentary has been provided as to whether compliance with the DCP controls can be achieved. This is considered insufficient in addressing the orderly development issue as the applicant has not demonstrated whether the site could be amalgamated and has not provided enough detail to show that the Sydney Water site could be developed independently in accordance with the relevant LEP and DCP controls.

As the site is not consolidated and orderly development has not been addressed, the proposed development would result in setbacks that do not promote active frontages and areas that cannot be developed, such as the adjoining R1 zoned areas to the west and north-west of buildings 1 and 3, as shown in Figure 8 below.





Figure 8. Extract of Site Plan showing undevelopable R1 zoned land.

The proposed development further has not considered the closure of the unconnected left-in left-out road constructed fronting Samantha Riley Drive. The architectural plans suggest this will be utilised as public domain and be landscaped, however this section of road needs to be closed and consolidated with the site.

A submission from the adjoining landowner has been received objecting to the proposal. The submission raises concerns with the orderly development with respect to the adjoining land and the inconsistencies of the development with the indicative layout for the site. Accordingly, the proposed development has not considered the submissions received in relation to the proposal.

The issue has not been resolved and accordingly, warrants refusal of the application.

## 5.2 Building Height and Bulk and Scale

The proposed development includes a variation to Section 4.3 of the LEP relating to the maximum height of buildings. As per Section 4.3, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A Section 4.6 variation request has been submitted with the application and seeks variations ranging from 71% to 328%.

The Clause 4.6 variation request has not satisfactorily demonstrated that compliance with the maximum building height controls is unreasonable or unnecessary in this instance. The building heights proposed are considered to be excessive and the proposed development is of a bulk and scale that is inconsistent with the intent of the building height controls and the existing prevailing character of the surrounding residential area.

Whilst the LEP amendments made by State Environmental Planning Policy Amendment (Bella Vista and Kellyville Transport Oriented Development Precincts) 2024 include additional height

incentives that are applicable to the site, Clause 1.8(5) of the LEP stipulates that a development application made, but not finally determined, before the commencement of the amendment must be determined as if the policy had not commenced. As the development application was lodged prior to the commencement of the policy, the additional height incentive controls can not be considered under this application.

The proposal also does not comply with the controls outlined within The Hills Development Control Plan 2012 relating to the height of podiums and towers, building depth, density and building length, which all contribute to an excessive bulk and scale that does not positively contribute to the intended use of the site and desired future character of the area.

The proposed building form presents an unsympathetic response to the streetscape and is of an excessive bulk and scale that does not positively contribute to the desired future character of the area. The significant building height variations and the depth and length variations result in a design that presents as a singular building with reduced articulation further exacerbates its perceived bulk and scale.

The submitted Clause 4.6 variation request is not supported and has not satisfactorily demonstrated that compliance with the building height development standard is unreasonable or unnecessary, as discussed in Section 3 of this report.

The issue has not been resolved and accordingly, warrants refusal of the application.

### **5.3 Design Excellence**

The proposed development has not satisfactorily demonstrated that the development exhibits design excellence in accordance with Section 7.7 of the LEP and is consistent with the design principles outlined under Section 147 and Schedule 9 of State Environmental Planning Policy (Housing) 2021.

Pursuant to Section 7.7 of The Hills Local Environmental Plan 2019, development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. A meeting with the Design Excellence Panel was held on 4 December 2024. The feedback provided by the Panel is summarised as follows:

- The development application being designed with respect to the current, very irregular lot boundaries results in a poor design outcome
- The curved buildings located on the southern boundary only address the street mid-block and close off the communal open space and plaza in the centre of the site
- The deflection of the buildings, as a result of the land ownership pattern along the eastern loop road presents left over spaces between the buildings and the street which lack functionality or benefit and prevent a consistent street scape from being achieved.
- The architectural expression is essentially of the same genre and materiality across all six buildings, which is an inappropriate design response on a site this size, and amplified by a proposal of this density.
- The colour scheme and materiality is too prevalent, simplistic and uniform, lacking the genuine diversity that such a large site has the potential to create.
- The building separation proposed results in large blank walls that do not accord with maintaining the LGA's garden shire character. The benefits of greater building separation in terms of desirable urban form, architectural expression and regional character has not been accounted for in the proposal.
- The Panel raised concern with respect to the location of unit bedrooms in proximity to communal open spaces within the site. The lack of clarity and functionality in the

communal open space design contributes to the concerns about how these spaces will be used and how significant the impact on private areas will be.

- The inclusion of a link element between Buildings 5 and 6 in the podium is not supported as it exacerbates the 'wall' effect in the architecture along the frontage of the future access road opposite the above ground metro line, the existing Derrobary Street and the link road through the centre of the site, resulting in approximately 130m of continuous built form for levels 2-7.
- Street frontage heights of 8 storeys present more as whole buildings, rather than podiums, and are overwhelming and oppressive from the street perspective.
- Concern was raised with the connection and flow between the plaza space and the garden space.
- The car park and loading dock entries do not demonstrate an acceptable design outcome and reduce opportunities for public domain and landscaped areas between buildings.
- The internal circulation of the buildings provides long corridor which are not ideal in terms of natural light and ventilation.
- The design of the rooftop common open space areas are treated in the same way and should consideration is required to create different sub-spaces for different uses.
- The proposed landscaping does not indicate that there is a clear planting strategy.

The proposed development has not been amended to address the concerns raised by the Panel. Accordingly, the matters under Section 7.7 have not been addressed and it is considered that the proposal has not demonstrated design excellence.

## **5.4 Flooding**

The proposed development has not satisfactorily demonstrated that the development is satisfactory with regards to the flooding planning requirements stipulated under Section 5.21 of the LEP.

Clause 5.21 of the LEP states:

### **5.21 Flood planning**

*(1) The objectives of this clause are as follows—*

*(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*

*(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*

*(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*



*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

*(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

*(b) the intended design and scale of buildings resulting from the development,*

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

*(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

The site comprises land that is ‘considered to be within the flood planning area’ referred to in clause 5.21 of the LEP.

It has not been demonstrated that the requirements of clause 5.21 of the LEP have been addressed, or the requirements of Section 6 of Part C of THDCP as applicable to the proposal (including development for the purposes of residential flat buildings, child care facilities and retail development).

In this regard, the flood levels of the site are required to be confirmed with Sydney Water, having regard to the Rehabilitation and Trunk Drainage Works identified in the Elizabeth Macarthur Creek Rouse Hill Development Area (Rev. 02) by RHDHV, dated 12/01/2024. Written advice and confirmation from Sydney Water is required to be provided in support of the application which identify the flood levels for the site.

## **6. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported.

The issues raised with regards to orderly development, bulk and scale and design excellence have not been satisfactorily addressed and remain unresolved. The proposed Clause 4.6 variation to the building height development standard cannot be supported as the variations are excessive and it has not been demonstrated that compliance is unreasonable or unnecessary.

It is considered that the key issues as outlined in Section 5 have not been resolved satisfactorily through amendments to the proposal.

Accordingly, the proposed development is recommended for refusal.

## **7. RECOMMENDATION**

Development Application DA 699/2025/JP be refused pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the reasons for refusal attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Reasons for refusal
- Attachment B: Tables of Compliance
- Attachment C: Architectural Plans
- Attachment D: Clause 4.6 Request
- Attachment E: Agency Responses

## **ATTACHMENT A: DRAFT REASONS FOR REFUSAL**

### **Reasons for refusal**

1. The proposal has not considered the orderly development of the site with respect to adjoining sites and the land zoning. The proposed development has not attempted to amalgamate with the adjoining R1 General Residential zoned land to develop the site in a coordinated and orderly manner, which will result in an inefficient development of the site that is inconsistent with the zoning of the site and the indicative layout of the site established under Part D Section 16 – 301 Samantha Riley Drive of the DCP.

(Section 4.15(1)(a)(i), (b) and (d) of the Environmental Planning and Assessment Act, 1979)

2. The height of the proposed development significantly exceeds the maximum height of buildings prescribed to the site in Height of Buildings Map (cl 4.3) of The Hills Local Environmental Plan 2019. The applicant's clause 4.6 submission seeking to vary The Hills LEP 2019 height of building standard is not supported as the development does not meet the underlying intent of the standard as its height is not appropriate for its location and will result in unreasonable visual amenity impacts on the immediate locality, and in particular its direct interface with the immediate adjoining Metro corridor. The variation request has not demonstrated that compliance is unreasonable or unnecessary in this circumstance.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

3. The proposal does not satisfy the provisions of Clause 5.21 Flood Planning of The Hills Local Environmental Plan 2019. The proposal has not demonstrated that the development is compatible with the flood function and behaviour on the land and will not adversely affect the flood behaviour.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

4. The proposal has not demonstrated that public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required, pursuant to Clause 6.3 of The Hills Local Environmental Plan 2019.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

5. The proposal does not satisfy the provisions of Clause 7.7 of The Hills Local Environmental Plan 2019. The proposal has not demonstrated that the development exhibits design excellence.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

6. Development consent cannot be granted as provisions under Chapter 4 Remediation of Land under SEPP (Resilience and Hazards) 2021 are not satisfied.

(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979)

7. The proposal does not satisfy the provisions of Section 6.6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Insufficient information has been submitted to determine adequate stormwater management measures are incorporated into the design of the development to maintain water quality and quantity.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

8. The proposal does not satisfy the provisions of Section 147 of State Environmental Planning Policy (Housing) 2021. The proposed development is not satisfactory with regards to the design principles for residential apartment development, in particular the context and neighbourhood character, built form and scale, density, landscape, amenity and aesthetic. The proposal has not demonstrated compliance with the requirements of the Apartment Design Guide with regards to carparking, solar and daylight access, natural ventilation and storage.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

9. The proposal does not satisfy the provisions of Clause 2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The development has not demonstrated that the proposed development does not impact on the on the safety or structural integrity and safe and effective operation of the adjoining Metro corridor. Concurrence has not been granted by the relevant rail authority with respect to Clause 2.99.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

10. The proposal does not satisfy the provisions of Clause 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The development has not considered the response provided by Transport for NSW in regards to future public transport provisions along Samantha Riley Drive.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

11. The proposal does not satisfy the provisions of Clause 3.23 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The development is inconsistent with the Child Care Planning Guidelines design quality principles and does not deliver a building that is in keeping with the residential character of the area or minimises adverse impacts on the visual and acoustic amenity of adjoining properties.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

12. The development application is not satisfactory for the purposes of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the provisions of The Hills Development Control Plan 2012:
- a) Part B Section 5 – Residential Flat Buildings
  - b) Part B Section 6 – Business
  - c) Part C Section 1 – Parking
  - d) Part C Section 3 – Landscaping
  - e) Part C Section 6 – Flood Controlled Land
  - f) Part D Section 16 – 301 Samantha Riley Drive, Kellyville
- (Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
13. The development application is not satisfactory for the purposes of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the proposal has not fully considered the likely environmental impacts of the development.
14. The development application is not satisfactory for the purposes of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 as the application has not demonstrated that the site is suitable for the proposed development.
15. The development application is not satisfactory for the purposes of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest.

## ATTACHMENT B: TABLES OF COMPLIANCE

### Compliance with SEPP (Transport and Infrastructure) 2021 – Formerly SEPP (Educational Establishments and Child Care Facilities) 2017

- **SECTION 1:** SEPP (TRANSPORT AND INFRASTRUCTURE) 2021
- **SECTION 2:** NATIONAL REGULATIONS CHECKLIST
- **SECTION 3:** EXCERPT OF CLAUSE 107 AND 108 OF NATIONAL REGULATIONS
- **SECTION 4:** CHILD CARE CENTRE GUIDELINES
- **SECTION 5:** DCP PART B SECTION 6 – BUSINESS

<b>SECTION 1: SEPP (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3 PART 3.3 – EARLY EDUCATION AND CARE FACILITIES – SPECIFIC DEVELOPMENT CONTROLS</b>		
<b>Clause 3.22 – Concurrence of the Regulatory Authority</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
Is concurrence of the Regulatory Authority (the Secretary of the Department of Education) required under Clause 22 of the SEPP?  Note: concurrence required where the indoor/outdoor space does not meet the requirements of the National Regulations (Clause 107 and 108). See Section 3 of Table of Compliance for requirements.	Concurrence with the regulatory authority is not required under clause 3.22 of the SEPP.  6.66sqm/ child of unencumbered indoor play area provided.  7.97sqm/ child of unencumbered outdoor play area provided.	N/A – concurrence not required.
If yes, has the proposal been forwarded to the Department of Education within 7 days of receiving the Development Application with the area requiring concurrence stipulated?	N/A	N/A
If concurrence of the Regulatory Authority was required, the notice of determination is to be forwarded to them within 7 days.	N/A	N/A
<b>Clause 3.23 – Matters for consideration by consent authorities</b>		
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Refer to the below assessment	Yes
<b>Clause 3.24 – Centre-based child care facility in Zone IN1 or IN2</b>		
Is the proposed development compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses?	N/A – the site is zoned R1 General Residential.	N/A
Does the proposal have the potential to restrict the operation of existing industrial land uses?	N/A	N/A

Does the location of the proposed development will pose a health or safety risk to children, visitors or staff?	N/A	N/A
<b>Clause 3.25 – Floor Space Ratio</b>		
Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.  This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	Not located in R2 zoned land.  LEP or DCP does not set maximum FSR for the childcare.	N/A
<b>Clause 3.26 – Non-discretionary development standards</b> The proposal cannot be refused on the following grounds (bold) if the standard is met:		
<b>Location</b> —the development may be located at any distance from an existing or proposed early education and care facility,	Noted	Yes
<b>indoor or outdoor space</b> for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies — the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, <u>or</u>  for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	Refer to assessment below	Yes
<b>site area and site dimensions</b> - the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted	Yes
<b>colour of building materials or shade structures</b> - the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Satisfactory – the site/ development does not relate to a State or Local heritage item and is not within a heritage conservation area.	Yes
<b>Clause 3.27 – Development Control Plans</b>		

<p>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"> <li>a) operational or management plans or arrangements (including hours of operation),</li> <li>b) demonstrated need or demand for child care services,</li> <li>c) proximity of facility to other early childhood education and care facilities; and</li> <li>d) any matter relating to development for the purpose of a centre-based child care facility contained in: <ul style="list-style-type: none"> <li>• the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</li> <li>• the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</li> </ul> </li> </ul>	Noted	Yes
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*Note: Part 3.3 of SEPP also includes other provisions relating to exempt and complying development, home based child care & OOSH (Clause 3.28-3.33)*

SECTION 2: NATIONAL QUALITY FRAMEWORK ASSESSMENT CHECKLIST (PART 4 OF GUIDELINES)				
NOTE: PART 4 OF THE CHILD CARE GUIDELINES INCLUDES DESIGN GUIDANCE FOR EACH CLAUSE THAT SHOULD ALSO BE CONSIDERED IN ADDITION TO THE BELOW.				
CLAUSE	STANDARD	REQUIRED	PROPOSED	COMPLIANCE
104	Fencing or barrier that encloses outdoor spaces	<p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	<p>1.8m high fencing proposed.</p> <p>Details/ materials not shown.</p>	Yes



		Fencing height, materials and style to be shown on plans.		
<b>106</b>	<b>Laundry and hygiene facilities</b>	The proposed development includes laundry facilities or access to laundry facilities OR explains the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children.	Laundry room/ facilities provided on site.	Yes
<b>107</b>	<b>Unencumbered indoor space</b>	3.25 square metres of unencumbered indoor space for each child.  Has the calculation of unencumbered space been undertaken in accordance with the Regulations? See excerpt of Clause 107 and 108 at the end of this table of compliance.	100 x 3.25 = 325sqm required.  666sqm provided.  6.66sqm/ child of unencumbered indoor play area provided.	Yes
<b>108</b>	<b>Unencumbered outdoor space</b>	7.0 square metres of unencumbered outdoor space for each child.  Has the calculation of unencumbered space been undertaken in accordance with the Regulations?  Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play  Verandahs as outdoor space  Where a covered space such as a verandah is to be included in outdoor space it should: <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> </ul>	100 x 7 = 700sqm required  797sqm provided.  7.97sqm/ child of unencumbered outdoor play area provided.	Yes

		<ul style="list-style-type: none"> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements</li> </ul>		
109	Toilet and hygiene facilities	The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.	Age appropriate toilet and hygiene facilities are provided for each age group.	Yes
		The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	Toilet location and design is safe and convenient.	Yes
		Have the number of toilets and hand basins been shown on the plans?	Individual toilets and basins shown on plans.	Yes
110	Ventilation and natural light	The proposed development includes indoor spaces to be used by children that — • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children.	Indoor play areas are well ventilated and have adequate and safe natural light.	Yes
		Do the plans indicate how natural ventilation and lighting is achieved?	Satisfactory.	Yes
111	Administrative space	The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation of unencumbered indoor space – see regulation 107	A separate administration space (office/ staff room/ reception) is provided clear of unencumbered indoor space.	Yes

		Do the plans indicate suitable administrative space?		
112	Nappy change facilities	The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.	Change room provided adjoining 0-2 years indoor area. Change area includes sink for hand cleansing.	Yes
		Do the plans indicate nappy change facilities?	Yes	Yes
113	Outdoor space – natural environment	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment. Is it adequately detailed on the plans?	Outdoor areas include spaces to allow children to explore and experience natural environment. Demonstrated on landscape plans.	Yes
114	Outdoor space – shade	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Is the provision of shade adequately detailed on the plans?	Yes – canopy provided.	Yes
115	Premises designed to facilitate supervision	The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	Proposal is designed to allow for supervision at all times.	Yes

**SECTION 3: EXCERPT OF CLAUSE 107 AND 108 OF NATIONAL REGULATIONS**

Clause	Standard	Requirement
107	Unencumbered indoor space	<p>(3) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p>

		<p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.</p> <p>(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.</p> <p>(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.</p>
108	Unencumbered outdoor space	<p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <p>(a) any pathway or thoroughfare, except where used by children as part of the education and care program;</p> <p>(b) any car parking area;</p> <p>(c) any storage shed or other storage area;</p> <p>(d) any other space that is not suitable for children.</p> <p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—</p> <p>(a) the Regulatory Authority has given written approval; and</p> <p>(b) that indoor space has not been included in calculating the indoor space under regulation 107.</p>

#### SECTION 4: CHILD CARE CENTRE GUIDELINES (PART 3)

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
<b>3.1 – Site Selection and Location</b>			
C1	<p>For proposed developments <b>in or adjacent to a residential zone</b>, consider:</p> <ul style="list-style-type: none"> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>the setbacks and siting of buildings within the residential context</li> </ul>	Acoustic not addressed – refer to Health comments	No

	<ul style="list-style-type: none"> <li>• traffic and parking impacts of the proposal on residential amenity</li> </ul>		
	<p>For proposed developments in <b>commercial and industrial zones</b>, consider:</p> <ul style="list-style-type: none"> <li>• potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>• the potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul>	N/A – the site is not within a commercial or industrial zone.	N/A
	<p>For proposed developments in <b>public or private recreation zones</b>, consider:</p> <ul style="list-style-type: none"> <li>• the compatibility of the proposal with the operations and nature of the community or private recreational facilities</li> <li>• if the existing premises is licensed for alcohol or gambling</li> <li>• if the use requires permanent or casual occupation of the premises or site</li> <li>• the availability of on site parking</li> <li>• compatibility of proposed hours of operation with surrounding uses, particularly residential uses</li> <li>• the availability of appropriate and dedicated sanitation facilities for the development.</li> </ul>	N/A	N/A
	<p>For proposed developments on <b>school, TAFE or university sites in Special Purpose zones</b>, consider:</p> <ul style="list-style-type: none"> <li>• the compatibility of the proposal with the operation of the institution and its users</li> <li>• the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling</li> <li>• proximity to sources of noise, such as places of entertainment or mechanical workshops</li> <li>• proximity to odours, particularly at agricultural institutions</li> <li>• previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.</li> </ul>	N/A	N/A
C2	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• the location and surrounding uses are compatible with the proposed development or use</li> <li>• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> </ul>	<p>The location is considered satisfactory.</p> <p>No bushfire threat.</p> <p>There are no potential environmental contaminants on the land or proximity to the site.</p>	No

	<ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>there are suitable drop off and pick up areas, and off and on street parking</li> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<p>The scale of the development is not considered to have been designed to be consistent with the residential area.</p> <p>There are suitable drop off and pick up areas within the site.</p> <p>It is not located closely to incompatible social activities.</p>	
C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>near or within employment areas, town centres, business centres, shops</li> <li>with access to public transport including rail, buses, ferries</li> <li>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>The proposed facility is located within proximity to the Kellyville Metro station.</p> <p>The proposal contributes to supporting the needs and services of future/ existing residents within the precinct.</p>	Yes
C4	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>proximity to: <ul style="list-style-type: none"> <li>heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> <li>extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> </li> <li>any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	<p>The location of the proposed childcare is not considered to be within proximity to any of these specific uses.</p>	Yes

<b>3.2 – Local Character, Streetscape and Public Domain Interface</b>			
C5	<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	Incompatible due to bulk and scale of development	No
C6	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul>	Insufficient detail of fencing	No
C7	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	Insufficient detail	No
C8	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences.</li> </ul>	N/A	N/A
C9	<p>Fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>Where the site is listed as a heritage item, adjacent to a heritage item or within a</p>	Insufficient fencing details	No

	conservation area front fencing should be designed in accordance with local heritage provisions.		
C10	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	N/A – child care not on a classified road	N/A
<b>3.3 – Building Orientation, envelope and design</b>			
C11	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</li> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	Not considered acoustic impacts of play areas with adjoining residential	No
C12	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character</li> </ul>	Not satisfactory	No
C13	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres,	DCP setbacks apply	Yes



	the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.		
C14	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	N/A	N/A
C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul>	Not addressed	No
C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	Entry via lift in basement car park.	Yes
C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> </ul>	Satisfactory	Yes

	<ul style="list-style-type: none"> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>		
<b>3.4 – Landscaping</b>			
C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	No – insufficient landscape detail provided.	No
C19	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	Basement carparking proposed – landscaping not required.	N/A
<b>3.5 – Visual and Acoustic Privacy</b>			
C20	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Satisfactory	Yes
C21	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	The building has been designed to minimise overlooking of indoor rooms and outdoor play spaces from public areas.	Yes
C22	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	Direct overlooking of internal living areas and private open spaces is avoided through landscape screening, internalising the play areas and location of windows.	Yes

C23	<p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	Insufficient fencing details	No
C24	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	See health comments	No
<b>3.6 – Noise and Air Pollution</b>			
C25	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	See Health Comments	No
C26	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> </ul>	N/A	N/A

	<ul style="list-style-type: none"> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>		
C27	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	N/A – not adjacent to a classified road or industrial development	N/A
C28	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility</li> </ul>	N/A – air quality assessment not required as development is not adjacent to a classified road or industrial developments	N/A
<b>3.7 – Hours of Operation</b>			
C29	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	Proposed hours of operation are 7am to 6pm Monday to Friday.	Yes
C30	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Satisfactory	Yes
<b>3.8 – Traffic, parking and pedestrian circulation</b>			
C31	Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	Rates provided in accordance with Part C Section 1 of Hills DCP – see assessment below.	Yes

C32	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	No on street parking proposed.	Yes
C33	A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	Traffic report submitted with application.	Yes
C34	Alternate vehicular access should be provided where child care facilities are on sites fronting: <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> The alternate access must have regard to: <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul>	N/A – the site is not on a classified road.	N/A
C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	N/A – the site is not on a cul-de-sac or narrow lane/ road.	N/A
C36	The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• in commercial or industrial zones and mixed use developments, the path of travel from the</li> </ul>	<p>The basement car park includes separate pedestrian access to the facility from the car park via the lift or stairs.</p> <p>Defined pedestrian crossings are not shown within the car park.</p> <p>A separate pedestrian walkway from the street is provided.</p> <p>Loading bay is located away from pedestrian walkways and the main pedestrian access.</p>	No

	<p>car parking to the centre entrance physically separated from any truck circulation or parking areas</p> <ul style="list-style-type: none"> <li>vehicles can enter and leave the site in a forward direction.</li> </ul>	Vehicles can enter and leave the site in a forward direction.	
C37	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site</li> <li>parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<p>Not addressed:</p> <p>drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site</p> <p>parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</p>	No
C38	<p>Car parking design should:</p> <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>include wheelchair and pram accessible parking.</li> </ul>	Satisfactory	Yes

## Part B Section 6 Business – The Hills Development Control Plan

*Note: Section 5.6.3 of the Box Hill DCP refers to Part B Section 6 with respect to controls for Child Care Centres. Appendix E is no longer included in Part B Section 6, therefore the controls under Section 2.34 of the DCP have been considered.*

2.34 Centre Based Child Care Facilities – Additional Controls		
Control	Proposed	Compliance
a) Other relevant Sections of the DCP (i.e. Part B Section 2 – Residential) should be consulted with regards to setbacks, depending on the nature and location of the development.	Noted	Yes
b) Child care centres in rural areas are to have a minimum side building setback of 5 metres to minimise noise and privacy impacts to adjoining properties.	Not in a rural area.	N/A
c) Where a development site has a slope such that the minimum setbacks required by (a) above do	Noted.	Yes

not achieve the objectives in respect of overshadowing, privacy, and amenity for adjoining land uses, the setbacks will be increased to the point where the objectives are achieved.			
d) Consideration is to be given to the Building Code of Australia with regards to the fire resistance of walls of the child care centre (and the openings on the walls) facing side and rear boundaries.		Satisfactory.	Yes
e) Setbacks for child care centre car parking areas:		Basement parking proposed.	Yes
Zone	Minimum Carpark Setback		
Residential	5m setback from the front property boundary		
Industrial, business and recreation	In accordance with the relevant DCP		
Rural	10m setback from the front boundary		
f) The front setback areas are to include landscaping with a minimum width of two metres to screen vehicles from view from the street and surrounding properties.		Satisfactory	Yes
g) Side boundary setbacks to car parking areas are to be in accordance with Part C Section 1- Parking and the relevant Sections of the Development Control Plan as outlined in (a) above.		Basement car park, under the building platform	Yes
h) The location of external child play areas in the front setback area is not permitted.		Satisfactory	Yes
i) For child care centres located on classified roads in rural zones, play areas are to be located a minimum of 30 metres from the front property boundary		Not on a classified road or in a rural zone.	N/A
j) Landscaping along the primary and secondary frontages is to include a combination of ground covers, large trees, shrubs, and grass planting and is to provide high-quality landscaping for the development. Landscaping shall be established prior to the occupation of the building.		See landscape comments	No
k) Trees and shrubs shall be provided along side and rear boundaries to screen outdoor play areas.		See landscape comments	No
l) Food preparation areas in a child care centre must comply with: a. Food Act 2003; b. Children's Services Regulation 2004; c. Food Safety Standards; and d. Australian Standard 4674-2004 – Design, Construction and Fit-out of Food Premises. e. Premises are required to register with: NSW Food Authority and The Hills Shire Council.		See health comments	No

## THDCP PART B SECTION 5 – RESIDENTIAL FLAT BUILDING

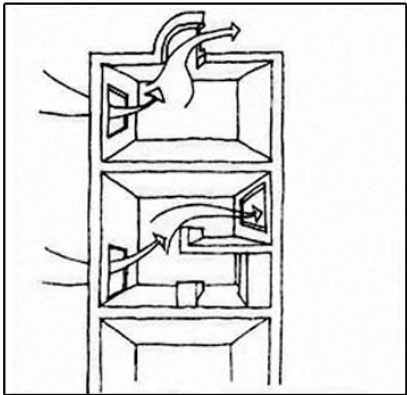
DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
1.1 Permissible Zones	R1 General Residential, R4 High Density Residential, B2 Local Centre, B4 Mixed Use	R1 General Residential	Yes
3.1 Site Requirements	<p>The minimum lot size for residential flat buildings is specified in Clause 4.1A of The Hills Local Environmental Plan 2012, as follows:</p> <p><b><u>Within:</u></b></p> <p>R1 General Residential – 4,000m<sup>2</sup>  R4 High Density Residential – 4,000m<sup>2</sup>  B2 Local Centre – 4,000m<sup>2</sup>  B4 Mixed use – 4,000m<sup>2</sup></p> <p>Min. road frontage – 30m</p> <p>A residential flat building shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be sufficient area to meet the minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012.</p>	Complies	Yes
3.3 Setbacks – Building Zones	<p>Where trees are located within the 10 front setback, 8m rear setback and 6m side setback, the building zone boundaries will be set so that all buildings are 5m from the trees or clear of the drip line of the trees whichever is the greater distance.</p> <p>Front (one street frontage) - 10m</p> <p>Front (two street frontages):  Primary frontage – 10m  Secondary frontage – 6m</p> <p>Side – 6m  Rear – 8m</p>	<p>Setbacks do not comply – 0m and 1m setbacks proposed</p> <p>Site Specific DCP overrides</p>	No

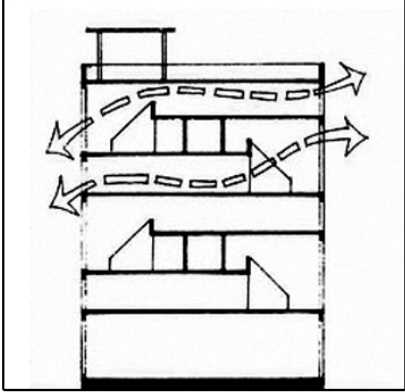
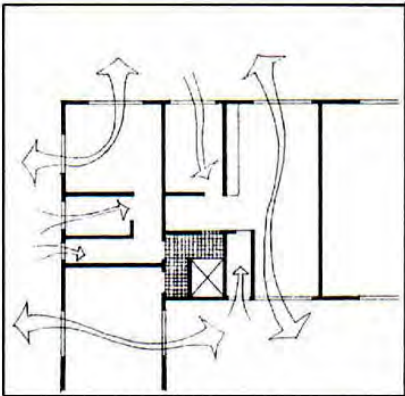


3.4	Building Heights	Refer to building height maps of The Hills Local Environmental Plan 2012.  No buildings shall contain more than 4 storeys above natural ground level.	Does not comply	No
3.5	Building Separation and Treatment	12m	Minimum 12m provided.	Yes
3.6	Landscaped Area	50% of site area	See landscape comments	No
3.7	Building Length	Max. 50m	No – podium for building 5-6 means greater than 50m	No
3.8	Building Design and Streetscape	<p>Must refer to Council’s “Multi-Unit Housing: Urban Design Guidelines 2002”</p> <p>Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street.</p> <p>Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms.</p> <p>Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc.</p> <p><u>Walls and Rooflines:</u></p> <ul style="list-style-type: none"> <li>- Articulation provided to reduce bulk</li> <li>- With variety of colours to reduce monotony and add enhance the streetscape</li> <li>- With windows to enhance façade appearance</li> <li>- Well balanced vertical and horizontal proportions</li> <li>- Break up large horizontal facades (whether walls or roofs) into</li> </ul>	Not addressed	No

	<p>smaller sections no longer than 10m</p> <ul style="list-style-type: none"> <li>- Use of well-proportioned and balanced projections and recesses on facades.</li> <li>- Provision of architectural features in the façade such as entry porches, pergolas, etc.</li> </ul> <p><u>Garages:</u></p> <ul style="list-style-type: none"> <li>- Comprise more than one material and colour to enhance visual attractiveness and interest.</li> <li>- Concealed or screened by planting from the street and public view, as much as possible.</li> </ul> <p><u>Entrances:</u></p> <ul style="list-style-type: none"> <li>- Clearly visible from the public and semi-public areas. Lighting to be provided for safety at night.</li> <li>- Entries to be readily apparent from the street and clearly visible from inside the dwelling for casual surveillance.</li> <li>- Space around building entrance to be sufficiently large to stand out and have a distinctive architectural form.</li> <li>- Entries to be distinctive, attractive and welcoming.</li> <li>- Provide sheltered transitional areas around building entries.</li> <li>- All ground floor dwellings to have their own entry at ground level.</li> <li>- Building entries to be visible from, or address the site front boundary, and clearly delineated and observable from the driveway.</li> </ul> <p><u>Views and Siting:</u></p> <ul style="list-style-type: none"> <li>- Siting of building to take advantage of any views to nearby/adjoining landscaped open space or any public reserve.</li> <li>- Siting and design to take advantage of any views to open space, public reserves and bushland to promote natural</li> </ul>		
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	<p>surveillance and enhance visual amenity for residents.</p> <ul style="list-style-type: none"> <li>- Avoid blank courtyard walls along boundaries shared with open space or reserves.</li> <li>- Provide opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve.</li> <li>- Avoid courtyards facing a street or public place. If cannot be avoided due to design constraints, design to comply with Section 3.27 Fencing giving consideration to streetscape and visual impact issues.</li> </ul>		
3.9 Urban Design Guidelines	Demonstrate conformity with "Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002"	Not addressed	No
3.10 Density	150-175 persons per hectare	826 apartments/2hectares	No
3.11 Unit Layout and Design	<p>1 bedroom – 75m<sup>2</sup></p> <p>2 bedroom – 110m<sup>2</sup></p> <p>3 bedroom – 135m<sup>2</sup></p>	ADG requirements met.	Yes
3.12 Building Materials	<p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p>	No - see design panel comments	No

	<p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.</p>		
3.13 Open Space	<p>Private: Ground level – 4m x 3m (min)</p> <p>Above ground – min. 10m<sup>2</sup> with min. depth 2.5m</p> <p>Common: 20m<sup>2</sup> per dwelling</p>	ADG requirements apply	N/A
3.14 Solar Access	<p>Adjoining buildings / open space areas – 4 hours between 9am and 3pm on 21 June</p> <p>Common open space – 4 hours between 9am and 3pm on 21 June</p>	ADG requirements apply	N/A
3.15 Ventilation	 <p>Cross ventilation can be achieved through roof vents and air shafts. Apartments with mezzanines and two storey apartments assist in air movement.</p>	ADG requirements apply	N/A

	 <p>Good cross ventilation can be achieved with double orientation apartments, having split levels and corridors on alternative floors</p>  <p>Cross ventilation is best achieved through narrow floor plans</p> <ul style="list-style-type: none"> <li>- Consider prevailing breezes in relation to building orientation, window design and internal circulation.</li> <li>- Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position.</li> <li>- Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation.</li> <li>- Provide security screen doors at unit entries.</li> <li>- Minimise air gaps by incorporating door and window seals.</li> </ul>		
3.16 Lighting	- Lighting to be in accordance with the Building Code of Australia.	ADG requirements apply	Yes

	<ul style="list-style-type: none"> <li>- Adequate lighting to ensure the security and safety of residents and visitors.</li> <li>- Maximise the use of natural lighting through window placement and skylights.</li> <li>- In common areas lights are to be time switched and energy efficient fitting should be used.</li> <li>- Motion detectors are to be used for unit entries, lobbies and outdoor security.</li> <li>- Incorporate dimmers, motion detectors, and automatic turn-off switches where appropriate.</li> <li>- Provide separate switches for special purpose lights.</li> </ul>		
3.17 Stormwater Management	<ul style="list-style-type: none"> <li>- Drainage easements required where the development property does not drain directly into the existing stormwater drainage system or a public road. Development Consent will not be issued until the submission of documents demonstrating the creation of any necessary easements over downstream properties.</li> <li>- Discharge points are to be controlled and treated to prevent soil erosion, and may require energy dissipating devices on steeper topography, to Council's requirements.</li> <li>- Where necessary, downstream amplification of existing drainage facilities will be required including Council infrastructure if required.</li> <li>- Developments within the Upper Parramatta River Catchment must comply with any requirements of the Sydney Catchment Management Authority.</li> <li>- On-site detention, water recycling, or water quality management systems may be required to Council's and/or the Sydney Catchment Management Authority</li> </ul>	See engineering comments	No

	<p>and/or the Hawkesbury Catchment requirements, to counteract an increase in stormwater runoff.</p> <p>-Design of drainage systems to be in accordance with Council's Design Guidelines for Subdivisions/ Developments.</p> <p>- Water Sensitive Urban Design (WSUD) principles to be employed in the management of the site's stormwater in terms of water retention, reuse and cleansing. In this regard, the drainage design is to include measures to manage the water quality of stormwater runoff. At a minimum the design is to integrate bio-retention filters along roadways, driveways and within open space areas;</p> <p>- On site detention tanks are only permitted in common areas within a proposed development (for example driveways, common open space) and not within private courtyards.</p>		
3.18 Vehicular Access	<p>- Access to the site to be in accordance with the requirements of The Hills DCP Part C Section 1 – Parking.</p> <p>- Provision of adequate vehicular entry and exit and circulation areas. The design must:</p> <ul style="list-style-type: none"> <li>- provide a safe environment for both pedestrians and vehicles using the site and surrounding road networks;</li> <li>- ensure vehicular ingress and egress to the site is in a forward direction at all times;</li> <li>- provide for service vehicles where possible; and</li> <li>- be designed to minimise the visual impact of hard paved areas.</li> </ul> <p>- A centrally located driveway, a minimum of 10 metres from any side boundary or street.</p> <p>- Minimum driveway width of 6 metres at the property boundary</p>	See engineering and traffic comments.	No

	<p>for a distance of 6 metres within the development to ensure easy entry/exit of vehicles.</p> <ul style="list-style-type: none"> <li>- Driveway gradients to be in accordance with Australian Standard – AS 2890.1 – 1993 – Part 1 – Parking Facilities – Off Street Car Parking.</li> </ul>		
3.19 Car parking	<p><u>Rate per unit &amp; visitor parking:</u></p> <p>1 space per 1 BR 2 spaces per 2 or 3 BR Visitor – 2 spaces per 5 dwellings</p> <p><u>Parking Dimension:</u></p> <ul style="list-style-type: none"> <li>- Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage)</li> <li>- Lockable double garages min. dimension – 5.5 metres x 5.4 metres (exclusive of storage)</li> <li>- Visitor parking dimensions – 5.5 metres x 2.6 metres</li> </ul> <p><u>Manoeuvring and Ramps:</u></p> <ul style="list-style-type: none"> <li>- First 6 metres of the driveway inside the property boundary to be a maximum of 5%</li> <li>- Ramp grades to comply with Australian Standard 2890.1</li> <li>- Manoeuvring in accordance with Australian Standard 2890.1</li> </ul>	See Part C Section 1	N/A
3.20 Storage	10m <sup>3</sup> with an area 5m <sup>2</sup> and dimension 2 metres	ADG requirements apply.	N/A
3.21 Access and Adaptability	<p>Lift provided if greater than 2 storeys</p> <p>Accessible housing: 5% in a development &gt;20 units</p>	<p>Lift provided</p> <p>Accessible housing provided</p>	
3.22 Pedestrian/Bicycle Links	<p><u>Within the Site</u></p> <ul style="list-style-type: none"> <li>- Access to dwellings should be direct and without unnecessary barriers. No steps between the street frontage and the principal building entrances.</li> <li>- Provide clearly defined pedestrian pathways between proposed</li> </ul>	See traffic comments	No



	<p>development and proposed footpaths along sub-arterial roads.</p> <ul style="list-style-type: none"> <li>- Adequate lighting in common and access areas.</li> <li>- All pathways and ramps to conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2-1992. and Council's Policy "Making Access for All" (2002).</li> <li>- All surfaces to be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture.</li> <li>- Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in the The Hills Shire Council policy entitled "Making Access For All" (2002).</li> <li>- Pathway locations must ensure natural surveillance of the pathway from primary living areas of adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.</li> <li>- A bicycle lockup facility to be provided close to the main entry to the building.</li> </ul> <p><u>Local Pedestrian Links</u></p> <ul style="list-style-type: none"> <li>- Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway: <ul style="list-style-type: none"> <li>- The link must be no less than 3m wide;</li> </ul> </li> </ul>		
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	<ul style="list-style-type: none"> <li>- Should be a straight-line link through the site linking streets or other public spaces; and</li> <li>- Cannot include stairs and any ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and</li> </ul> <p>-) The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users. A solid fence along the boundary of the pathway restricting views of the pathway from adjoining properties <u>not acceptable</u>.</p> <p>- The pedestrian link must be dedicated to Council as a public footway and the footpath, and lighting must be provided at no cost to Council.</p>		
3.23 Privacy – Visual and Acoustic	<ul style="list-style-type: none"> <li>- Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space).</li> <li>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.</li> <li>- Dwellings adjoining arterial roads to be designed to acceptable internal noise levels, based on AS 3671 – Road Traffic Noise Intrusion Guidelines.</li> </ul>	Satisfactory.	Yes
3.24 Services	- Development consent not to be granted until satisfactory arrangements are made with	Not addressed	No

	<p>relevant authorities for the provision of services.</p> <ul style="list-style-type: none"> <li>- Pump out sewage management systems <u>not acceptable</u> for apartment building developments.</li> <li>- Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: <ul style="list-style-type: none"> <li>- To provide safe and convenient access by residents and the service authority; and</li> <li>- Visually integrated with the development and have regard to the amenity of adjoining development and streetscape.</li> </ul> </li> <li>- All electricity and telephone services on site must be underground.</li> <li>- Laundries shall be provided to each dwelling.</li> </ul>		
3.25 Waste Management – Storage and Facilities	<ul style="list-style-type: none"> <li>- Waste collection and separation facilities to be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material.</li> <li>- Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling.</li> <li>- Screen views of waste and storage facility from any adjoining property or public place while ensuring there is some natural surveillance from within the development to minimise vandalism and other anti-social activity.</li> <li>- Waste storage areas to be kept clean, tidy and free from offensive odours at all times.</li> </ul>	Satisfactory	Yes

3.26 Waste Management Planning	Submission of a Waste Management Plan – demolition, construction and on-going use.	Satisfactory	Yes
3.27 Fencing	<ul style="list-style-type: none"> <li>- Fencing materials chosen must protect the acoustic amenity and privacy of courtyards. Courtyard fences shall be constructed of masonry.</li> <li>- Boundary fencing/ walls fronting a street shall be setback a minimum of 2 metres, to permit landscaping, and shall include recesses and other architectural features.</li> <li>- Fencing or walls shall be combined and integrated with site landscaping.</li> <li>- The following fencing or finishes are not acceptable because of its poor visual appearance: <ul style="list-style-type: none"> <li>- Pre-painted solid, metal fencing; or</li> <li>- Rendered finishes where the entire fence is fully rendered.</li> </ul> </li> </ul>	Insufficient details provided	No
3.28 Developer Contributions	In accordance with the current Section 94 rate – to be conditioned.	Conditions not proposed due to recommendation for refusal.	N/A

**PART OF THDCP 2012, PART B, SECTION 6 – BUSINESS  
(EXCLUDES NORWEST BUSINESS PARK AND BELLA VISTA PRECINCT)**

CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
2.1	Precinct Plans	Refer to Appendix A – Precinct Plan Maps Sheets 1 – 15.	N/A	N/A
2.2	Site Analysis	<p>Land with a slope greater than 20% is not suitable for development.</p> <p>Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.</p> <p>Disturbance to existing natural features is to be minimised.</p> <p>Development on land adjoining bushland reserves should</p>	Satisfactory	Yes

		incorporate measures (such as greater setback buffers) to prevent any impacts.		
2.3	Development Sites	<p>The minimum site frontage requirement is 18 metres except Balmoral Road Release Area where the minimum is 60m.</p> <p>Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.</p> <p>Ensure adequate provision of services has been made (water, sewer, energy, telecommunications and drainage).</p>	Satisfactory	Yes
2.4	Floor Space Ratio	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps.	Satisfactory	Yes
2.5	Setbacks	Single and two storey retail / commercial development located along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps.	Site Specific DCP applies	No
		For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.	Site Specific DCP applies	No
		6m setback if opposite or adjacent to Residential, Special Uses or Open Space zones or as specified on the precinct plan maps in Appendix A. This area can only be used for landscaping and screening purposes or protection of ecological communities.	Site Specific DCP applies	No
		Redevelopment of any commercial / retail development, operating under existing use rights in a residential zone shall comply with the residential setback applying to the locality.	N/A	N/A
		Written consent is required from Integral Energy for developments proposed within an electricity easement.	N/A	N/A

		Minimum 40m from the top of the bank of the creek or otherwise to the requirements of the relevant concurrence authority.	Sent	N/A
		For development affected by a road widening proposal, the minimum setback is measured from the new alignment.	See TfNSW Comments	No
2.6	Building Height	Refer to Clause 4.3 and 5.6 of Local Environmental Plan 2012 and Building Height Mapping Sheets for maximum building height requirements.	Variations	No
		The maximum height of buildings within the B2 Local Centre zone shall be 3 storeys or as specified on the precinct plan maps contained in Appendix A to this Section of the DCP.	N/A	
		For development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.	N/A	N/A
		For development within the B7 Business Park zone, located in Coonara Avenue, West Pennant Hills, identified on Sheet 4 of the precinct plan maps, no building shall have more than 4 floors.	N/A	N/A
2.7	Building Design & Materials	<p>All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits.</p> <p>Under no circumstances will masonry block work be permitted on external walls.</p> <p>Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.</p> <p>All roof ventilators, exhaust towers and plant equipment is not to be</p>	See Design Panel comments	No

		<p>visible from the public domain or residential area.</p> <p>Materials:</p> <ul style="list-style-type: none"> <li>• Use low reflectivity materials on facades.</li> <li>• Avoid materials that contribute to poor internal air quality.</li> <li>• Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability.</li> <li>• Designed in accordance with “Designing Safer Communities Guidelines” with visible entrances, no entrapment spaces and utilise anti-graffiti surfaces. Lighting should be unobstructed, appropriate and vandal proof.</li> <li>• Schedule of external finishes, perspective and landscaping details to be submitted with the DA.</li> </ul>		
2.8	Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2012.	N/A	N/A
2.9	Hours of Operation	Assessed on merit but must take into account the operation of loading docks, waste collection services and the use of cleaning/maintenance vehicles, out of hours.	Satisfactory	Yes
2.10	Energy Efficiency	<p>The design of all buildings shall demonstrate passive solar design principles:-</p> <ul style="list-style-type: none"> <li>• Window placement;</li> <li>• Building orientation;</li> <li>• Shading;</li> <li>• Insulation;</li> <li>• Thermal mass;</li> <li>• Ventilation; and</li> <li>• Incorporation of suitable landscaping.</li> </ul> <p>Min 4 star greenhouse rating</p>	Satisfactory	Yes
2.11	Biodiversity	Refer to Clause 7.4 – Biodiversity (Terrestrial) of LEP 2012.	N/A	N/A

2.12	Erosion and Sediment Control	<p>Erosion and Sedimentation Control Plans / measures to be considered.</p> <p>The DA is to be accompanied with an Erosion and Sediment Control Plan (ESCP) prepared in accordance with “Managing Urban Stormwater - Soils and Construction” produced by the NSW Department of Housing.</p>	Satisfactory	Yes
2.13	Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain-wire fencing is to be black or dark green.</p> <p>Pre-painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	Insufficient details	No
	Landscaping and Tree Preservation	<p>Existing trees, shrubs and groundcovers to be preserved where possible.</p> <p>Landscaping is to harmonise with building designs and consist of trees, shrubs, ground covers and grass (Kikuyu is prohibited in landscaped or lawn area).</p> <p>Landscaping is to be provided in accordance with Part C, Section 3 – Landscaping.</p> <p>Grassed embankments are not to exceed 1:6.</p> <p>All landscaped areas are to have a minimum width of 2.0m.</p> <p>Endangered ecological communities to be preserved and maintained in accordance with a Vegetation Management Plan.</p>	See landscape comments	No



2.14	Clause Repealed			
2.15	Vehicular Access	Access to a main road is not permitted where alternative access is available or can be acquired.  Entry and exit in a forward direction  Design to comply with Council's Work Specifications, BHDCP Part C, Section 1 - Parking and the Australian Standards.  Driveways from public roads are to be: <ul style="list-style-type: none"><li>• perpendicular to the road within the building setback;</li><li>• separated or divided at the property boundary for ingress and egress movements;</li><li>• sight distances are to be in accordance with Part D, Section 1 – Parking and Council's Design Guidelines for Subdivisions / Developments.</li></ul>	See traffic and engineering comments	No
		<u>Post Office Road, Glenorie</u> Located on the western side of Post Office Road, Glenorie, vehicular access shall be restricted and future access roads provided, as specified on Map Sheet No.5.	N/A	N/A
		<u>Windsor Road, Kellyville</u> Located on the northern side of Windsor Road, Kellyville provision shall be made for rights of carriageway as specified on the Map Sheet No.6.	N/A	N/A
		<u>Wrights Road, Kellyville</u> Located on the northern side of Wrights Road, Kellyville vehicular access shall be provided as specified on the development control map, Map Sheet No.12 to align with entry/exit from Wrights Road Reserve.	N/A	N/A

2.16	Car Parking	<p>Address THDCP Part C, Section 1 – Parking.</p> <p>All driveway and parking areas to be screened by a minimum 2m wide landscaped strip.</p> <p>Parking areas are to have 2m wide landscaping strips at a rate of 1 for every 10 car parking spaces and between parking aisles.</p> <p>Stacked car parking will not be included in the assessment of the number of car parking spaces.</p> <p>Parking provision for parents with prams is to be provided in accordance with the requirements of THDCP Part C Section 1 – Parking.</p> <p>Disabled parking provision is to be provided in accordance with the requirements of Part D Section 1 – Parking and Council policy entitled “Making Access for All 2002”.</p>	See Part C Section 1	
2.17	Bicycle Parking	<p>Bicycle: 2 spaces plus 5% of total spaces where the development exceeds 5,000m<sup>2</sup> (either new development or alterations and additions).</p> <p>Bicycle parking should be located in close proximity to the building’s entrance and clustered in lots not exceeding 16 spaces.</p> <p>Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.</p> <p>Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.</p> <p>Consideration should be given to providing staff change rooms and washing facilities.</p>	See Part C Section 1	
2.18	Loading Docks	Not visible from public domain and must provide buffer landscaping treatments.	Satisfactory – in basement	Yes

		<p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>The number of required loading docks for certain development types is outlined within THDCP Part C, Section 1 – Parking. For all other development, a minimum of 1 loading dock space is required.</p>		
2.19	Pedestrian Access and Movement	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.</p> <p>All surfaces should be stable, even and non slip.</p> <p>Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.</p>	Satisfactory	Yes
2.20	Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m <sup>2</sup> in gross floor area.	N/A	N/A
2.21	Stormwater Management	<p>Two WSUD principles must be implemented into the development. These measures are:-</p> <ul style="list-style-type: none"> <li>• M1 Low Impact Building Design</li> <li>• M2 Low Impact Landscape Design</li> <li>• M3 Porous Paving</li> <li>• M4 Rainwater Utilisation – toilet, hot water</li> <li>• M5 Grey Water Utilisation – toilet</li> <li>• M6 On-site Infiltration System</li> <li>• M7 Stormwater Treatment System</li> <li>• M8 Infiltration or Retention Basin</li> <li>• M9 Stormwater Utilisation – irrigation</li> <li>• M10 Grey Water Utilisation – irrigation</li> </ul> <p>Details on the actions required to implement these measures are</p>	See Engineering comments	No

		<p>included in Appendix B – Water Sensitive Urban Design of the DCP.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council’s Work Specifications.</p> <p>Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land.</p> <p>Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.</p>		
2.22	Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces.</p> <p>Waste storage areas to be kept clean and tidy.</p>	Satisfactory	Yes
2.23	Waste Management	WMP required to be submitted and address demolition, construction and ongoing use requirements.	Satisfactory	Yes
2.24	Heritage	All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation</i> of The Hills LEP 2012.	N/A	N/A
2.25	Development Contributions	Address Council’s Section 94 Contributions Plans.	Conditions not proposed due to recommendation for refusal.	N/A
2.26	Site Investigation	<p>A contamination assessment report is to be submitted with any Development Application for the Wrights Road Precinct as referred to on Sheet 12 in Appendix A 1.to this Section of the DCP.</p> <p>A validation report will be required at the completion of works to ensure the remediation is sufficient to enable appropriate use of the site.</p>	See health comments	No

2.27	Pollution Control	<p>The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.</p> <p>Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	Satisfactory	Yes
2.28	Bulky Goods Premises- Additional Controls	<p>An individual tenancy within a bulky goods premises development is to have a sales floor area accessible to the public of greater than 500sqm.</p> <p>Bulky goods premises developments are to be designed in accordance with Clause 2.28(b)</p> <p>Flexible design to cater for different future uses.</p> <p>If the development has a boundary with residential land a 15m wide landscaped buffer must be provided containing acoustic treatment.</p> <p>All loading and unloading activity is to be contained within the building to minimise impacts on residential dwellings.</p> <p>Public toilets are to be provided in a bulky goods premises development at the minimum rate of:</p> <ul style="list-style-type: none"> <li>-1 male toilet per 1,200 customers visiting the site per day;</li> <li>-1 male urinal per 600 customers visiting the site per day;</li> <li>-1 female toilet per 300 customers visiting the site per day; and</li> <li>-1 unisex disabled toilet.</li> </ul> <p>Pick-up areas are to be provided.</p>	N/A	N/A

		Provide sufficient manoeuvring areas on site to accommodate large truck movements.		
2.29	Wrights Road (Kellyville Local Centre)	Development shall demonstrate high quality civic amenity and urban design that will promote a vibrant centre with a sense of identity. The identity of the site shall be enhanced through:- <ul style="list-style-type: none"> <li>• gateways</li> <li>• architectural elements,</li> <li>• feature tree plantings and</li> <li>• high quality landscaping.</li> </ul>	N/A	N/A
		Where visible from a public place, elevations shall provide articulation, distinct architectural elements, openings and windows, avoiding large, unbroken lengths of solid materials.	N/A	N/A
		Development shall capitalise on views to the open space and vegetation located along the eastern boundary, and provides passive surveillance.	N/A	N/A
		A central space should be incorporated into the design to encourage social interaction and form a link between, and through, the development and the natural setting of the adjoining reserve and public areas.	N/A	N/A
		Convenient and direct pedestrian linkages shall be provided without conflict with vehicles, enabling high levels of accessibility within the precinct and the surrounding area.	N/A	N/A
		Pedestrian access is to be provided: - <ul style="list-style-type: none"> <li>• in at least one location along the eastern boundary from the adjoining cycle way;</li> <li>• in at least one location along the western boundary to facilitate ease of movement to/from existing retail development adjacent to the site; and</li> </ul>	N/A	N/A

		<ul style="list-style-type: none"> <li>along the Wrights Road frontage, to provide convenient access to and from the Wrights Road Reserve and community facilities, pedestrian crossings and bus stops. Pedestrian access point(s) along the Wrights Road frontage shall be determined by Council in relation to the adjoining development on the opposite side of Wrights Road.</li> </ul>		
		Loading areas shall be located so as to minimise pedestrian and vehicular conflicts, and to minimise the impact on the streetscape and the ability of the site to engage with the adjoining land.	N/A	N/A
		The bulk of parking should be provided in a basement car park. Some at-grade parking that provides convenient access for patrons and does not detract from the streetscape is acceptable.	N/A	
		The exact location of vehicle access to the site shall be determined by Council, in relation to the development on the opposite side of Wrights Road.	N/A	
2.30	Kentwell Avenue & Castle Street, Castle Hill	Development shall be set back as indicated in Appendix A – Precinct Plan Maps Sheet 13	N/A	N/A
		Built form shall contribute to the streetscape with high quality and durable building materials.	N/A	N/A
		Where visible from a public place, elevations shall provide articulation both in height and mass incorporating distinct architectural elements, openings and windows, avoiding large and unbroken lengths of solid materials.	N/A	N/A
		Façade should consist of a tripartite vertical composition i.e. distinct architectural elements and treatments for the base, middle and top facades.	N/A	N/A
		Elevations visible from Castle St, Kentwell Ave and the boundary	N/A	N/A

		between Castle Hill Community Centre and Library shall be treated with similar proportion and high quality detailing as other elements of the primary street façade.		
		Development shall use opaque windows only where necessary for the privacy of adjoining residents. Transparent glass should be used in all other windows to promote natural surveillance.	N/A	N/A
		Development shall use neutral, visually recessive tones in colour schemes, avoiding reflective and overly textured surfaces.	N/A	N/A
		In the event of staged development, any visible external surfaces of future common walls must be finished to a standard consistent with the high quality and durable materials of the development, until the adjacent development has been undertaken.	N/A	N/A
		Development shall incorporate natural and electrical surveillance of the retail/commercial development, landscaped areas and undeveloped land on the allotment.	N/A	N/A
		Internal and external lighting shall not adversely affect the amenity of residential and community use of adjoining development.	N/A	N/A
		Vehicle ingress/egress points should be integrated into the building design and contribute to high quality architecture.	N/A	N/A
		<p><b><u>Plant Equipment</u></b></p> <p>Roof plant, air-conditioning units, lift towers, vents and communication devices should all be considered as part of roof shape and design.</p> <p>Location and external appearance must not adversely affect the streetscape and sightlines.</p>	N/A	N/A



		<p>To be concealed from the view of adjoining residential properties and appropriately noise attenuation measures installed.</p> <p>Built form should consider measures to reduce visual and acoustic impacts of vehicular ingress/egress in the vicinity of Kentwell Ave and Castle St.</p>		
		<p><b><u>Pedestrian Access and Articulation</u></b></p> <p>The following design principles should be considered when locating entrances and exits:</p> <ul style="list-style-type: none"> <li>• Entrances and exits shall be provided in visually prominent and convenient locations;</li> <li>• Entrances should not be obscured by landscaping or other obstacles and shall have clear sight lines;</li> <li>• Pedestrian access points and paths should not provide opportunities for entrapment;</li> <li>• Building design should allow for casual surveillance of access ways, entries and driveways;</li> <li>• Directional signage must be erected for the purposes of pedestrian accessibility at all entrances and exits;</li> <li>• Entrances shall be clearly identifiable to reduce confusion and unintentional entry by incorporating measures such as architectural features and articulation, awnings, variations in colours and materials, changes in paving and landscaping;</li> <li>• Location and design of pedestrian entrances traversing vehicular ingress/egress points should provide measures to</li> </ul>	N/A	N/A

		<p>reduce pedestrian and vehicular conflict;</p> <ul style="list-style-type: none"> <li>Public art installations are encouraged to provide visual interest in these spaces.</li> </ul>		
		<p><b>Landscaping</b></p> <p>Each of the following landscape features must be included in the Landscape Plan:</p> <ul style="list-style-type: none"> <li>Deep, terraced garden beds for screening purposes; and</li> <li>Public art in keeping with the scale and mass of the development e.g. sculpture, mural; and</li> <li>Feature tree plantings.</li> <li>A Landscape Plan shall include planting of trees species within the setback which reach a height of: <ul style="list-style-type: none"> <li>10.0m or greater on Castle St;</li> <li>10.0m or greater in height at the boundary between retail / commercial zoned land and the Castle Hill Community Centre and Library;</li> <li>5.0m or greater in height on Kentwell Ave.</li> </ul> </li> </ul> <p>Trees shall not impede or obscure view of vehicular ingress/egress, cycle ways, pedestrian access and movement between adjacent retail/commercial developments, residential development and the Castle Hill Community Centre and Library.</p> <p>Extensive landscaping within the setbacks along Kentwell Ave, Castle St and on boundaries between retail/commercial space and Castle Hill Community Centre and Library shall define spaces, link separate visual elements; provide screening, scale and landscape setting for development along Kentwell Ave and Castle St.</p> <p>The Landscape Plan should consider measures to reduce visual and noise</p>	N/A	N/A

		<p>impact of vehicular ingress/egress in the vicinity of Kentwell Ave and Castle St.</p> <p>All plant species shall be selected from Part C Section 3 Landscaping Appendix 2 – Recommended species and street trees.</p>		
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## Part C Section 1 *Parking*

2.1 General Parking Requirements		
2.1.1 General		
Control	Proposed	Compliance
<p>a) Number of required parking spaces and associated conditions must be provided in accordance with Table 1. Any part spaces must be rounded up to the nearest whole number.</p> <p>RFB – site specific</p> <p>Shops – minimum 1 space per 18.5sqm of GLFA</p> <p>Restaurant or Café – Minimum 1 space per 5 seats plus 12 spaces per 100sqm of GFA</p> <p>Childcare – 1 space per employee, plus 1 space per 6 children enrolled</p>	<p>RFB – 877 (complies with RMS Guide to Traffic Generating Developments 2002)</p> <p>Shops- 47 (complies)</p> <p>Café – 29 (doesn't comply – appears to be more seats)</p> <p>Childcare – 32 (complies)</p>	No
b) All car parking spaces must be provided onsite.	All spaces are on site	Yes
c) The minimum provision of spaces for restaurants or café as required in Table 1 applies to indoor and outdoor seating.	Noted	Yes
d) The provision of boat trailer and boat wash down areas are required for caravan parks and/or holiday cabin developments in the vicinity of the Hawkesbury River.	Not located on the Hawkesbury River	N/A
e) Car parking for child care centres must be situated in a convenient location, allowing for safe movement of children to and from the centre.	Satisfactory	N/A

f) Parking spaces for an exhibition home may be permitted to be located within the front setback, provided the parking area is reinstated to lawn upon the expiry of the exhibition home consent. In the case of exhibition home villages a centralised parking area should be provided.	Not an exhibition home	N/A
g) Any changes to parking provisions occurring after development consent or implementation of development consent must be subject to an application under Section 96 of the Environmental Planning and Assessment Act 1979.	Noted	N/A
h) Where justified, a proportion of car parking may be subject to time restrictions upon application, consideration and approval by Council. All employees parking are to be provided on-site.	Not proposed	N/A
i) Stack parking will not be included in the assessment of the number of car parking spaces for retail, commercial, medium density residential and industrial development and the like.	No stacked parking proposed	N/A
j) Access arrangements in bush fire prone areas shall be in accordance with Planning for Bushfire Protection 2006.	N/A	N/A
<b>2.1.2 Mixed Use Parking</b>		
a) Where the component uses are operated concurrently, parking will be assessed as the sum of the requirements for each component. Component parking requirements are to be based on requirements in Table 1. Calculations shall include an appropriate proportion of any shared common or administrative area.	Satisfactory	N/A
<b>2.1.3 Dual Use Parking</b>		
a) Where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.	No dual Use of Parking	N/A
b) Where the component uses are not operated concurrently, parking provisions will be based on	No dual Use of Parking	N/A

whichever of the components generates the greatest car parking requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.		
<b>2.1.4 Remodeling or Alterations to Existing Premises</b>		
a) If the development does not result in increased floor space and the use of the building is not significantly changed, then additional parking provisions may not be required.	No remodeling	N/A
b) If the remodelling results in increased floor area, then additional parking will be required for the increase.	No remodeling	N/A
c) If the use of the development is changed, this will be taken into account in assessing the parking requirement according to the new use as well as any increase in floor space.	No remodeling	N/A

<b>2.2 Parking for Disabled Persons and Parents with Prams</b>		
a) A proportion of the total parking spaces required shall be provided for disabled persons in accordance with Table 2.	Traffic Report does not address	N/A
b) A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift	Satisfactory	Yes
c) A proportion of the total parking spaces required shall be provided for parents with prams at the rate of 1 space per 100 spaces at:-  Ø shopping centres;  Ø transport terminals;  Ø hospitals; and  Ø other large public facilities.	N/A	N/A
d) Parking spaces for disabled persons and parents with prams should:-  Ø have minimum 3.2 metres x 5.4 metres dimensions for each designated parking space;	Satisfactory	Yes

<p>Ø be provided adjacent to an accessible entrance or a wheelchair accessible lift;</p> <p>Ø be signposted and identified for the nominated parking use;</p> <p>Ø have a clearance height of 2.5 metres from floor level; and</p> <p>Ø provide a level area with a gradient less than 1:40.</p>		
e) Directional signage to designated parking spaces should be provided from the entry of the parking facility.	Satisfactory	Yes
f) Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow. Adjacent kerb ramps should be provided to allow access to a footpath, building entrance or a wheelchair accessible lift.	No set down area required	N/A
g) Refer to Council's "Making Access for All: guidelines ensuring criteria for all public facilities" for further parking and access designs. This document is available at the Customer Service Centre at Council's Administration Building or at Council's website.	Satisfactory	Yes

### 2.3 Bicycle Parking

Satisfactory

### 2.4 Motorcycle Parking

a) Motorcycle parking is to be provided for all developments with on-site parking of more than 50 car parking spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.	26 spaces provided	N/A
b) Motorbike spaces should be 1.2 metres wide and 2.5 metres long when spaces are 90 degrees to the angle of parking. (See Figure 1 - Motorcycle Parking Dimensions).	As above	N/A

<b>2.5 Carwash Bays</b>
Two provided - satisfactory

<b>2.6 Set Down Areas</b>
Set down areas not required for this proposal.

<b>2.7 Car Park Design and Layout</b>		
<b>2.7.1 General</b>		
<b>Control</b>	<b>Proposed</b>	<b>Compliance</b>
a) The layout of the car park should facilitate ease of access and egress of vehicles through the parking area at all times without congestion.	The layout of the carpark facilitates ease of use	Yes
b) For all development other than single dwelling houses and dual occupancies, vehicles must enter and exit the site in a forward direction.	All vehicles can enter and exit in a forward direction	Yes
c) Adequate queuing distance should be provided where the parking area fronts an arterial road as justified by relevant data or a study carried out by a suitably qualified person.	N/A	N/A
d) Any changes to parking layout and design occurring after development consent or implementation of a development consent must be subject to an application under Section 96 of the Environmental Planning and Assessment Act 1979.	Noted	N/A
e) Provisions within this section are in accordance with AS 2590.1 –1993 Parking Facilities – Part 1 Off Street Car Parking. For further design requirements for car park design and layout please refer to the Australian Standard.	Noted	Yes
<b>2.7.2 Parking Dimensions</b>		
a) The minimum car parking dimensions required for right angle parking shall be provided in accordance with Table 4.	Minimum parking dimensions achieved.	Yes
b) Two-way aisles are not recommended for angle parking other than for parking at right angles (90 degrees).	90 degree parking provided	Yes

c) The preferred parking angle should be at 90 degrees to the aisle. Where site area is limited other angles of parking will be considered. For angle parking design requirements other than at 90 degrees refer to AS 2890.1-1993 – Parking Facilities – Part 1: Off Street Parking.	90 degree parking provided.	Yes
d) All parking spaces shall be designed to ensure they can be accessed by a maximum 3 point combined manoeuvre, i.e. 1 movement to enter the space and 2 movements to leave, or 2 movements to enter and 1 to leave. (See Figure 2 for manoeuvres).	Satisfactory	Yes
e) Parallel parking is to be avoided unless it can be demonstrated that it does not disrupt traffic circulation or create a hazard.	No parallel parking proposed.	Yes
f) At blind aisles the end spaces should be made one metre wider than the adjacent spaces. (See Figure 3). Otherwise, provision should be made for cars to turn round at the end of aisles and allow vehicles to exit in a forward direction.	Sufficient turning area provided at end of aisles.	Yes
g) Spaces adjacent to obstructions must be 300mm wider on the side of the obstruction.	Satisfactory	Yes
h) The width of car spaces in multi-storey or basement parking areas is to be exclusive of any building columns.	No spaces are impeded by columns.	N/A
i) Basement parking areas should be setback the same distance as the building above	Basement parking is within the building footprint and maintains same setbacks.	Yes
<b>2.7.3 Pedestrian Circulation and Safety</b>		
a) Parking areas should be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.	Satisfactory	Yes
b) Safe crossing points through to or leading to entrances must have adequate sight distance and must be provided with appropriate directional signs and indicative pavement markings.	Satisfactory	Yes
c) Lifts and stair lobbies, and access to buildings should be clearly marked.	Satisfactory	Yes



d) Where possible, parking aisles should be orientated parallel with expected pedestrian travel paths. (See Figure 4).	Satisfactory	Yes
<b>2.7.4 Drainage</b>		
a) ) All car parking areas are to provide adequate drainage of surface water to prevent flooding of adjoining properties.	Satisfactory	Yes
<b>2.7.5 Lighting and Ventilation</b>		
a) Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means.	Lighting to be provided.	Yes
b) Where car parks might be utilised in the evening, adequate artificial lighting should be provided for the whole car park area.	Sufficient lighting has been provided	Yes
<b>2.7.6 Parking Directions</b>		
a) All car parking spaces should be clearly line marked.	Satisfactory	Yes
b) Where designated parking spaces are provided such as customer, visitor, parents with prams and disabled persons parking, signposting must clearly indicate the location of these spaces.	Satisfactory	Yes
c) Arrow markings on the surface of aisles and driveways should be used to demonstrate circulation pattern, whether in one-way or twoway directions.	Satisfactory	Yes
d) Entries and exits must be appropriately signposted.	Satisfactory	Yes

<b>2.8 Landscaping</b>		
a) Outdoor parking areas are to be provided with two metre wide landscaping strips:  Ø Between rows served by different aisles.  Ø Between spaces at a rate of one in every ten car parking spaces.	Basement parking proposed.	N/A
b) Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense	Two meter wide landscape strips provided where possible.	Yes

nature and be designed according to Part C Section 3 – Landscaping of this DCP.		
c) Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.	Sufficient landscaping provided.	Yes
d) Where soils permit infiltration the landscaping strips should be used to promote reuse of drainage water.	Noted.	Yes
e) Landscaping species selected should not: Ø block signs; Ø impede entry and access points; Ø overgrow paths; Ø cause restrictions to pedestrian and vehicle movements; and Ø compromise safety aspects such as sight distances.	Appropriate species provided.	Yes
f) Shade trees are to be provided within landscaping strips.	Appropriate species provided.	Yes
g) Plant and tree species selected for the purpose of providing shade should not be of a kind that will cause damage to vehicles because of their nature of dropping fruit, cones or nuts.	Appropriate species provided.	Yes
h) In addition reference should be made to Part C Section 3 - Landscaping of this DCP when selecting appropriate species.	Satisfactory.	Yes

<b>2.10 Access Driveways</b>		
a) Access driveway widths are to comply with AS 2890.1-1993 Parking Facilities – Part 1: Off Street Car Parking.	Satisfactory	Yes
b) Driveways are to be provided in locations that have adequate sight distance.	Adequate site distance is provided to the entry driveway.	Yes
c) Driveways will be prohibited in the locations shown in Figures 5 and 6.	N/A	N/A
d) Access driveways are to be constructed in accordance with Council's "Specification for the	Yes subject to conditions	Yes

Construction of Footpath & Gutter Crossings” (2001).		
e) Access driveways are to be located a minimum of one metre from drainage structures and other service facilities located on the nature strip.	Satisfactory	Yes
f) Except for residential properties, driveway entrances and exits should be signposted appropriately.	Signposted as per traffic report.	Yes
g) Access driveways should not be entered from or exited onto intersections where one or more of the intersecting roads are a collector, subarterial or arterial road.	Entrance/ exit is not onto an intersection.	Yes
h) Indirect access must be sought in preference to direct access where the proposed development fronts a high-volume road. Where direct access is proposed, a study by a suitably qualified person must be conducted to indicate potential impacts. This study will also be assessed by the RMS	Satisfactory	Yes
i) Driveways for multi dwelling housing, residential flat buildings and Seniors Living SEPP developments must be able to be accessed by service vehicles such as fire tankers, ambulances and bushfire tankers.	N/A	N/A
j) In addition, application of controls for driveways in other applicable Sections of the DCP should be applied.	Noted.	Yes

#### Part D Section 16 – 301 Samantha Riley Drive, Kellyville

DEVELOPMENT STANDARD (CLAUSE NO.)	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
4.1 Site Planning	(a) Future development must response to the road layout identified within Figure 3. (b) A central common open space area is to be provided in accordance with Figure 3. (c) Development is to address all edges of the site.	Inconsistent with all	No
4.2 Addressing the Street and Public Domain	(a) Buildings are to be designed to address public roads. This will increase safety and provide	Satisfactory	Yes

	<p>the opportunity for active uses such as cafes, restaurants and commercial uses which attract pedestrian users.</p> <p>(b) Building design must maximise opportunities to provide entries, visible internal uses at ground level, public art and high quality finishes to enhance the interface with the street or public domain.</p> <p>(c) Pedestrian and communal areas are to be well lit to minimise opportunities for concealment.</p> <p>(d) The extent of blank walls at ground level is to be minimised. Where development exposes the blank side of an adjoining building or incorporates a wall that will be visible from the public domain, a visually interesting treatment of high quality design is to be applied to that wall.</p> <p>(e) Residential developments should have a street address. Where a development comprises a number of building with a variety of orientations, a major part of the overall development is to face the street.</p>		
4.3 Functions and Uses	<p>(a) Provision of a range of supporting uses in encouraged including childcare centre and ATM.</p> <p>(b) Active frontages at ground level are to be provided to public streets along Samantha Riley Drive and the Railway Corridor interfaces.</p> <p>(c) Awnings or colonnades are to be provided in locations where active street frontages are provided.</p>	Satisfactory	Yes
4.4 Setbacks	(a) Setbacks to Samantha Riley Drive – uniformly to property line	Issues with orderly development – unable to determine	No

	<p>(b) Setbacks to Perimeter road – uniformly to property line</p> <p>(c) Setbacks to SP2 interface perimeter road – uniformly to property line up to the fourth storey. Any storey above the fourth storey must be setback 5m.</p>	whether setbacks are appropriate	
4.5 Building Heights	<p>(a) Building heights are to be varied over the site to ensure a visually interesting skyline and to prevent a repetitive built form.</p> <p>(b) The podiums and towers elements shall have building height transition as identified in Figure 4.</p> <p>(c) The combined height of the podium and tower shall be a maximum of 18 storeys (65 metres) in accordance with the LEP.</p> <p>(d) The highest tower element shall be located closest to the Metro station, at the south west corner of the site. The height of other tower elements shall graduate downward toward the riparian interface to the north and east of the site.</p> <p>(e) Towers shall be designed to limit impact of overshadowing and overlooking on the sensitive uses which surround the site.</p> <p>(f) The building height and roof form shall be designed to reduce the bulk and scale of the development.</p>	Not satisfactory	No
4.6 Podium and Tower Elements	<p>(a) Podium elements shall be incorporated into the design of development along the interface of the drainage corridor.</p> <p>(b) The podium design shall be deliberately distinctive and separate from the building forms above.</p> <p>(c) Tower elements shall have a narrow footprint to create</p>	Tower and podium elements not satisfactory.	No

		<p>slender building forms with a maximum footprint of 1000sqm.</p> <p>(d) Tower elements shall comprise various building heights to create a unique feature and reduce the visual bulk of development.</p>		
4.7	Building Separation and Treatment	<p>The following minimum rules of building separation are to be complied with:</p> <p>(d) Up to four storeys ( up to 12 metres)</p> <ul style="list-style-type: none"> <li>- 12m between habitable rooms/ balconies</li> <li>- 9m between habitable/ balconies and non-habitable rooms</li> <li>- 6m between non-habitable rooms</li> </ul> <p>(e) Five to eight storeys (up to 25 metres)</p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms/ balconies</li> <li>- 13m between habitable rooms/ balconies and non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul> <p>(f) Nine storeys and above (over 25m)</p> <ul style="list-style-type: none"> <li>- 24m between habitable rooms/ balconies</li> <li>- 18m between habitable rooms/ balconies and</li> </ul>	ADG requirements apply.	N/A

	<p>non-habitable rooms</p> <ul style="list-style-type: none"> <li>- 12m between non-habitable rooms</li> </ul>		
4.8 Landscape Area	<p>(a) The landscaped area shall be a minimum of 50% of the site area. The calculation of the landscaped area excludes roof top gardens.</p> <p>(b) Areas less than 2m in width will be excluded from the landscaped area calculation.</p> <p>(c) All setbacks and any above ground car parking areas are to be landscaped and maintained to a high standard.</p>	No – see landscape comments	No
4.9 Planting on Structures		<p>No green walls proposed</p> <p>See landscape comments</p>	No
4.10 Deep Soil Area		See landscape comments	No
4.11 Building Depth	(a) The maximum depth of the residential components of each building is 18m, excluding balconies, parapets and awnings.	22m	No
4.12 Building Design and Streetscape		See Design Panel comments	No
4.13 Density	(a) No more than 650 residential units may be provided on the site.	No – 826 proposed.	No
4.14 Unit Layout and Design	<p>(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.</p> <p>(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</p> <p>© The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <ul style="list-style-type: none"> <li>- Type 1</li> <li>- Type 2</li> <li>- Type 3</li> </ul>	No – exceeds Type 1 (30%) (d)	No

	<p>(g) Type 1 shall not exceed 30% of the total number of 1,2 and 3 bed apartments</p> <p>(h) Type 2 shall not exceed 50%</p> <p>(i) All remaining apartments are to comply with Type 3.</p>		
4.16 Open Space	<p>(a) min 10sqm with min 2m dimension</p> <p>(b) provided to 75% of dwellings, where not provided must have one Juliet balcony</p> <p>© Any balcony or terrace shall be no deeper than 3m</p>	Relying on ADG	N/A
Common Open Space	<p>(d) 20sqm per unit</p> <p>(e) To include seating, shade, bbq, play equipment</p> <p>(f) Pool, gymnasium and other facilities should be provided</p>	<p>Relying on ADG</p> <p>No pool, gym or recreational facilities provided.</p>	No
4.17 Solar Access		ADG requirements apply	N/A
4.18 Lighting		Satisfactory	Yes
4.19 Stormwater Management		Refer to engineering comments	No
4.20 Vehicular Access	<p>(a) A perimeter road surrounding the site is to be provided in accordance with the site plan map within figure 1.</p> <p>The road layout must integrate with the road network proposed in support of the metro.</p> <p>c) vehicular access points shall provide safe and efficient ingress/ egress to the site</p> <p>d) direct vehicular access from Samantha Riley Drive is discouraged.</p> <p>e)</p> <p>f)</p> <p>G)</p>	Perimeter road not provided due to orderly development issues.	No
4.21 Car Parking	(a) on-site parking rates	<p>Relying on RMS Guide</p> <p>Under DCP rates</p>	No
4.22 Storage	<p>One bed- 6m3</p> <p>Two bed – 8m3</p>	ADG requirements apply.	N/A



	Three plus bed – 10m3		
4.23 Pedestrian and Bicycle Links		Refer to Traffic Comments	No
4.24 Privacy – Visual and Acoustic		ADG requirements apply	N/A
4.25 Safety and Security		Satisfactory – subject to conditions if approval recommended.	Yes

### Apartment Design Guide

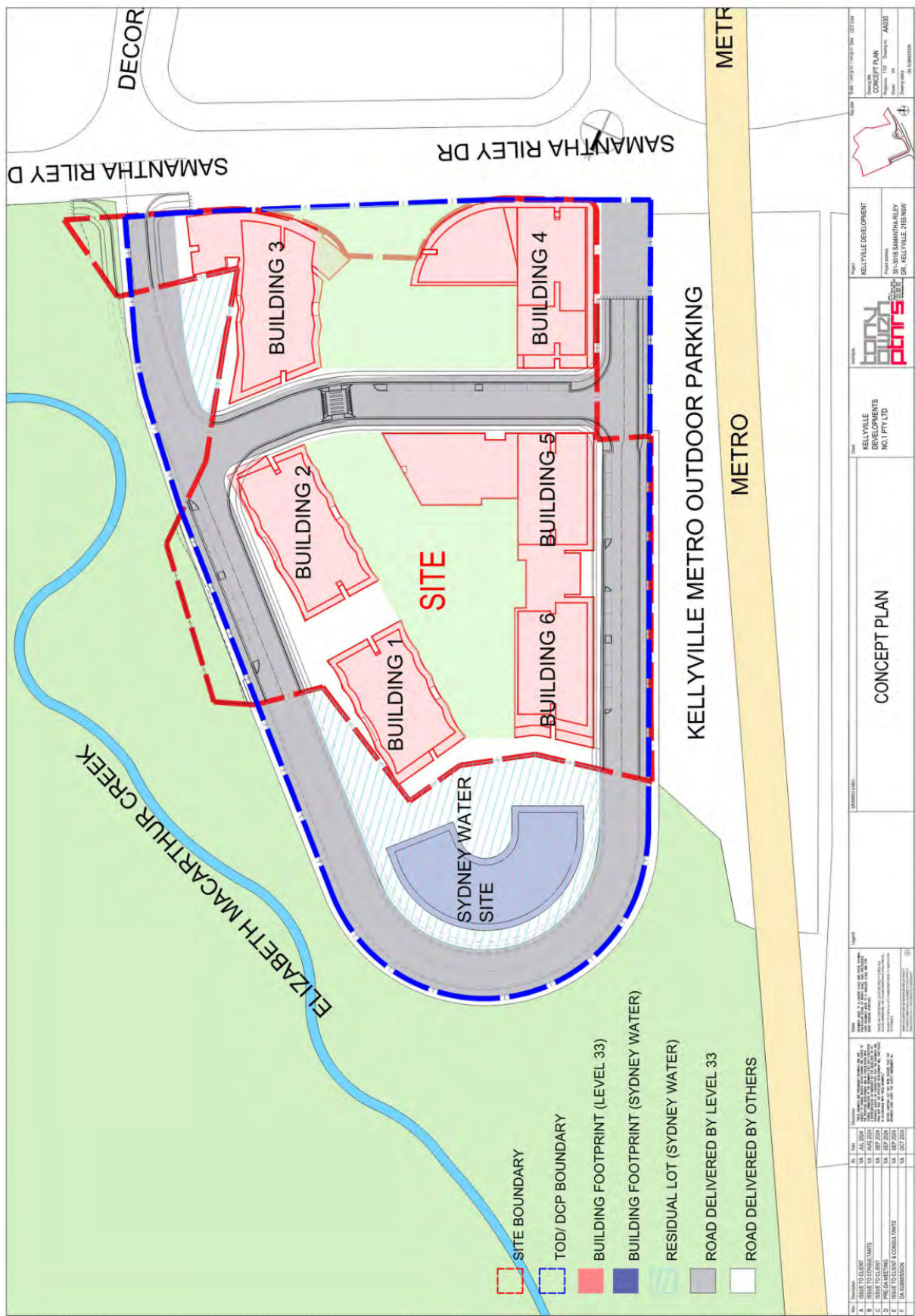
Clause	Design Criteria	Compliance
<b>Siting</b>		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Insufficient information – no
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .	Yes – 15.4%
Separation	For habitable rooms, 12m for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	Complies
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit.</p> <p>0.9 spaces per 2 bedroom unit.</p> <p>1.40 spaces per 3 bedroom unit.</p>	RMS Guide used – no.

	1 space per 5 units (visitor parking).	
<b>Designing the Building</b>		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Appears to comply but solar schedule should be broken down by building
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Appears to comply but solar schedule should be broken down by building
Natural ventilation	<p>At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	Appears to comply but ventilation schedule should be broken down by building
Ceiling heights	<p>For habitable rooms – 2.7m.</p> <p>For non-habitable rooms – 2.4m.</p> <p>For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.</p> <p>For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	Yes
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup></p>	Comply

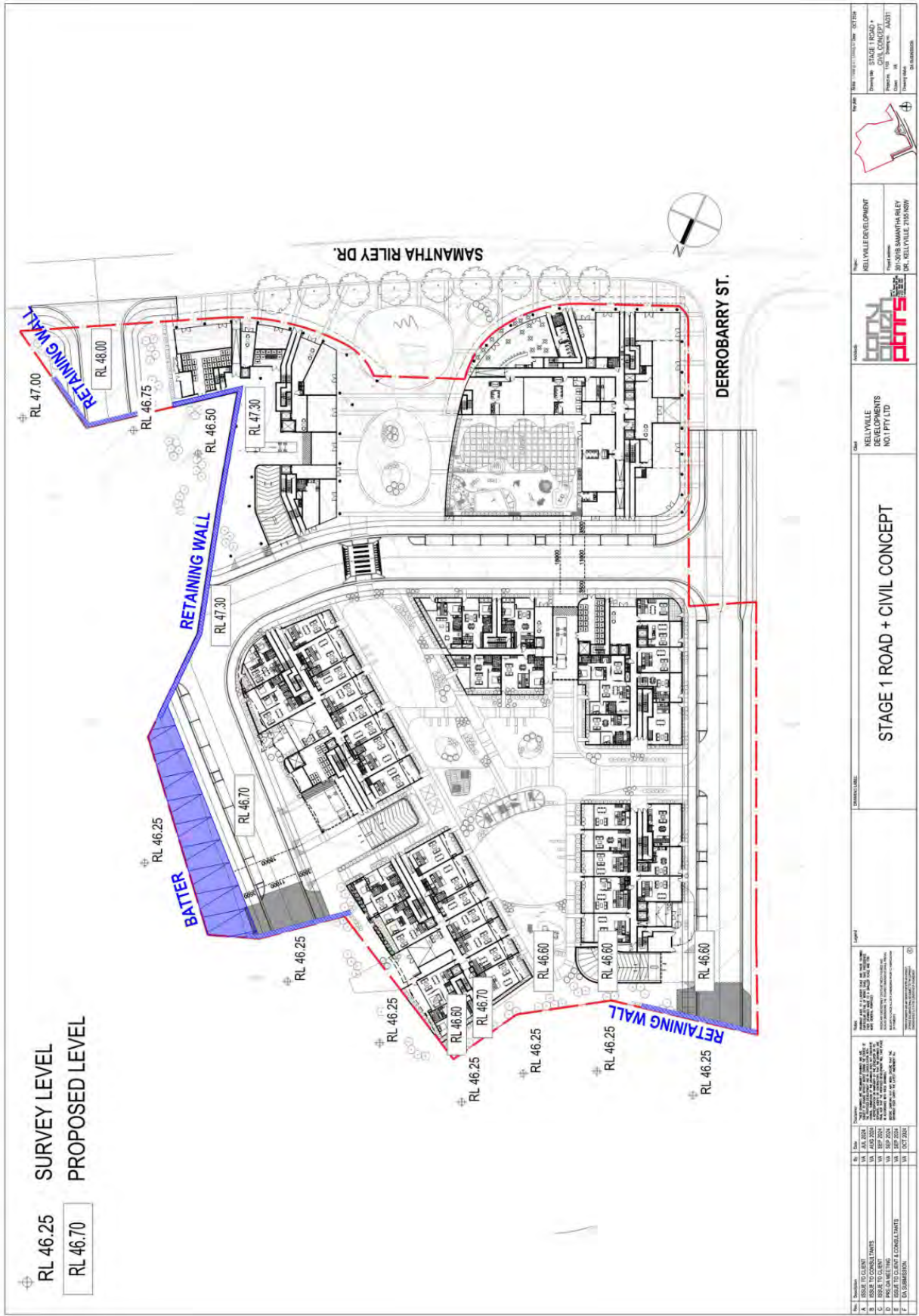
	<p>1 bedroom – 50m<sup>2</sup></p> <p>2 bedroom – 70m<sup>2</sup></p> <p>3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	Satisfactory
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth</p> <p>1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m</p> <p>2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m</p> <p>3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a minimum depth of 3m is required.</p>	<p>Minimum depth not achieved for some balconies</p> <p>Areas appear to be achieved</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup></p> <p>1 bedroom – 6m<sup>3</sup></p> <p>2 bedroom – 8m<sup>3</sup></p> <p>3+ bedrooms – 10m<sup>3</sup></p>	<p>Storage areas provided</p> <p>Some apartments do not provide at least 50% internal to the apartment.</p>

	At least 50% of the required storage is to be located within 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.	Yes – variation to DCP however.

ATTACHMENT C: ARCHITECTURAL PLANS







<b>STAGE 1 ROAD + CIVIL CONCEPT</b>		<b>STAGE 1 ROAD + CIVIL CONCEPT</b> PROJECT NO: 21931818 PROJECT NAME: STAGE 1 ROAD + CIVIL CONCEPT PROJECT LOCATION: 30-30/25 SAMANTHA RILEY DR., KELLYVILLE 2155 NSW PROJECT OWNER: KELLYVILLE DEVELOPMENT PTY LTD PROJECT MANAGER: DR. KELLYVILLE 2155 NSW		Project No: 21931818 Project Name: STAGE 1 ROAD + CIVIL CONCEPT Project Location: 30-30/25 SAMANTHA RILEY DR., KELLYVILLE 2155 NSW Project Owner: KELLYVILLE DEVELOPMENT PTY LTD Project Manager: DR. KELLYVILLE 2155 NSW
A. ISSUE TO CLIENT B. ISSUE TO CONSULTANTS C. ISSUE TO CLIENT D. ISSUE TO CLIENT E. ISSUE TO CLIENT & CONSULTANTS F. FOR SUBMISSION	1. 10/01/2024 2. 10/01/2024 3. 10/01/2024 4. 10/01/2024 5. 10/01/2024 6. 10/01/2024	1. 10/01/2024 2. 10/01/2024 3. 10/01/2024 4. 10/01/2024 5. 10/01/2024 6. 10/01/2024	1. 10/01/2024 2. 10/01/2024 3. 10/01/2024 4. 10/01/2024 5. 10/01/2024 6. 10/01/2024	1. 10/01/2024 2. 10/01/2024 3. 10/01/2024 4. 10/01/2024 5. 10/01/2024 6. 10/01/2024









EXTERNAL FINISHES LEGEND

- |    |  |    |  |
|----|--|----|--|
| 1  | POWDER COATED ALUMINIUM FRAMED GLASS SLIDING DOOR: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR; | 11 | PAINTE METAL PIGGON: DULUX WHITE ON WHITE SW1E2 OR SIMILAR;                      |
| 2  | POWDER COATED ALUMINIUM FRAMED GLASS WINDOW: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;       | 12 | PAINTE METAL AWNING FACIA: DULUX WHITE ON WHITE SW1E2 OR SIMILAR;                |
| 3  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 13 | PAINTE CONCRETE: DULUX WHITE ON WHITE SW1E2 OR SIMILAR;                          |
| 4  | TIMBER STYLE SLATED FENCE OR SIMILAR;  | 14 | PAINTE CONCRETE SLAB EDGE: DULUX MOLE GREY S13M OR SIMILAR;                      |
| 5  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 15 | MASONRY PLANTER: FGH SURET OR SIMILAR;   |
| 6  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 16 | ALUMINIUM FRAMED GLASS LOUVERS: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;      |
| 7  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 17 | POWDER COATED ALUMINIUM ROLLER DOOR: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR; |
| 8  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 18 | PAINTE CONCRETE: DULUX ASH/ITE S13S OR SIMILAR;                                  |
| 9  | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 19 | FRUSTED GLASS ALUMINIUM FRAME GLASS BALUSTRADE: DULUX ELACHES S13A1 OR SIMILAR;  |
| 10 | POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 902778S OR SIMILAR;         | 20 | PAINTE PRECAST: DULUX SCONES S14E6 OR SIMILAR;                                   |



EAST 1

ELEVATIONS  
B4 B5 B6

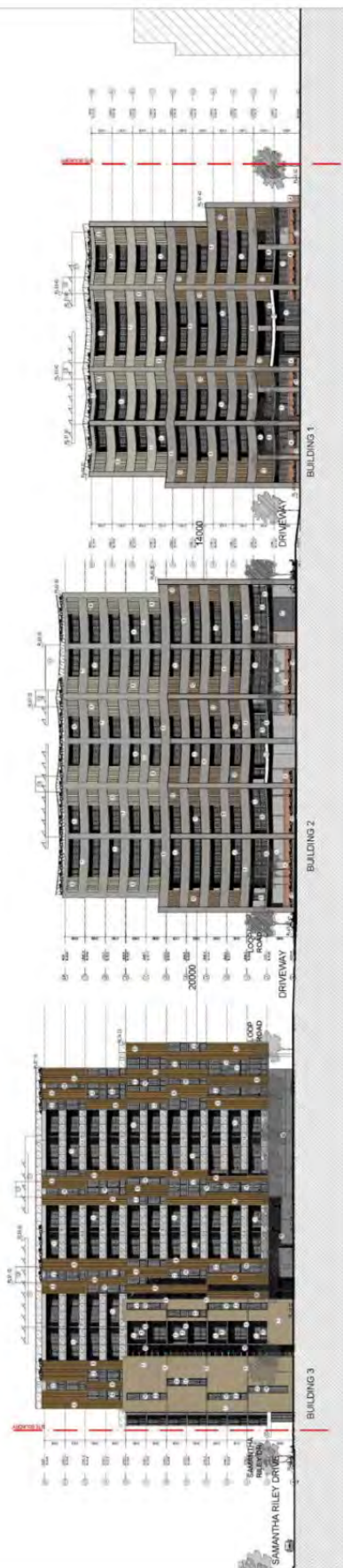
REVISIONS		DATE	BY	REASON
1	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
2	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
3	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
4	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
5	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
6	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
7	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
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17	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
18	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
19	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS
20	ISSUED FOR TENDERS	15/04/2024	DA	ISSUED FOR TENDERS

PROJECT	RELYVILLE DEVELOPMENT
CLIENT	RELYVILLE DEVELOPMENT
DESIGNER	RELYVILLE DEVELOPMENT
CONTRACTOR	RELYVILLE DEVELOPMENT
DATE	15/04/2024
BY	DA
REASON	ISSUED FOR TENDERS

SCALE	1:100
DATE	15/04/2024
BY	DA
REASON	ISSUED FOR TENDERS

PROJECT	RELYVILLE DEVELOPMENT
CLIENT	RELYVILLE DEVELOPMENT
DESIGNER	RELYVILLE DEVELOPMENT
CONTRACTOR	RELYVILLE DEVELOPMENT
DATE	15/04/2024
BY	DA
REASON	ISSUED FOR TENDERS

- 11 PAINTED METAL PAGONA, DULUX WHITE ON WHITE SW/20 OR SIMILAR.
- 12 PAINTED METAL MIMING FASCIA, DULUX WHITE ON WHITE SW/20 OR SIMILAR.
- 13 PAINTED CONCRETE, DULUX WHITE ON WHITE SW/20 OR SIMILAR.
- 14 PAINTED CONCRETE SLAB EDGE DULUX MOLE GREY S1340 OR SIMILAR.
- 15 MASONRY PLANTER, PORG DURUM OR SIMILAR.
- 16 ALUMINIUM FRAMED GLASS LOUVRES, DULUX DUNATEC ZEUS GREY 9027788S OR SIMILAR.
- 17 POWDER COATED ALUMINIUM ROOF DOLL, DULUX DURANTEC ZEUS GREY 9027788S OR SIMILAR.
- 18 PAINTED CONCRETE, DULUX ASHITE S1540 OR SIMILAR.
- 19 FROSTED GLASS ALUMINIUM FRAME GLASS BALUSTRADE, DULUX BLEACHES S141 OR SIMILAR.
- 20 PAINTED PRECAST, ALUMINIUM FRAMES S146X OR SIMILAR.



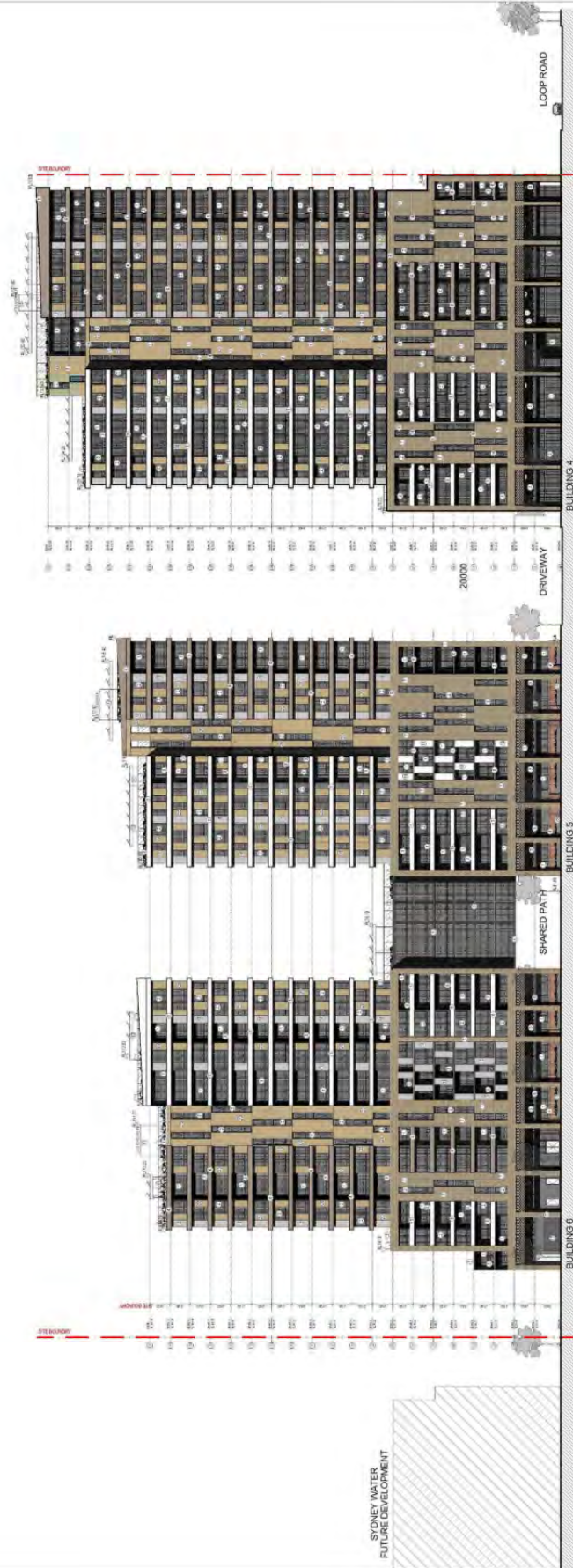
EAST 2  
ELEVATIONS  
B3 B2 B1

STATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION		ELEVATION	
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# EXTERNAL FINISHES LEGEND

- 1 POWDER COATED ALUMINIUM FRAMED GLASS SLIDING DOOR: DULUX DURATEC ZEUS GREY 9027785 OR SIMILAR;
- 2 POWDER COATED ALUMINIUM FRAMED GLASS WINDOW: DULUX DURATEC ZEUS GREY 9027785 OR SIMILAR;
- 3 POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX DURATEC ZEUS GREY 9027785 OR SIMILAR;
- 4 TIMBER STYLE SLATED FENCE OR SIMILAR;
- 5 PAINTED CONCRETE SLAB EDGE: DULUX SCIENCE S1465 OR SIMILAR;
- 6 PAINTED CONCRETE SLAB EDGE: DULUX EXCELSIOR S1414 OR SIMILAR;
- 7 FACE BRICK BORAL AUSTRAL METALUX QUARTZ OR SIMILAR;
- 8 POWDER COATED ALUMINIUM SHADE LOUVERS: DULUX SCIENCE S1465 OR SIMILAR;
- 9 POWDER COATED ALUMINIUM SHADE LOUVERS: DULUX CINNAMON SAND OR SIMILAR;
- 10 PAINTED PRECAST: DULUX SCIENCE S1465 OR SIMILAR;
- 11 PAINTED METAL PIAZZA: DULUX WHITE ON WHITE SW162 OR SIMILAR;
- 12 PAINTED METAL AWNING FASCIA: DULUX WHITE ON WHITE SW162 OR SIMILAR;
- 13 PAINTED CONCRETE: DULUX WHITE ON WHITE SW162 OR SIMILAR;
- 14 PAINTED CONCRETE SLAB EDGE: DULUX MOLE GREY S1344 OR SIMILAR;
- 15 MASONRY PLASTER: FGH SUREKEY OR SIMILAR;
- 16 ALUMINIUM FRAMED GLASS LOUVERS: DULUX DURATEC ZEUS GREY 9027785 OR SIMILAR;
- 17 POWDER COATED ALUMINIUM ROLLER DOOR: DULUX DURATEC ZEUS GREY 9027785 OR SIMILAR;
- 18 PAINTED CONCRETE: DULUX ASHUTE S1943 OR SIMILAR;
- 19 FROSTED GLASS ALUMINIUM FRAME GLASS BALUSTRADE: DULUX BLEACHES S1341 OR SIMILAR;
- 20 PAINTED PRECAST: DULUX SCIENCE S1465 OR SIMILAR;



## WEST 1

### ELEVATIONS B6 B5 B4

Rev	Description	By	Date	Checked	Date	Project	Client	Contract Ref	Scale	Notes
A	ISSUED TO CLIENT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	
B	ISSUED TO CONSULTANT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	
C	ISSUED TO CLIENT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	
D	ISSUED TO CLIENT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	
E	ISSUED TO CLIENT & CONSULTANT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	
F	ISSUED TO CLIENT	VA	1 JUL 2024	VA	1 JUL 2024	RELYVILLE DEVELOPMENT	RELYVILLE DEVELOPMENT	NO 1 PTY LTD	1:100	

EXTERNAL FINISHES LEGEND

- 1

POWDER COATED ALUMINIUM FRAMED GLASS SLIDING DOOR, DULUX DURATEC ZEUS GREY 9027768S OR SIMILAR;
- 2

POWDER COATED ALUMINIUM FRAMED GLASS WINDOW, DULUX DURATEC ZEUS GREY 9027768S OR SIMILAR;
- 3

POWDER COATED ALUMINIUM FRAMED BALUSTRADE, DULUX DURATEC ZEUS GREY 9027768S OR SIMILAR;
- 4

TIMBER STYLE SLATED FENCE OR SIMILAR;
- 5

PAINTED CONCRETE SLAB EDGE, DULUX SCIENCE SH4ES OR SIMILAR;
- 6

PAINTED CONCRETE SLAB EDGE, DULUX EXCELSDOR S1144 OR SIMILAR;
- 7

FACE BRICK BORAL, AUSTRAL EVERYDAY LIFE STIMULATE OR SIMILAR;
- 8

FACE BRICK BORAL, AUSTAL METALLIX QUARTZ OR SIMILAR;
- 9

POWDER COATED ALUMINIUM SHADE LOUVERS, DULUX SCIENCE SH4ES OR SIMILAR;
- 10

POWDER COATED ALUMINIUM SHADE LOUVERS, DULUX CINNAMON SAND OR SIMILAR;
- 11

PAINTED METAL PACODIA, DULUX WHITE ON WHITE SWIPEZ OR SIMILAR;
- 12

PAINTED METAL RAINING FASCIA, DULUX WHITE ON WHITE SWIPEZ OR SIMILAR;
- 13

PAINTED CONCRETE, DULUX WHITE ON WHITE SWIPEZ OR SIMILAR;
- 14

PAINTED CONCRETE SLAB EDGE, DULUX MALE GREY S1344 OR SIMILAR;
- 15

MASONRY PLANTER, FOSI SUBREY OR SIMILAR;
- 16

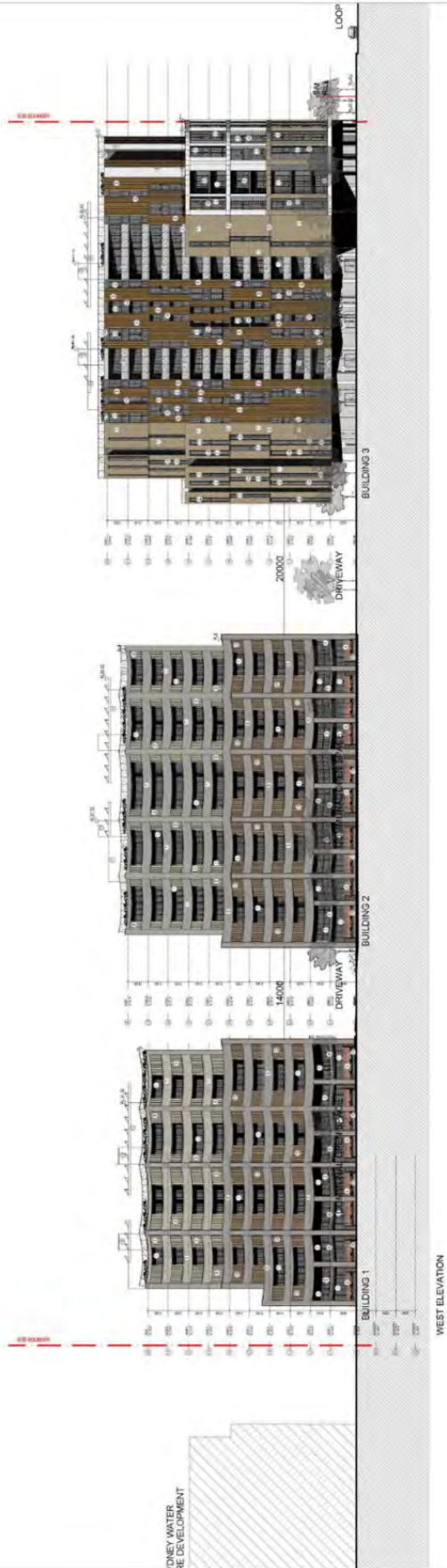
ALUMINIUM FRAMED GLASS LOUVERS, DULUX DURATEC ZEUS GREY 9027768S OR SIMILAR;
- 17

POWDER COATED ALUMINIUM ROLLER DOOR, DULUX DURATEC ZEUS GREY 9027768S OR SIMILAR;
- 18

PAINTED CONCRETE, DULUX ASHLITE S1343 OR SIMILAR;
- 19

FROSTED GLASS ALUMINIUM FRAME BALUSTRADE, DULUX BLUECHES S1141 OR SIMILAR;
- 20

PAINTED PRECAST, DULUX SCONE S14E2 OR SIMILAR;



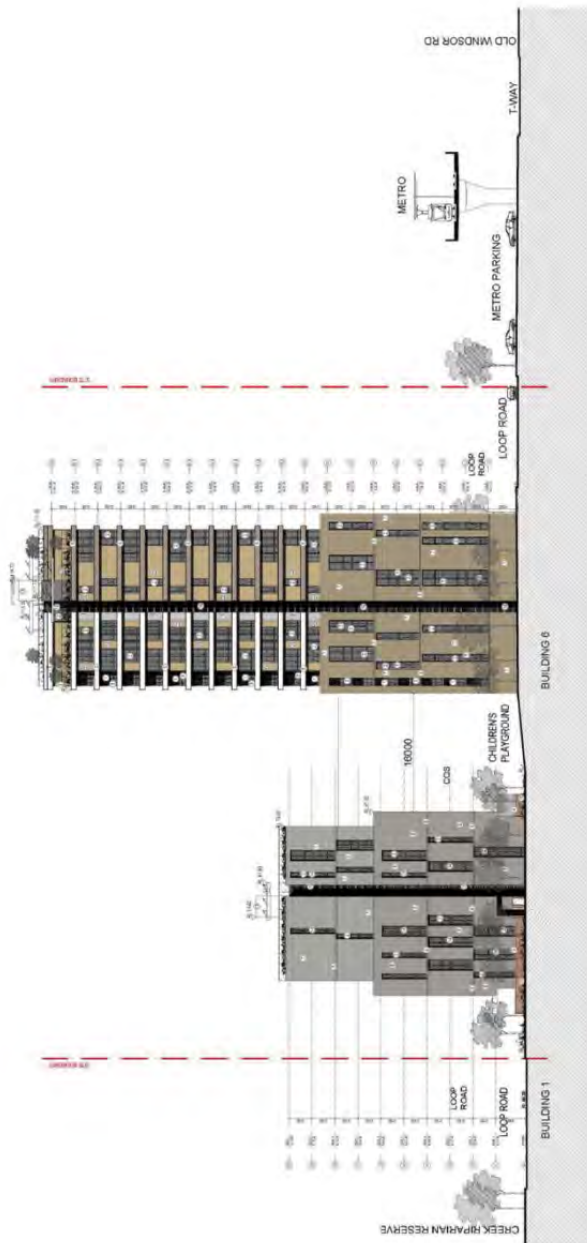
WEST 2

ELEVATIONS  
B1 B2 B3

Rev	Description	By	Date	Author	Check	Scale	Project	Client	Drawn	Scale	Sheet	Notes
1	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	1	WEST 2
2	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	2	WEST 2
3	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	3	WEST 2
4	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	4	WEST 2
5	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	5	WEST 2
6	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	6	WEST 2
7	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	7	WEST 2
8	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	8	WEST 2
9	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	9	WEST 2
10	ISSUE TO CLIENT	VA	14.10.2024	VA	VA	1:1000	WEST 2	WEST 2	VA	1:1000	10	WEST 2



11	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
12	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
13	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
14	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
15	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
16	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
17	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
18	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
19	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.
20	PAINTED METAL PAVING. DULUX WHITE OR WHITE SINTER OR SIMILAR.



NORTH 1  
ELEVATIONS  
B1 B6

[illegible]

EXTERNAL FINISHES LEGEND

- 1

POWDER COATED ALUMINIUM FRAMED GLASS SLIDING DOOR: DULUX ZEUS GREY 9027796S OR SIMILAR;
- 2

POWDER COATED ALUMINIUM FRAMED GLASS WINDOW: DULUX ZEUS GREY 9027796S OR SIMILAR;
- 3

POWDER COATED ALUMINIUM FRAMED BALUSTRADE: DULUX ZEUS GREY 9027796S OR SIMILAR;
- 4

TIMBER STYLE SLATTED FENCE OR SIMILAR;
- 5

PAINTED CONCRETE SLAB EDGE: DULUX MOLE GREY 9334 OR SIMILAR;
- 6

PAINTED CONCRETE SLAB EDGE: DULUX ZEUS GREY 9027796S OR SIMILAR;
- 7

FACE BRICK BORDAL: POH PEARL GREY OR SIMILAR;
- 8

FACE BRICK BORDAL: POH FLINDERS RED OR SIMILAR;
- 9

POWDER COATED ALUMINIUM SHADE LOUVERS: DULUX CINNAMON SAND OR SIMILAR;
- 10

POWDER COATED ALUMINIUM SHADE LOUVERS: DULUX CINNAMON SAND OR SIMILAR;
- 11

PAINTED METAL FACIA: DULUX WHITE ON WHITE SWI72 OR SIMILAR;
- 12

PAINTED METAL MANNING FASCIA: DULUX WHITE ON WHITE SWI72 OR SIMILAR;
- 13

PAINTED CONCRETE: DULUX WHITE ON WHITE SWI72 OR SIMILAR;
- 14

PAINTED CONCRETE: DULUX MOLE GREY 9334 OR SIMILAR;
- 15

MASONRY PLASTER: POH SURREY OR SIMILAR;
- 16

ALUMINIUM FRAMED GLASS LOUVERS: DULUX DURATEC ZEUS GREY 9027796S OR SIMILAR;
- 17

POWDER COATED ALUMINIUM ROLLER DOOR: DULUX DURATEC ZEUS GREY 9027796S OR SIMILAR;
- 18

PAINTED CONCRETE: DULUX ASHUTE SHAKS OR SIMILAR;
- 19

FRONTED GLASS ALUMINIUM FRAME GLASS BALUSTRADE: DULUX BLEACHES STAIN OR SIMILAR;
- 20

PAINTED PRECAST: DULUX SCONES 9146S OR SIMILAR;



NORTH 2

ELEVATIONS  
B3 B4

REVISIONS		DATE		BY		CHECKED		APPROVED	
A	ISSUE TO CLIENT	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024
B	ISSUE TO CLIENT	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024
C	ISSUE TO CLIENT	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024
D	ISSUE TO CLIENT	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024
E	ISSUE TO CLIENT	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024	14	2 JUL 2024

Project	Kellyville Developments
Client	Kellyville Developments
Architect	Kellyville Developments
Engineer	Kellyville Developments
Surveyor	Kellyville Developments
Builder	Kellyville Developments
Contractor	Kellyville Developments
Consultant	Kellyville Developments
Other	Kellyville Developments

Project	Kellyville Developments
Client	Kellyville Developments
Architect	Kellyville Developments
Engineer	Kellyville Developments
Surveyor	Kellyville Developments
Builder	Kellyville Developments
Contractor	Kellyville Developments
Consultant	Kellyville Developments
Other	Kellyville Developments

Project	Kellyville Developments
Client	Kellyville Developments
Architect	Kellyville Developments
Engineer	Kellyville Developments
Surveyor	Kellyville Developments
Builder	Kellyville Developments
Contractor	Kellyville Developments
Consultant	Kellyville Developments
Other	Kellyville Developments

1	POWDER COATED ALUMINUM FRAMED GLASS SLIDING DOOR. DULUX ZEUS GREY 9027/685 OR SIMILAR.	11	PAINTED METAL PIAZZOLA WHITE OR WHITE SWI2/02 OR SIMILAR.
2	POWDER COATED ALUMINUM WINDOW. DULUX DURETAC ZEUS GREY 9027/685 OR SIMILAR.	12	PAINTED METAL RAINING FASCIA. DULUX WHITE OR WHITE SWI2/02 OR SIMILAR.
3	POWDER COATED ALUMINUM FRAMED BALUSTRADE. DULUX DURETAC ZEUS GREY 9027/685 OR SIMILAR.	13	PAINTED CONCRETE. DULUX WHITE OR WHITE SWI2/02 OR SIMILAR.
4	TIMBER STYLE SLATTED FENCE OR SIMILAR.	14	PAINTED CONCRETE SLAB EDGE. DULUX MOLE GREY 81/04 OR SIMILAR.
5	PAINTED CONCRETE SLAB EDGE. DULUX REDGE ROYAL. HALF 1/515/01 OR SIMILAR.	15	MASONRY PLANTER. PGG SURREY OR SIMILAR.
6	PAINTED CONCRETE SLAB EDGE. DULUX CINNAMON SAND 51/07 OR SIMILAR.	16	ALUMINUM FRAMED GLASS LOUVERS. DULUX DURETAC ZEUS GREY 9027/685 OR SIMILAR.
7	FACE BRICK BORGAL PGG PEARL GREY OR SIMILAR.	17	POWDER COATED ALUMINUM ROOF DOOR. DULUX DURETAC ZEUS GREY 9027/685 OR SIMILAR.
8	FACE BRICK BORGAL PGG FLINDERS RED OR SIMILAR.	18	POWDER COATED DULUX ASHITE 51/03 OR SIMILAR.
9	POWDER COATED ALUMINUM SHADE LOUVERS. DULUX ECRU 51/01 OR SIMILAR.	19	FROSTED GLASS ALUMINUM FRAME GLASS BALUSTRADE. DULUX DURETAC ZEUS GREY 9027/685 OR SIMILAR.
10	POWDER COATED ALUMINUM SHADE LOUVERS. DULUX ECRU 51/01 OR SIMILAR.	20	PAINTED PRECAST. DULUX SCONES 51/02 OR SIMILAR.

[illegible]

KELLYVILLE  
DEVELOPMENTS  
NO. 1 PTY LTD

Address	Project
	KELLYVILLE DEVELOPMENT 301-3019 SARASWATHA RILEY DR., KELLYVILLE 21501HSW

Scale 1:100,000 (1:100,000) Date: 07/2000

0 1000

Study site  
**ELEVATIONS SOUTH 1**

Project no: 1610 Study no: AAC06

Drawn: GH

Drawing scale: 1:50,000 (1:50,000)



- 11 PAINTED METAL PAGODA, DULUX WHITE ON WHITE SWT2 OR SIMILAR.
- 12 PAINTED METAL WAVING FASCIA, DULUX WHITE ON WHITE SWT2 OR SIMILAR.
- 13 PAINTED CONCRETE, DULUX WHITE ON WHITE SWT2 OR SIMILAR.
- 14 PAINTED CONCRETE SLAB EDGE, DULUX MOLE GREY S1344 OR SIMILAR.
- 15 MASONRY PLANTER, FOR SURGEY OR SIMILAR.
- 16 ALUMINIUM FRAMED GLASS LOUVRES, DULUX DURETAC ZEIS GREY 9027768S OR SIMILAR.
- 17 POWDER COATED ALUMINIUM ROLLER DOOR, DULUX DURETAC ZEIS GREY 9027768S OR SIMILAR.
- 18 PAINTED CONCRETE, DULUX ASULITE S1343 OR SIMILAR.
- 19 PAINTED GLASS ALUMINIUM FRAME GLASS BALUSTRADE, DULUX BLEACHES S141 OR SIMILAR.
- 20 PAINTED PRECAST, DULUX SCONES S1462 OR SIMILAR.

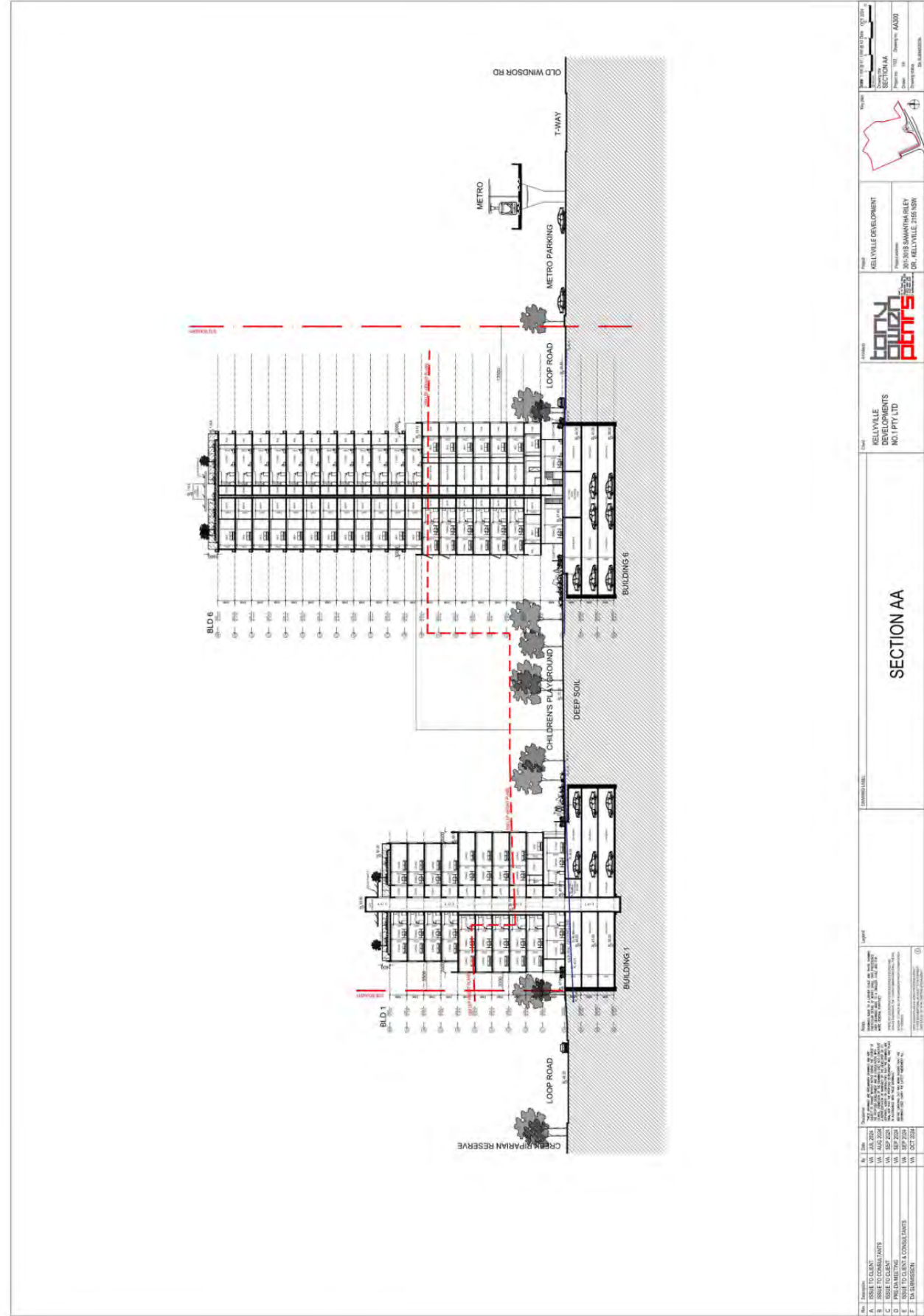
- [illegible]



SOUTH 2  
ELEVATIONS  
B5 B2

[illegible]



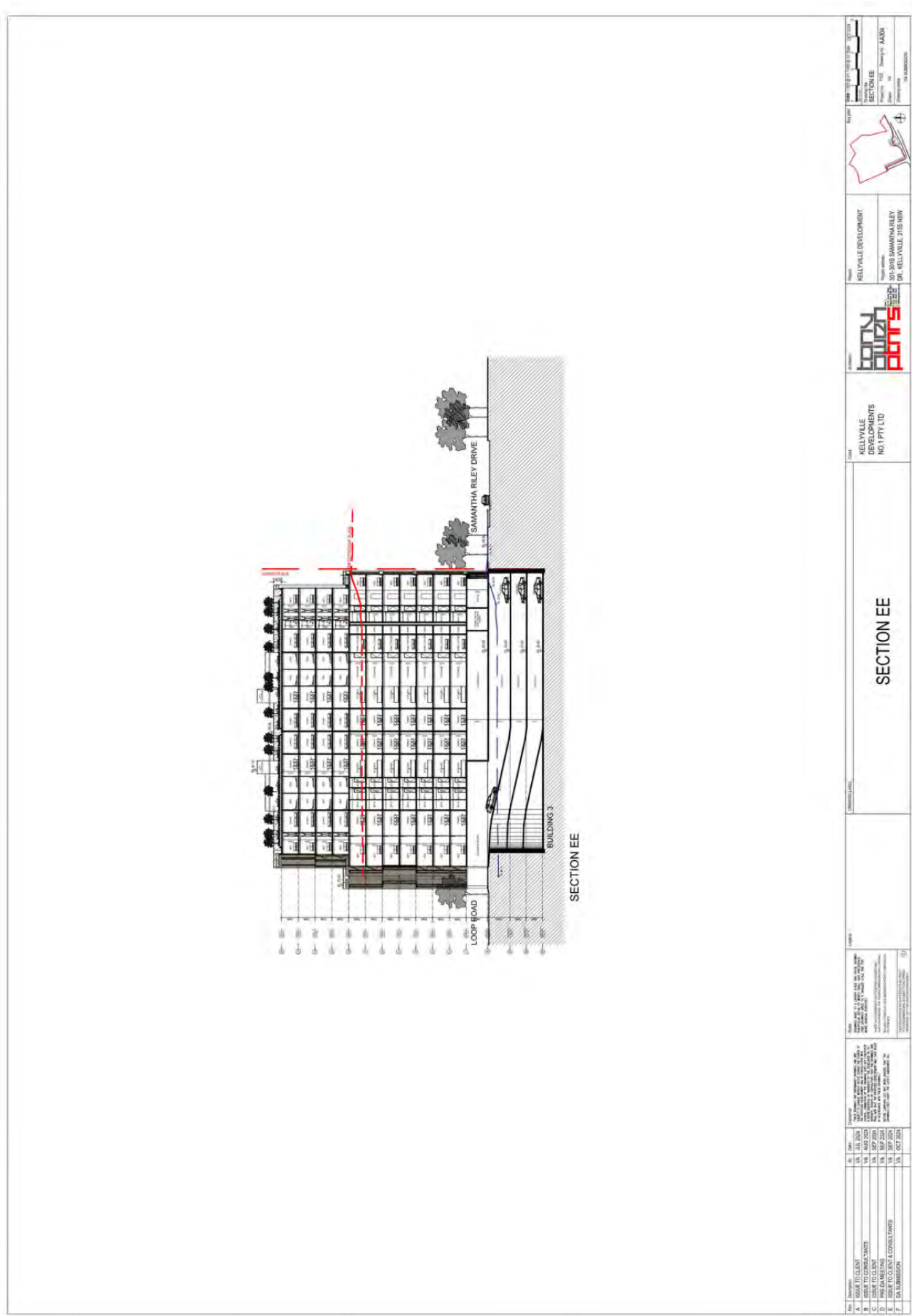


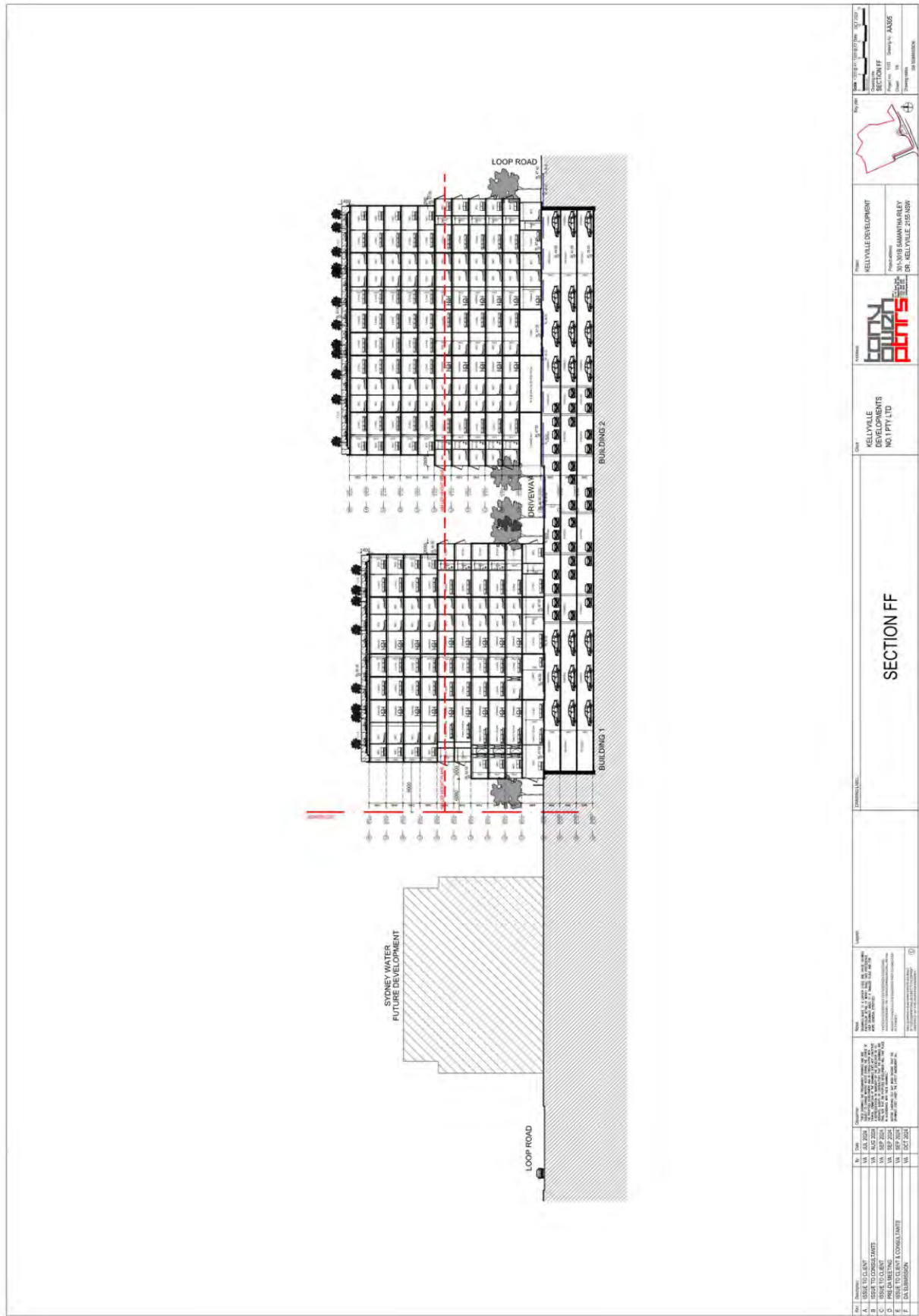












Date: 30/04/2025 Drawn: J. Smith Checked: M. Jones Project: 21931818 Drawing: 21931818-01	Scale: 1:100 Section: FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF	Project: 21931818 Drawing: 21931818-01 Title: SECTION FF
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# Clause 4.6 Variation Request

301 & 301B Samantha Riley Drive, Kellyville

Submitted to The Hills Shire Council  
on behalf of Kellyville Investments No.1 Pty Ltd



Prepared by Ethos Urban  
25 October 2024 | 2240208





**'Gura Bulga'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



**'Dagura Buumarri'**

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



**'Gadalung Djarri'**

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

<b>Contact:</b>		Ben Craig Director	Bcraig@ethosurban.com
<b>This document has been prepared by:</b>		<b>This document has been reviewed by:</b>	
			
Jack Storch	25 October 2024	Sophie Kuszniarczyk, Ben Craig	25 October 2024
<b>Version No.</b>	<b>Date of issue</b>	<b>Prepared by</b>	<b>Approved by</b>
1.0 (DRAFT)	24/10/2024	JS	SK/BC
3.0 (FINAL)	25/10/2024	JS	BC
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 Ethos Urban Pty Ltd   ABN 13 615 087 931   Sydney NSW   Melbourne VIC   Brisbane QLD   ethosurban.com			

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# 1.0 Introduction

## 1.1 Overview

This clause 4.6 variation request has been prepared by Ethos Urban on behalf of Level 33 Property Group. It is submitted to The Hills Shire Council (the Council) in support of a development application (DA) for a new residential-led precinct at 301 and 301B Samantha Riley Drive, Kellyville.

The proposed development comprises six (6) new residential buildings ranging from 10 to 27 storeys, which exceed the site's maximum permitted building heights stipulated under Clause 4.3 of the *Hills Local Environmental Plan* (The Hills LEP 2019). As the site is subject to multiple maximum buildings heights **Section 3.0** outlines the maximum height variation sought accounting the vertical distance between the existing ground level (existing) and the highest point of the proposed building.

Clause 4.6 of the Hills LEP 2019 enables the consent authority to grant consent for development even though the development contravenes the development standard. Its objectives are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clauses 4.6(3) requires that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances (clause 4.6(3)(a)), and
- There are sufficient environmental planning grounds to justify the contravention of the development standard (clause 4.6(3)(b)).

This Clause 4.6 Variation demonstrates that:

- Compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case based on the '5-part test' from *Wehbe v Pittwater Council [2007] NSWLEC 827* (Wehbe) for the following reasons:
  - The Proposal presents an outcome for the site that will not give rise to any significant amenity loss for the existing and future residents of the area despite varying the maximum height control.
  - Strict compliance with the maximum building height will undermine the clearly state strategic objectives established for the Kellyville Station Precinct under the TOD rezoning proposal by unnecessarily limiting the number of new homes within walking distance to the Kellyville Metro Station for no discernible benefit.
- The Proposal achieves the objectives of the height of building development standard, notwithstanding the non-compliance as:
  - The Proposal reinforces sound urban design principles by creating a more continuous building height transition across the precinct. The increased height will prevent a fragmented streetscape of disproportionate buildings along Samantha Riley Drive.
  - The Proposal's built form is consistent with the envisioned topography and scale of the Kellyville Station Precinct under the TOD rezoning proposal, which involves a gradual tapering of building heights from a high point closest to the station. The building height under the proposed scheme will create a visually appealing built form that will positively contribute to the emerging Kellyville skyline.
  - The Proposal maintains a level of solar access that is well within acceptable limits for the area.
  - The Proposal will not result in adverse privacy impacts given its substantial separation (over 50m) from the nearest residential development.
- There are sufficient environmental planning grounds to justify contravention of the development standard for the following reasons:
  - The provision of additional homes afforded by the proposed height variation is more closely aligned with the strategic objectives set out for the Kellyville Station Precinct and further reinforces the social, economic and environmental benefits offered by transit-oriented development. Strict compliance with the control would likely result in worse amenity outcomes by shifting housing further away from existing infrastructure, thereby putting greater demand on local roads and the redevelopment of natural open space.

- The proposed height variation will contribute to the overall economic success of the precinct by connecting more people to the highly valued employment opportunities along the metro rail corridor while maintaining acceptable levels of amenity for existing residents.

Therefore, the consent authority can be satisfied that there are sufficient grounds to support the proposed variation in accordance with the flexibility allowed under Clause 4.6 of the Hills LEP 2019.

This report should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Ethos Urban and the supporting technical documentation that has been appended to this DA. It also satisfies the provisions of Clause 35B(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

This Clause 4.6 variation request:

- Identifies the site and proposed development (**Section 2.0**);
- Identifies the development standard to be varied (**Section 3.0**);
- Establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (**Section 4.0**); and
- Demonstrates there are sufficient environmental planning grounds to justify the contravention (**Section 5.0**).

## 2.0 Site and Proposed Development

### 2.1 Site Description

The site is located at 301 and 301B Samantha Riley Drive, Kellyville (the Site) within The Hills Shire Local Government Area. The Site is approximately 30km northwest of the Sydney CBD and is less than a kilometre away from the A2 Old Windsor Road. Additionally, the site is within 400m of the Kellyville Metro Station.

The Site is irregular in shape and comprises of two (2) parcels of land, being legally described as Lot 3 and Lot 4 DP1253073. The site area is 21,720.5m<sup>2</sup>, with a 161m frontage to Samantha Riley Drive, which is a primary roadway located to the south of the Site. The Site also has an 87m frontage to Derrobary Street to the south-west corner of the Site, which provides access to a commuter carpark that services the Kellyville Metro.



**Figure 1 Site aerial**

Source: Ethos Urban / Nearmap

### 2.2 Description of the Proposed Development

The proposal seeks development consent for a new residential led mixed-use development comprising:

- Lot consolidation.
- Site preparation works.
- Construction of new roadways within the site and along the Site's eastern and western boundaries.
- Construction of six (6) buildings with heights ranging from 10 storeys to 25 storeys.
- 826 residential apartments.
- Non-residential uses with a combined total Gross Floor Area (GFA) of 1695.1m<sup>2</sup>, comprising:
  - Ground floor retail and cafe uses; and
  - A new childcare centre for 100 children.
- Construction of a three (3) level basement providing 985 car parking spaces with 2 car wash bays.
- Loading areas, ancillary storage, waste collection and building plant.
- Public domain improvements and landscaping works, including:
  - Ground level communal open space;

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- A new public plaza and through-site pedestrian links connecting from Samantha Riley Drive into the Site;
- Upgrades to footpaths along the street frontage to the Site; and
- Plantings and landscape work.
- Extension and augmentation of infrastructure and services as required.

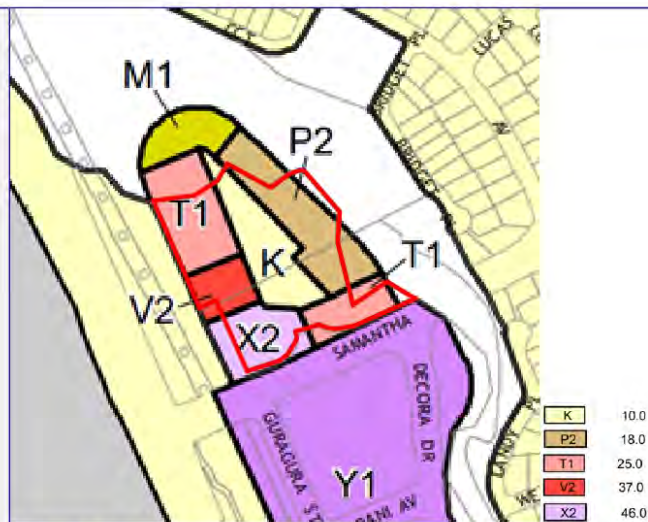


## 3.0 Planning instrument, development standard and proposed variation

**Table 1** summarises the relevant environmental planning instrument (EPI), development standard and proposed variation.

**Table 1** Planning instrument, development standard and proposed variation

Matter	Comment
<b>Environmental planning instrument (EPI) sought to be varied</b>	<i>The Hills Local Environmental Plan 2019 (The Hills LEP 2019).</i>
<b>The site's land use zone</b>	<p>R1 General Residential (refer to <b>Figure 2</b>).</p> <p>The objectives of this land use zone are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities of services to meet the day to day needs of residents.</li> <li>To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residents.</li> </ul>  <p><b>Figure 2 Land use zone map</b> Source: The Hills LEP 2019, NSW Planning Portal Digital EPI Viewer</p>
<b>Development standard sought to be varied</b>	<p>Clause 4.3 Height of buildings</p> <p>The objectives of this clause are as follows—</p> <p>(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,</p> <p>(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.</p>
<b>Type of development standard</b>	Numerical development standard
<b>Numerical value of the development standard in the EPI</b>	<p>As shown in <b>Figure 3</b> and as identified below, a varied maximum building height applies to the site:</p> <ul style="list-style-type: none"> <li>10m</li> <li>18m</li> <li>25m</li> <li>37m</li> <li>46m</li> </ul>



**Figure 3 Height of Buildings Map - Sheet HOB\_015**

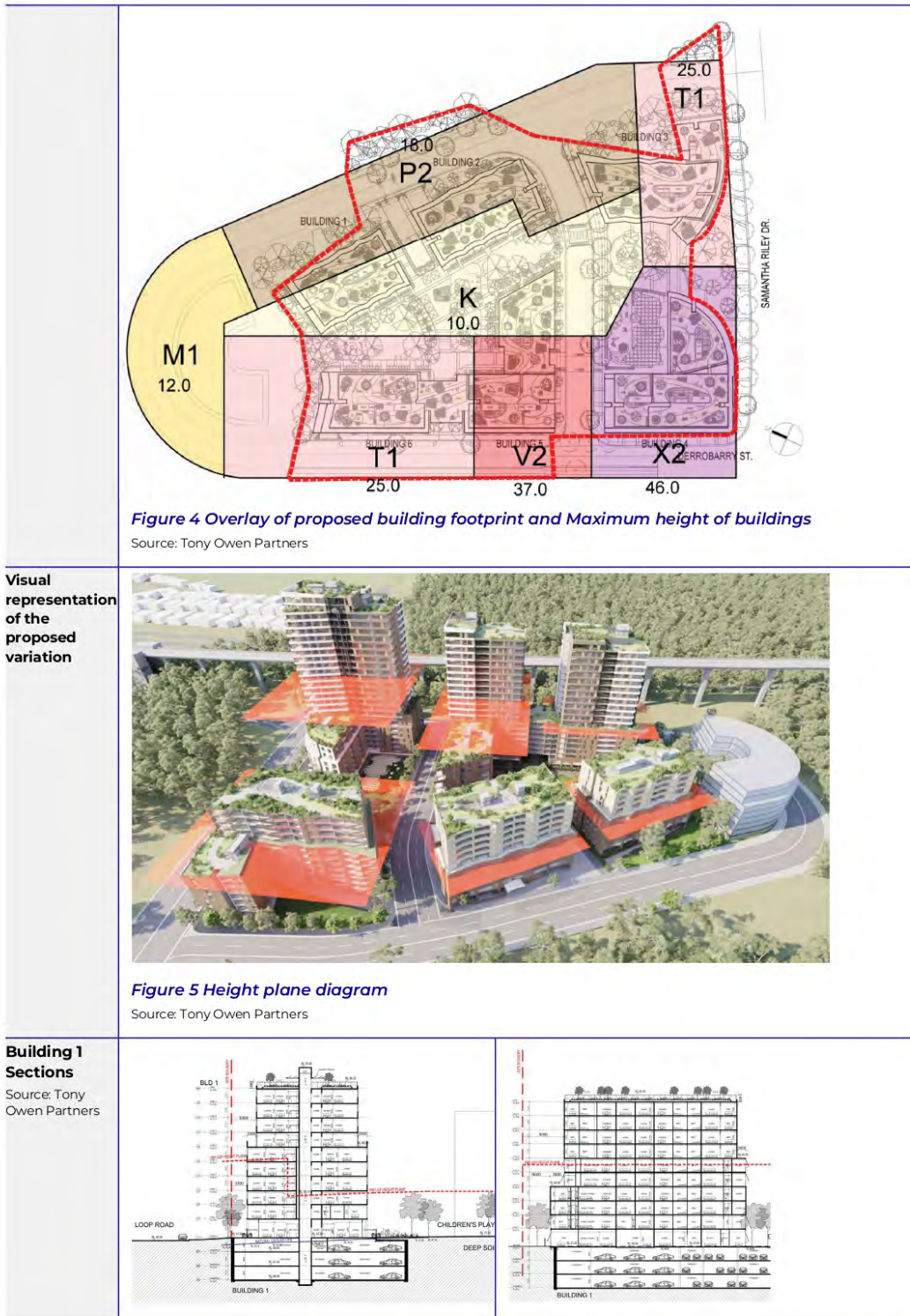
Source: The Hills LEP 2019

**Difference between the existing and proposed numeric values.**

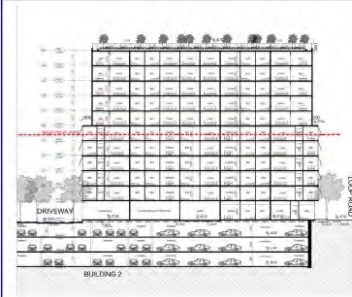
The proposal seeks consent for the construction of six new buildings. The maximum building heights and variation (measured as the vertical difference between the existing ground level and the highest point of the building) sought for each building is outlined below.

Building	Applicable LEP Height	Proposed height (Parapet)	Proposed Height (Lift)	Variation (Parapet)	Variation (Lift)
1	P2: 18m	33.35m (79.45 RL)	37.3m (83.4 RL)	15.35m (85%)	19.3m (107%)
	K: 10m	33.35m (79.45 RL)	37.3m (83.4 RL)	23.34m (233%)	27.29m (273%)
2	P2: 18m	35.59m (83 RL)	38.09m (85.5 RL)	17.59m (97%)	20.09m (111%)
	K: 10m	35.59m (83 RL)	38.09m (85.5 RL)	25.58m (255%)	28.08m (280%)
3	P2: 18m	39.04m (87.3 RL)	42.84m (91.1 RL)	21.04m (116%)	24.84m (138%)
	K: 10m	39.04m (87.3 RL)	42.84m (91.1 RL)	29.04m (290%)	32.84m (328%)
	T1: 25m	39.04m (87.3 RL)	42.84m (91.1 RL)	14.04m (56%)	17.84m (71%)
4	X2: 46m	84.38m (127.9 RL)	88.38m (131.9 RL)	35.28m (83%)	39.28m (87%)
5	V2: 37m	65.8m (113.9 RL)	69.8m (117.9 RL)	28.8m (78%)	32.8m (88%)
	K: 10m	26.8m (74.9 RL)	N/A	16.8m (168%)	N/A
	T1: 25m	65.8m (113.9 RL)	69.8m (117.9 RL)	42.19m (168%)	46.19m (185%)
6	T1: 25m	63.87m (110.8 RL)	67.87m (117.8 RL)	38.87m (155%)	42.87m (171%)

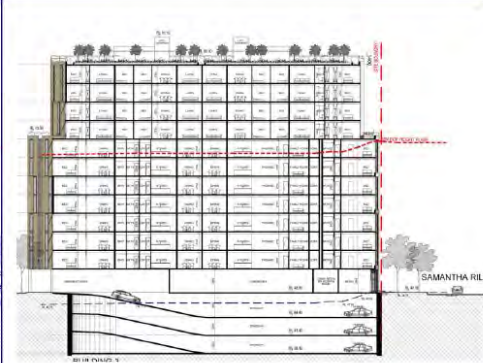




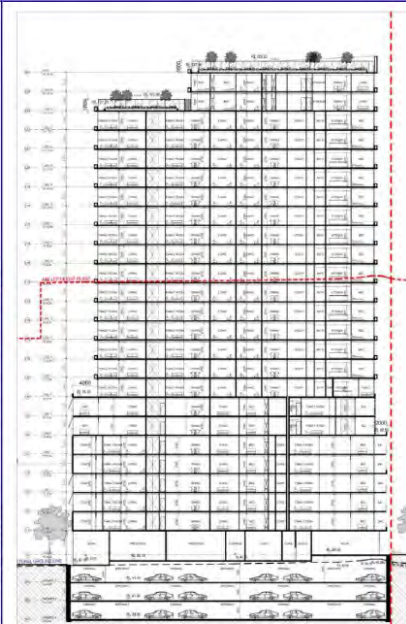
**Building 2  
Sections**  
Source: Tony  
Owen Partners



**Building 3  
Sections**  
Source: Tony  
Owen Partners



**Building 4  
Sections**  
Source: Tony  
Owen Partners



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### Building 5 Sections

Source: Tony  
Owen Partners



### Building 6 Sections

Source: Tony  
Owen Partners





## 4.0 Justification for Contravention of the Development Standard

Clause 4.6(3) that:

### 4.6 Exceptions to development standards

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827 (*Wehbe*);
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (*Four2Five*);
3. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (*Initial Action*);
4. *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 (*Al Maha*);
5. *WZSydney Pty Ltd v Ku-ring-gai Municipal Council* [2023] NSWLEC 10651.
6. *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 461.
7. *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7

The relevant matters contained in clause 4.6 of The Hills LEP 2019, with respect to the height of buildings development standard, are each addressed below, including with regard to these decisions.

### 4.1 Role of the Consent Authority

The role of the consent authority in considering this written request for a Clause 4.6 variation has been explained by the NSW Court of Appeal in *Initial Action* and in *Al Maha* to require that the consent authority needs to be satisfied in relation to two matters in Clause 4.6(4)(a):

1. That the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).
2. That the proposed development will be in the public interest because of its consistence with the objectives of the development standard and the zone objectives.

The consent authority is required to form these two opinions first before it considers the merits of the DA, and it can only consider the merits of the DA if it forms the required satisfaction in relation to the matters. In particular, the consent authority needs to be satisfied that there are proper planning grounds to grant consent and that the contravention of the standard is justified.

Notwithstanding this, Clause 4.6(4)(a)(i) and (ii) has since been repealed. The note under Clause 4.6(3) references the EP&A Regulation which requires a DA for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in Clause 4.6(3)(a) and (b).

This report provides the basis for the consent authority to reach the required level of satisfaction. This Clause 4.6 Variation Request is proposed in context of Clause 4.3 of the Hills LEP 2019. Relevant matters contained in Clause 4.6 of the Hills LEP 2019, with respect to the height of building development standard, are addressed below.

### 4.2 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. However, it was not suggested that the types of ways were a closed class.

While *Wehbe* related to objections made pursuant to *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 where subclause 4.6(3)(a) uses similar language to clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

As the language used in subclause 4.6(3)(a) of The Hills LEP 2019 is essentially the same as the language used in clause 6 of SEPP 1, the principles contained in *Wehbe* are of assistance to this clause 4.6 variation request.

The five methods outlined in *Wehbe* include:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard (**First Method**).
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (**Second Method**).
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (**Third Method**).
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (**Fourth Method**).
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (**Fifth Method**).

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height of building development standard pursuant to the **First Method** outlined in *Wehbe*. In the judgement for *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under Clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the development standard was unreasonable or unnecessary but that the applicant's written request adequately addresses (our emphasis) the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

The sections below address the matters in clause 4.6(3)(a), and in particular how the objectives of the development standard are achieved notwithstanding the non-compliance with the numerical control.

#### 4.2.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of the development standard contained in clause 4.3 of The Hills LEP 2019 are:

#### 4.3 Height of buildings

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

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.

##### Objective 4.3(1)(a):

**"to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape"**

The proposed development will deliver six new buildings with heights ranging from 10 to 27 storeys on a large 2.2ha consolidated site within the R1 General Residential land use zone. Despite the height variation, the development will deliver an outcome that is compatible with the adjoining development and overall streetscape for the following reasons:

- The existing site context is experiencing immense change following the completion of the Kellyville station as part of the North-west metro line as well as significant government reforms introducing increased density to support housing growth. The proposed height variation is compatible with these key changes as detailed below:



- o The site is identified as a key precinct in the Kellyville and Bella Vista state led rezoning proposal under the Department of Planning, Housing and Infrastructure (DPHI) TOD rezoning program. As part of the rezoning proposal, DPHI have proposed substantial increases to the planning controls to deliver much-needed housing supply adjacent to major public transport. The rezoning program has proposed a height increase to 67.5m on the subject site and 99.5m on the Landcom site to the south.
  - o The significant changes proposed for the area under the imminent TOD Program will establish a high quality, vibrant and visually interesting streetscape. The proposed height variation more closely aligns with the emerging streetscape envisioned by the rezoning proposal than what is allowed under the current LEP height limits.
  - o The objectives of the Kellyville Station Precinct under the state-led rezoning proposal (Explanation of Intended Effects, section 1.1) are:
    - *Focus new development on land closest to the stations to maximise the number of residents and workers within an easy walking distance of the station and shops;*
    - *Locate the highest buildings around the stations;*
    - *Provide for the taller buildings with smaller footprints so that a better public domain, more parks and landscaping can be delivered;*
    - *Transition heights down to areas with stand alone housing;*
    - *Plan for a mix of building heights to provide variety and interest and increase housing choice.*
- The proposed development (including its height variation) achieves these objectives as:
- The site is approximately 400m north of the Kellyville Metro Station and therefore suitable for greater building heights.
  - The proposed height variation will achieve a sympathetic and appropriate height transition between the station site (envisaged with building heights at a maximum of 99.5m) and broader surrounding sites (identified maximum building height of 32m). The proposed development will therefore (including the height variation) contribute to achieving a more harmonic skyline, whereby buildings taper down from the highest point of the Kellyville Metro station.
- o The Kellyville Station Precinct Finalisation Report recognises the important role and opportunity for Kellyville to promote higher residential densities due to its well-connected proximity to the station:
    - *'The new Metro will be the catalyst for urban transformation in Sydney's northwest, opening up new connections and economic benefits for the region, and providing opportunities for new attractive and vibrant town centres around the stations. A focus on place-making has underpinned the planning for the Kellyville Station Precinct for the creation of a healthy, safe and sustainable community. Kellyville is expected to remain predominantly residential in character, with a greater range of housing options available to increase housing choice and variety.'*
    - The proposed development will maximise the large unconstrained site to achieve density in a manner that will provide diverse and greater housing supply in an extremely well connected location that maximises the government's investment into the new metro line.
  - The existing site and surrounding area is predominantly characterised by widely vast vacant land and main arterial roads, with no established built form or streetscape. The proposed development will transform the underutilised site and provide the catalyst for the area to transition into a vibrant and visually interesting precinct s envisaged by planning policy. The proposed buildings have been intentionally designed with mixed materiality and façade detailing to create a visual interest and improve the existing streetscape.
  - The proposed development will deliver significant residential floorspace within a transit orientated context. In this regard, the high-quality design outcome presented by the Proposal is considered to reinforce the desired future character of the Kellyville Station Precinct.
  - Furthermore, the proposed development (inclusive of the proposed height exceedances) is consistent with the objectives of the R1 General Residential land use zone as outlined in **Table 2** below.

**Table 2 The proposed development's alignment with the objectives of the R1 General Residential zone**

Objective	Alignment
To provide for the housing needs of the community.	The proposed height variation will optimise the site's strategic location to provide a mix of diverse housing within 400m of the Metro Station that will respond to the long-term needs of the community.
To provide for a variety of housing types and densities.	
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed height variation does not affect the development's ability to provide diverse facilities and services. Nevertheless, the proposal does include an activated ground floor with a childcare and various retail uses to support the day to day needs of the residents.
To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.	The proposed height variation does not preclude other land uses on the site to support nearby commercial centres, with the proposed development seeking to provide a vibrant and active ground plane. Importantly, as discussed below, the proposed development and associated height variation does not cause unacceptable overshadowing, visual and privacy impacts.

**Objective 4.3(1)(b):**

***"to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas"***

**Overshadowing**

A detailed overshadowing analysis has been prepared by Tony Owen Partners to ensure that the new development does not result in unacceptable overshadowing impacts during specific hours in mid-winter (21 June). Of particular relevance to the site is the residential buildings to the south-west, the Landcom development to the south and the open space area to the east. As shown in **Figure 6** the shadow cast as a result of the proposed development (including the height variation) at mid-winter does not adversely affect any neighbouring residential properties.

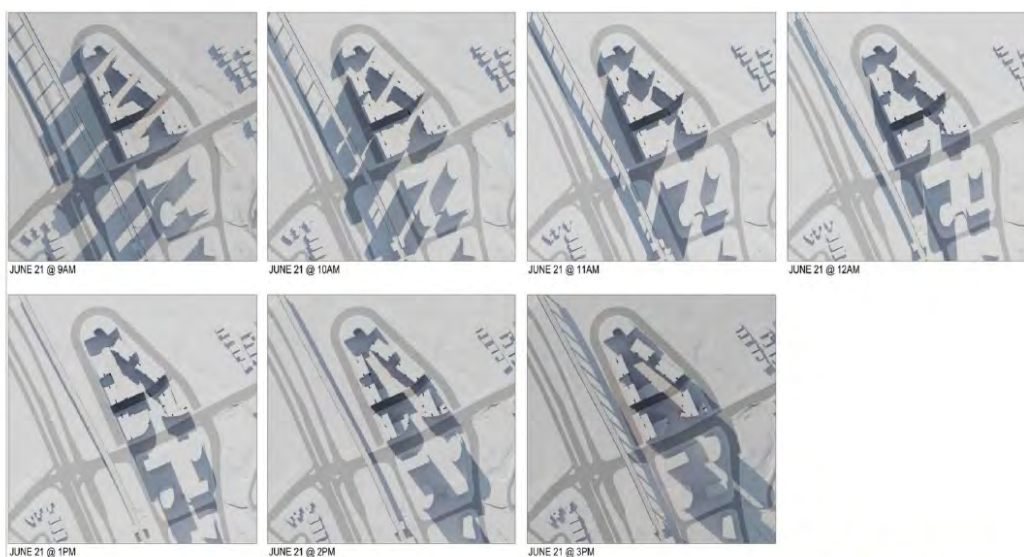
Firstly, the maximum extent of shadow cast by the proposed development to the south-west will only fall on the rear private open areas of 1 Newbury Avenue and 42 Roxburgh Crescent, as the majority of the shadows cast fall on the existing adjacent arterial roads (Samantha Riley Drive and Windsor Road) and railway corridor. Notwithstanding this, from 10am onwards, the proposed development will not result in any overshadowing on these properties, thereby maintaining a level of solar access well above the minimum required.

The shadow impacts to the Landcom site resulting from the proposed development are also considered acceptable. As shown in both **Figure 6** and **Figure 7**, the proposed development results in a minimal shadow cast on the northern façade of the Landcom site from 1pm onwards, with the maximum extent of the overshadowing occurring only at 3pm. This achieves compliance with the solar access requirements of a minimum of 2 hours of sunlight between 9am to 3pm during midwinter under the NSW Apartment Design Guide. This level of overshadowing is considered a positive outcome given the proximity of the Landcom site directly to the south, which makes it susceptible to being overshadowed by any development (compliant or not). The Landcom site as a whole is expected to experience a level of self-shadowing given the existing height control (maximum of 50m) is earmarked to be further intensified under the TOD rezoning proposal by increasing building heights to a maximum of 99.5m.

Lastly, **Figure 7** demonstrates that the proposed development will not result in significant overshadowing on the neighbouring properties or the open space to the east and south-east. These areas will continue to receive significant solar access throughout the day.

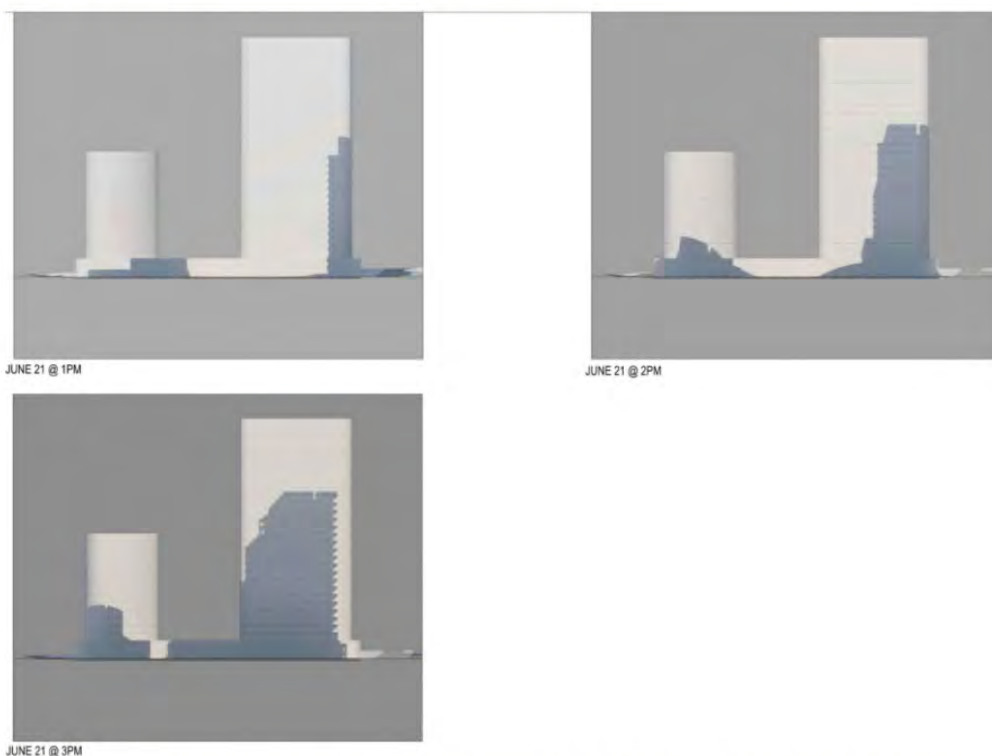
In this regard, the proposed development (including the height variation) will not give rise to any adverse overshadowing impacts to the surrounding area.





**Figure 6 Overshadowing cast by the development (including the height variation) at June 21 mid winter**

Source: Tony Owens Partners



**Figure 7 overshadowing cast by the development on Landcom site to the south (including the height variation) at June 21 mid winter**

Source: Tony Owens Partners

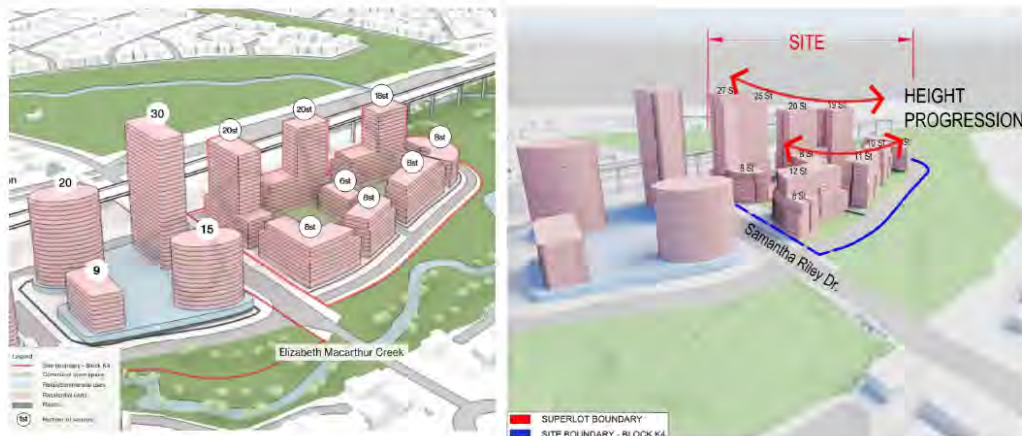
## Visual Impact

The proposed development will significantly improve the visual appearance of the existing site, especially taking into account the unique architectural contribution it will deliver to forming the future Kellyville Station Precinct. Importantly, the development will represent a benchmark for high quality urban and transit-oriented development in The Hills LGA. It is considered that the visual impact as a result of the proposed development will enhance the emerging streetscape by integrating more thoughtfully with the envisioned buildings proposed under the TOD rezoning proposal whilst preserving the character and amenity of Kellyville.

The proposed development viewed at various vantage points around the area will be largely visible, forming part of the emerging Kellyville Precinct skyline. Notwithstanding, the proposed development is appropriately setback with a tapering height transition to provide visual relief and not present an overbearing street appearance as shown in **Figure 8**. Additionally, the subject site has generous levels of separation from the surrounding pockets of existing low density residential which will be further screened by significant, mature vegetation that line Elizabeth Macarthur Creek.

As shown in **Figure 8**, the proposed scheme is generally consistent from that proposed under the TOD rezoning proposal, which is the clearest representation of the desired future character for the area. Moreover, the proposed building heights serve as a more thoughtful height transition between the Site and the neighbouring Landcom land to the south when compared to both the TOD rezoning proposal and the current LEP provisions. Indeed the heights proposed allow for a more graduated height transition and avoid a more jagged and fragmented skyline.

As such, the proposed development will result in a high-quality built form outcome that closely reflects the desired future character envisioned under the TOD rezoning proposal. The proposed height variation further aligns with the goal of delivering greater housing adjacent to major public transportation whilst still maintaining the visual amenity of the area.



*Desired scale and density exhibited under the TOD rezoning proposal for the Kellyville Station Precinct*

*Proposed heights sought under this application for the site*

**Figure 8 Comparison of the proposed height controls under the TOD rezoning proposal and the proposed scheme sought under this application**

Source: State-led Rezoning (Kellyville & Bella Vista) Urban Design Report

## Privacy

The proposed development is bound on the southern and western boundaries by the existing arterial roads and railway corridor. Substantial open space lined with dense and mature vegetation surrounds the site to the north and east. The site's immediate surrounds means that the future development will be a considerable distance from the existing pockets of low density residential in the surrounding area. Given the separation and existing vegetation that screens the site, the proposed development is not expected to result in any significant privacy impacts.



#### **4.2.2 Conclusion on clause 4.6(3)(a)**

The above sections have demonstrated that compliance with the maximum permitted building height standard is unnecessary in the circumstances of the case.

The principal purpose of Clause 4.3 of The Hills LEP 2019 is to impose a suitable restriction in regard to the maximum height of development on site. The proposed development reinforces the purpose of Clause 4.3, as it provides buildings that will not result in any adverse environmental impacts, including in relation to height-specific assessment matters such as overshadowing, visual impact, and privacy. It has been established that the proposed development is consistent with the objectives of Clause 4.3. These objectives are supported notwithstanding the height variation that is proposed.

#### **4.3 Clause 4.6(3)(b): Environmental planning grounds to justify contravening the development standard**

Clause 4.6(3)(b) of The Hills LEP 2019 LEP requires the consent authority to be satisfied the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole.

Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* at [24]). In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site at [60].

In this instance the relevant aspect of the development is the proposed exceedance of the site's maximum permitted heights. Taking this into account, there are sufficient environmental planning grounds to justify contravention of the height of buildings development standard in this specific instance, as described below.

##### **4.3.1 Ground 1: The proposed height will provide an outcome consistent with the desired character of the TOD Kellyville Station Precinct (rezoning proposal)**

The State Government has set a clear mandate to deliver more housing, and given that much of the land, surrounding station, is unconstrained land that is yet to be developed, the subject site represents an excellent opportunity to achieve density in a manner that will deliver much needed housing, that minimises density impacts on existing surrounding communities, and which maximises the use of the Government's significant investment into a new Metro Line and Station at Kellyville. The State Government has invested \$8.3 billion dollars into North West Metro, and planning controls proposed for land directly adjacent to stations should seek to maximise the opportunity provided by this major piece of Government funded infrastructure.

The overarching narrative that has been communicated by the State Government is to prioritise the delivery of more housing in good locations close to public transport, as this will help greatly with responding to the well-publicised housing crisis gripping the nation. The site is within 300m of the entrance to the Kellyville Metro Station in a Precinct that is expected to experience significant uplift as an Accelerated Precinct under the TOD rezoning program.

The subject site is well positioned to accommodate further intensification than what is currently allowed under The Hills Shire LEP 2019 as well as the exhibited TOD rezoning proposal. This is because the site has significant capacity for additional height without giving rise to any adverse amenity impacts, as discussed further in the below sections. In this regard, limiting the site's potential to what is permitted under a compliant scheme is both unreasonable and unnecessary and will not produce any benefit for the existing residents or the emerging Kellyville Station Precinct.

The proposed site offers mixture of supporting uses due to its adjacency to the Kellyville Metro Station and future commercial areas that integrates thoughtfully with the future Landcom development site. Enabling the delivery of more homes via this Clause 4.6 written request will only serve to bolster the economic longevity of the area as well as the broader Hills economic corridor.

##### **4.3.2 Ground 2: Acceptable amenity outcomes**

The proposed development is consistent with the objectives of the Height of Building development standard which is designed to produce high quality-built forms while preserving acceptable levels of amenity for both the existing and future residents.

The proposed height variation maintains an appropriate level of amenity for nearby and future residents. As outlined in **section 4.21** under objective 4.3 (l) (b), the extent of overshadowing caused by the additional height is minor and remains well within the acceptable overshadowing limits. Further, there is considerable separation from the surrounding pockets of low-density residential houses ensuring there are no adverse visual privacy impacts generated by the proposal. Therefore, the proposed development does not result in unacceptable environmental impacts.

### 4.3.3 Ground 3: Consistency with Objects of the EP&A Act

In *Initial Action*, the Court stated that the phrase "environmental planning grounds" is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the Act. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, as set out in **Table 3** we consider the proposed development is broadly consistent with each object, notwithstanding the proposed variation of the height of buildings development standard.

**Table 3** Assessment of consistency of the proposed development with the Objects of the EP&A Act

Object	Comment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposed height variation will contribute to the overall social and economic welfare of the community by providing additional housing adjacent to public transport and open space. The proposed variation enables a more effective and efficient use of key land in close proximity to rapid transport, helping reduce the amount of other greenfield land required for housing and ensuring future residents have a high quality of life with easy access to key employment areas, shops and services.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The building height variation will facilitate ecologically sustainable development by allowing additional homes to be built close to existing transport and infrastructure. This increases the economic and social wellbeing of future residents by reducing commuting times. It also reduces reliance on car dependent transport which has environmental benefits, including minimising air pollution and limiting the need to develop on greenfield land.
(c) to promote the orderly and economic use and development of land	The proposed variation promotes the orderly and economic use of land by optimising the site's development capacity next to major public transport infrastructure without creating adverse environmental impacts. The proposed variation to the maximum building height control is a balanced and orderly design outcome that reduces the need to provide additional infrastructure for new homes built elsewhere.
(d) to promote the delivery and maintenance of affordable housing	Not relevant to the contravention.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposed height variation provides more homes within the same development footprint, thereby reducing the need for developing on natural land and interfering with ecological communities and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	Not relevant to the site.
(g) to promote good design and amenity of the built environment	The proposed variation represents an appropriate design outcome that is compatible with the surrounding neighbourhood context and represents a high-quality addition to the built environment. The proposed built form responds appropriately to the envisioned Kellyville Station Precinct by allowing for a more balanced height transition that what could be achieved by strict compliance with the building height control.
(h) to promote the proper construction and maintenance of buildings, including the	The proposed height variation will ensure a future mixed use development outcome that will be designed to be equitable and

25 October 2024 | Clause 4.6 Variation Request | 2240208 | 20



Object	Comment
protection of the health and safety of their occupants	accessible to all. The relevant Disability (Access to Premises – buildings) standards 2010 will be achieved and further resolved at the Detailed DA stage.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	Not relevant to the contravention.
(j) to provide increased opportunity for community participation in environmental planning and assessment	Not relevant to the contravention.

#### 4.3.4 Ground 4: Improving Public Benefit

The overarching narrative that has been communicated by the State Government is to prioritise the delivery of more housing in good locations close to public transport, as this will help greatly with responding to the well-publicised housing crisis gripping the nation. The site is within 300m of the entrance to the Kellyville Metro Station and represents an excellent opportunity to achieve density in a manner that will deliver much needed housing, that minimises density impacts on existing surrounding communities, and which maximises the use of the Government's significant investment into a new Metro Line and Station at Kellyville.

As demonstrated throughout this request, the height variation does not result in unacceptable amenity impacts on the surroundings. Therefore, requiring compliance for compliance's sake would not result in any material benefit but would result in the loss of much needed housing supply. This would directly reduce the proposal's contribution to providing diverse housing choice which is a key government priority.

In summary, the proposed variation will improve the proposed development's public benefit by providing 826 new homes in a highly accessible site that is within walking distance of the Kellyville Metro Station (300m). This strengthens Kellyville Station Precinct's role as a diverse neighbourhood precinct and places more people in close proximity to public transport, shops, services and open space.

## 5.0 Conclusion

The assessment above demonstrates that compliance with the height of buildings development standard contained in clause 4.3 of The Hills LEP 2019 is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome in planning terms.

The subject site benefits from being unconstrained land that is ready for redevelopment. The proposed development represents an excellent opportunity to achieve density in a manner that will deliver much needed housing, that minimises density impacts on existing surrounding communities, and which maximises the use of the Government's significant investment into a new Metro Line and Station at Kellyville.

This clause 4.6 variation demonstrates that, notwithstanding the non-compliance with the height of buildings development standard, the proposed variation:

- Is consistent with the objectives of the Height of Building development standard outlined in The Hills LEP 2019 by enabling a high-quality built form that responds appropriately to both the existing and desired future characters of the area.
- Is in keeping with the desired built form and density envisaged for the site and Kellyville Station Precinct under the exhibited and now imminent TOD rezoning proposal.
- Demonstrates that strict compliance with the Height of Building development standard is both unreasonable and unnecessary by needlessly limiting much needed housing in a well located for no tangible benefit.
- Will not give rise to any adverse impacts with respect to overshadowing to either the existing or future residents of the area as demonstrated in **Section 4.2** of this report.
- Will produce a high standard of visual amenity that integrates well with the emerging Kellyville skyline whilst being compatible with the existing pocket of residential area.
- Results in a built form outcome that is generally consistent visually with the desired proposed built form exhibited under the now imminent TOD rezoning proposal.
- Will not result in any adverse visual privacy impacts due to the generous separation between the subject site and existing residential areas.
- Is consistent with the objectives of the development standard and aligns more closely with the existing and future planned nature of adjoining development and overall streetscape.
- Enables more homes to be located adjacent to the Kellyville Metro Station, future shops, services, and open space, which is core objective of the TOD rezoning proposal.

Therefore, the consent authority can be satisfied that this Clause 4.6 Variation Request has demonstrated the matters in clause 4.6(3) of The Hills LEP 2019 and may grant development consent notwithstanding the contravention of the height of buildings development standard.



## ATTACHMENT E: AGENCY RESPONSES



Jacob Kiner  
The Hills Shire Council  
via NSW Planning Portal

State Environmental Planning Policy (Transport and Infrastructure) 2021  
Development Application - 699/2025/JP  
301 Samantha Riley Drive, Kellyville 2155  
Request for additional information

24 February 2025

Dear Jacob Kiner,

Sydney Metro refers to Development Application 699/2025/JP (DA) submitted by Kellyville Investments No.1 Pty Ltd (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 08 January 2025 in accordance with section 2.99 and section s2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro North West Line rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro North West Line rail corridor for the purpose of the T&ISEPP.

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 19 November 2024.

Following this review, Sydney Metro advises that it is not in a position to make a decision on the granting of concurrence until the additional information outlined below is provided for Sydney Metro's further review:

- a) A detailed survey plan defining the development boundaries, including the building footprint, rail corridor, rail infrastructure, Sydney Metro substratum land, and the distance to the Sydney Metro elevated structure. All measurements contained within the survey plan must be verified by a registered surveyor.
- b) Cross-sectional drawings showing the rail corridor (first and second reserve) with measurements of the distance from the project boundary and excavation to the Sydney Metro elevated structure. All measurements contained within the cross-sectional drawings must be verified by a registered surveyor.
- c) A plan showing all craneage and other aerial operations for the development.

(together, Additional Information).

Additionally, please ensure that Sydney Metro is notified in the event that contaminated or hazardous materials are encountered during demolition or excavation. Sydney Metro requests that the Additional Information be provided to Council by no later than 21 days of the date of this letter, being 17 March 2025. If

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SM-25-00011595

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the Additional Information is not provided to Council by this date, Sydney Metro may determine not to provide its concurrence to the DA.

This request is made in accordance with section 52 of the Environmental Planning and Assessment Regulation 2021.

Council is requested to forward this request for the Additional Information to the Applicant and Sydney Metro recommends that the Applicant consult with Sydney Metro before submitting the Additional Information to Council.

Sydney Metro requests that the Additional Information be forwarded to [SydneyMetroCorridorProtection@transport.nsw.gov.au](mailto:SydneyMetroCorridorProtection@transport.nsw.gov.au) and uploaded to the NSW Planning Portal to enable Sydney Metro to undertake the required internal review as quickly as possible and within the required statutory timeframe.

Sydney Metro also notes that this letter should immediately 'stop-the-clock' on the assessment of the DA, until such time as the Additional Information is provided.

Subject to the outcome of Sydney Metro's review of the Additional Information, further additional information may be required before Sydney Metro can determine whether to grant concurrence to the DA.

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

Sydney Metro thanks Council for its assistance.

Please contact Peter Bourke, Senior Manager – Corridor Protection or Joshua Murray, Planner – Corridor Protection at [sydneymetrocorridorprotection@transport.nsw.gov.au](mailto:sydneymetrocorridorprotection@transport.nsw.gov.au) should you have any further enquiries on this matter.

Sincerely,



**Peter Kalton**  
A/Executive Director  
Northwest & City Operations  
Development Application – 699/2025/JF  
301 Samantha Riley Drive, Kellyville 2155

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## Transport for NSW

26 November 2024

TfNSW Reference: SYD24-01840/02  
Council's Reference: 699/2025/JP



Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
Baulkham Hills NSW 2153

Attention: Jacob Kiner

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### PROPOSED MIXED USE DEVELOPMENT 301 SAMANTHA RILEY DRIVE KELLYVILLE

Dear Mr Edgar,

Reference is made to Council's correspondence dated 6 November 2024, regarding the abovementioned Development Application (DA) which was referred to Transport for NSW (TfNSW) for comment in accordance with clause 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. TfNSW advises that:

- The subject development site is affected by a road proposal for future bus facilities along Samantha Riley Drive as shown by pink colour on **TAB A**. A review of the DA suggests that the proposed buildings conflict with the road proposal.
- The proposal includes the connection of a fourth leg at the intersection of Samantha Riley Drive and Decora Drive which requires 'in-principal agreement' under section 87 (4) of the *Roads Act, 1993*.

As such, TfNSW requires the Applicant the following matters prior to the determination of the DA:

1. TfNSW has identified a portion of the development on land reserved for road. TfNSW is currently developing transport options for this corridor that will require bus priority measures along Samantha Riley Drive as part of the Bella Vista and Kellyville precincts Transit Oriented Development (TOD) program.

Several of the development's buildings are located within the road proposal area. While there is no current design or funding for the project, TfNSW request development does not occur within the pink areas shown on **TAB A** to allow the project to be developed in the future. The proponent is encouraged to engage with TfNSW to discuss this matter further.

2. The Hills Development Control Plan Part D Section 16 – 301 Samantha Riley Drive Kellyville identifies the need to install traffic control signals (TCS) and associated civil works at the intersection Samatha Riley Drive and Decora Avenue.

The Applicant will be required to submit as part of this approval process a TCS plan, concept road design plan with road design dimensions and swept paths of the design vehicle for all turn movements along with the electronic copies of network SIDRA models for this intersection.

TfNSW recommends a condition that prior to the issuing of any construction certificate for building structures on the subject site, an application shall be made to TfNSW under section 87 (4) of the *Roads Act 1993* for TCS at the intersection of Samantha Riley Drive / Decora Drive. Subject to the section 87 (4) approval of TfNSW, the developer will be required to enter a Works Authorisation Deed (WAD) with the agency for the proposed TCS and associated civil works prior to commencing the signal and road works.

Upon receipt of the amended DA, TfNSW will undertake an assessment and provide response accordingly.

If you have any further inquiries in relation to this matter, Simon Turner, Land Use Planner, would be pleased to take your call on 8265 6363 or email at [development-sydney@transport.nsw.gov.au](mailto:development-sydney@transport.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "BEPeg".

Brenden Pegg  
Acting Director Land Use  
Transport Planning, Planning, Integration and Passenger Division

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W [transport.nsw.gov.au](http://transport.nsw.gov.au)

TAB A – Development impacted by road proposal

