



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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15 March 2018

NSW Department of Planning and Environment
C/ Ms E Butcher
320 Pitt Street
SYDNEY NSW 2000

Dear Ms E Butcher

Council received notification on 5 February 2018 of a Section 75W application made to the NSW Department of Planning and Environment to modify a Part 3A approval for a seniors living development at 34-36 Memorial Avenue, Kellyville.

The Department has requested comment by 20 February 2018. The Department has granted an extension until 16 March 2018 in further correspondence. Ordinarily the modification would be reported to an Ordinary Meeting of Council for consideration. However, given the notification period it was not possible to report the matter to an Ordinary Meeting of Council in time to meet the notification closing date.

Accordingly, the views here-in are the professional opinions of Council staff only and not that of the Council. This is not to say that less weight should be given to the opinion of Council staff. The following comments are provided in relation to Planning, Engineering and Resource Recovery:

Planning Comments:

- The building separation does not meet the minimum requirements of the Apartment Design Guide at the fifth storey. 18 metres is required under the SEPP. Separation does not comply to Cluster 1 or 5, or between proposed Clusters 2, 3 and 4. Building separation should be increased to ensure suitable amenity is provided between existing and proposed buildings. The design quality of the buildings should not be compromised for the purposes of achieving a greater number of 3 bedroom units.
- The proposal exceeds the 16 metre height limit under LEP 2012. Consideration should be given to the impact of the additional height on the solar access amenity of open space areas within the development including the Cumberland Plain Woodland zone. The proposal should maintain or improve the level of solar access provided to the open space areas when compared to the original scheme.
- The proposal has not provided a clear assessment of the proposals impact on the solar access afforded to adjoining buildings known as Cluster 5, or the RACF impact on the solar access afforded to the proposed buildings. Analysis similar to that provided for Cluster 1 should be provided to the northern elevation of Cluster 2, 3 and 4 (to assess the impact of the RACF), and the northern elevation of Cluster 5.

- The proposal was not accompanied by an acoustic assessment which has specific regard to the noise emanating from the waste servicing area. An acoustic assessment should be carried out to inform the level of protection required to be afforded to the proposed and existing buildings. Further, it is assumed that a condition will be proposed, or maintained, to ensure Cluster 2, 3 and 4 will be designed to provide suitable protection from the current projected road noise from Memorial Avenue.
- The proposal redesigns the basement parking and full compliance with the provisions of Schedule 3 Part 1(5) of SEPP (Housing for Seniors or People with a Disability) 2004 should be achieved.
- The Department should be satisfied that the Section 94E Direction previously given continues to apply to the developer.
- The anticipated population density for the self-care units has increased despite the number of apartments being reduced. This is reflective of a density creep through the modification process. Prior to Modification 6 the density for the self-care units was 488.3 persons. Modification 6 approved a density of 521.4 persons. The proposed modification seeks a density of 536.1 persons (Based on an assessment against the density provisions of DCP Part B Section 5 – Residential Flat Building).

Engineering Comments:

- A condition is required stating that the basement access is protected from flooding as outlined in the stormwater report.
- A condition is required stating that all runoff is directed to the existing sag in Free Settlers Drive rather than being sent north towards Memorial Avenue (as the RMS design for that road has not been sized to cater for any runoff from these development sites and is the subject of current discussions between the RMS, BECA and Council staff).
- The available headroom along the ramp and above the waste collection area is unclear and compliance with the Council specifications should be demonstrated.
- The blind aisle under Cluster 4 is too long/ non-compliant and needs a dedicated turning space at the end adjacent to the ramp.
- Both ramps have a shutter at the bottom. This means if a vehicle enters the site and is unable to get past the shutter they will need to reverse back up the ramp which is not supported. The shutters need to be more appropriately located or removed (or a dedicated turning area provided in front).
- Disabled space 28 is not located near a lift.
- The development footprint looks to encroach into the Cumberland Plain Woodland restricted development area within the site/ on the property title, created in a previous stage and relied upon as part of the original approval on the site. Any modification will require an amendment to any legal restriction on Title.

Resource Recovery Comments

- Whilst garbage collection will be done privately, for a site this size, a turntable in the basement for the waste collection vehicle should not be required. Space is not limited and this could/ should be designed out.

If you have any questions please contact me on 9843 0275 or hburnett@thehills.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Henry Burnett', written in a cursive style.

HENRY BURNETT
SENIOR TOWN PLANNER