

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

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| JRPP No | 2014SYW117 |
| DA Number | DA 256/2015/JP |
| Local Government Area | THE HILLS SHIRE COUNCIL |
| Proposed Development | CONSTRUCTION OF FOUR (4) RESIDENTIAL FLAT BUILDINGS AND SIX (6) TERRACE STYLE DWELLINGS CONTAINING AN OVERALL TOTAL OF 148 UNITS |
| Street Address | 27-33 NORTH ROCKS ROAD, NORTH ROCKS, LOT 2 DP 1158967, LOT 101 DP 617754, LOT 2 DP 721567, LOT 3 DP 22931, LOT 1 DP 127003, LOT 2 DP 22931 |
| Applicant/Owner | MICHAEL GHEORGHIU |
| Number of Submissions | ONE |
| Regional Development Criteria (Schedule 4A of the Act) | GENERAL DEVELOPMENT WITH A CIV OF \$20 MILLION. |
| List of All Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i): <ul style="list-style-type: none"> - The Hills Local Environmental Plan 2012 - State Environmental Planning Policy (State and Regional Development) 2011. - State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development. • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - DCP 2012 Part D, Section 1 – 27-33 North Rocks Road, North Rocks. - DCP 2012 Part B Section 5 – Residential Flat Buildings - DCP 2012 Part C, Section 1 – Parking - DCP 2012 Part C, Section 3 – Landscaping • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000. |

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|---|---------------------------------------|
| List all documents submitted with this report for the panel's consideration | One submission |
| Recommendation | APPROVAL |
| Report by | SENIOR TOWN PLANNER SHANNON BUTLER |

BACKGROUND

MANDATORY REQUIREMENTS

| | | | |
|-----------------------|-----------------------------|----|---|
| Owner: | Austcorp No. 603 P/L | 1. | <u>LEP 2012</u> – Satisfactory. |
| Zoning: | R4 High Density Residential | 2. | <u>SEPP No. 65 – Design Quality of Residential Flat Development</u> – Complies. |
| Area: | 13,195.8m ² | 3. | <u>Draft DCP 2012 Part D, Section 1 – 27-33 North Rocks Road, North Rocks</u> – Complies. |
| Existing Development: | Vacant | 4. | <u>DCP 2012 Part B Section 5 – Residential Flat Buildings</u> – Variation proposed, see report. |
| | | 5. | <u>DCP 2012 Part C Section 1- Parking</u> – Complies. |
| | | 6. | <u>DCP 2012 Part C Section 3- Landscaping</u> – Complies. |
| | | 7. | <u>Section 79C (EP&A Act)</u> – Satisfactory. |
| | | 8. | <u>Section 94 Contribution</u> – \$274,274.68 |

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

| | | | |
|--------------------------|---------------|----|---|
| 1. Exhibition: | Yes, 30 days. | 1. | Capital Investment Value in excess of \$20 Million. |
| 2. Notice Adj Owners: | Yes, 30 days. | | |
| 3. Number Advised: | 86 | | |
| 4. Submissions Received: | One | | |

EXECUTIVE SUMMARY

The Development Application is for the construction of four residential flat buildings and six terrace style dwellings comprising a total of 148 units. The proposed unit mix is 59x1 bedroom units and 89x2 bedroom units. Basement car parking is proposed over two and a half levels, with a total of 296 spaces provided. The proposed buildings are up to 30 metres in height, being nine storeys.

Development Consent No. 776/2012/JP was granted by the Joint Regional Planning Panel on 28 November 2013 for the construction of a residential flat building development comprising four buildings and containing a total of 101 units on the subject site. The maximum height of the previously approved development was five storeys.

On 11 July 2014, LEP 2012 was amended to increase the maximum permitted building height on the subject site from 16 metres to 30 metres. The subject application seeks to increase the maximum height to nine storeys (or 30 metres). The subject proposal seeks to utilise the same building footprints and basement excavation approved in the previous

consent. The proposal has been designed in accordance with DCP 2012 Part D Section 1- 27-33 North Rocks Road, which was adopted by Council on 11 November 2014.

The proposal has been assessed against the provisions of Section 79C of Environmental Planning and Assessment Act 1979, Draft SEPP No. 65- Design Quality of Residential Flat Development, Local Environmental Plan 2012 and Development Control Plan 2012 Part D Section 1- 27-33 North Rocks Road, North Rocks, Part B Section 5- Residential Flat Building, Part C Section 1- Parking and Part C Section 3- Landscaping and is considered satisfactory.

The proposal is consistent with the controls and objectives of the site specific DCP and provides a built form that is envisaged for the site.

The application seeks a variation to the apartment mix requirements of DCP 2012 Part B Section 5- Residential Flat Buildings. The variation is addressed in the body of the report and does not warrant refusal of the application.

The application was notified and advertised for 30 days and one submission was received. The submission relates to traffic issues and does not warrant refusal of the application.

Accordingly, the proposal is recommended for approval subject to conditions.

In the absence of the JRPP process, the application would have been determined by Council's Development Assessment Unit.

HISTORY

| | |
|-------------------|---|
| 28/11/2014 | Development Application No. 776/2012/JP approved by the Joint Regional Planning Panel for the construction of four apartment buildings comprising a total of 101 units. |
| 11/07/2014 | Local Environmental Plan 2012 amended to increase the maximum permitted building height on the subject site from 16 metres to 30 metres. |
| 26/08/2014 | Subject Development Application lodged with Council. |
| 09/09/2014 | Amendments to DCP 2012 Part B Section 5- Residential Flat Buildings adopted by Council. The amendments included additional unit floor area and apartment mix controls (these controls are addressed in Section 3 of this report). |
| 23/09/2014 | Letter sent to the applicant in relation to unit floor area, unit mix, engineering issues and waste management issues. |
| 28/10/2014 | Draft DCP 2012 Part D Section 1- 27-33 North Rocks Road reported to Council and adopted. |
| 19/11/2014 | Additional information submitted by the applicant in response to Council's letter of 23 September 2014. |

SUBJECT SITE

The subject site has a total area of 13,195.8m², is located on the western side of North Rocks Road and comprises five (5) allotments. It is irregular in shape and has a frontage of approximately 99.6m to North Rocks Road to the south-east and 148.3m to James Ruse Drive to the south. The north-eastern boundary is 46.3m in length and adjoins an access lane from North Rocks Road North Rocks Road. Darling Mills Creek forms the northern and western boundaries of the site.

The site has a natural fall of approximately 15 metres from the south-eastern corner of North Rocks Road to the western boundary. The eastern part of the site has previously been excavated for development. The site was previously used for industrial purposes and is currently vacant.

BACKGROUND

Development Consent No. 776/2012/JP was granted by the Joint Regional Planning Panel on 28 November 2013 (DA 776/2012/JP) for the construction of a residential flat building development comprising four buildings and containing a total of 101 units on the subject site. The maximum height of the approved development was five storeys.

On 11 July 2014, LEP 2012 was amended to increase the maximum permitted building height on the subject site from 16 metres to 30 metres. Hence, the subject application seeks to increase the maximum height to nine storeys (or 30 metres). The subject proposal seeks to utilise the same building footprints and basement excavation approved in the previous consent.

PROPOSAL

The Development Application is for the construction of four residential flat buildings and six terrace style dwellings comprising a total of 148 units. The proposed unit mix is 59x1 bedroom units and 89x2 bedroom units. Basement car parking is proposed over two and a half levels, with a total of 296 spaces provided. The proposed buildings are up to 30 metres in height, being nine storeys.

The proposal includes works within 40 metres of Darling Mills Creek and requires a separate approval from the NSW Office of Water as an Integrated Development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

Vehicular access is proposed via a private access road off North Rocks Road, located parallel to James Ruse Drive. Therefore all vehicular access will be via North Rocks Road. The private road and associated bridge over Darling Mills Creek has been granted development consent via DA 1689/2010/HC. A Right of Carriageway has been created over the subject site and adjoining site (23 North Rocks Road) in favor of 25 North Rocks Road via order under Section 40 of the Land and Environment Court Act 1979 to allow for the construction of the private road traversing these allotments.

The subject site has been identified as a 'Target Site' as part of the Residential Housing Strategy. This strategy was prepared to satisfy the requirements of SEPP No. 53-Metropolitan Residential Development. The Residential Housing Strategy requires a site-specific development plan to be prepared for any development sites prior to any redevelopment. This has been conducted and finalised as a separate process to the subject application.

ISSUES FOR CONSIDERATION

1. Compliance with Local Environmental Plan 2012

The subject site is zoned R4 High Density Residential under the provisions of Local Environmental Plan (LEP) 2012. Development for the purpose of a residential flat building is permissible with consent in the R4 High Density Residential zone. Clause 4.1A(2) requires a minimum site area of 4000m² for residential flat building developments in the R4 High Density Residential zone. The proposed site area is 13,195.8m². There is no floor space ratio (FSR) requirement for the site.

LEP 2012 imposes a maximum building height of 30 metres for the subject site. The proposed buildings achieve compliance with this building height. Clause 5.6 of LEP 2012

allows for architectural roof features which exceed the maximum permitted building height. Clause 5.6 reads as follows:

"(1) The objectives of this clause are as follows:

(a) to allow architectural roof features that will integrate with building composition and form and encourage a high quality built form.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature."

Block A contains an architectural roof feature that exceeds the maximum permitted building height by 1.2 metres. The feature is a decorative element that is not an advertising sign, does not include floor space and would not contribute to the overall overshadowing of the proposal on surrounding lands/properties. Therefore, the architectural roof feature to Block A is considered appropriate and is compliant with Clause 5.6 of LEP 2012.

2. Compliance with DCP 2012 Part D Section 1- 27-33 North Rocks Road, North Rocks

Development Control Plan 2012 Part D Section 1- 27-33 North Rocks Road, North Rocks (a site specific DCP) was adopted by Council on 11 November 2014. This adopted DCP superseded the previous site specific DCP. It is noted that the subject Development Application was lodged with Council prior to the adoption of the site specific DCP, however the proposal has been designed fully in accordance with the controls within the document.

3. Compliance with DCP 2012 Part B Section 5- Residential Flat Buildings

The proposed development has been assessed against the relevant development standards and objectives of DCP 2012 Part B Section 5- Residential Flat Buildings (in areas where the target site DCP is silent) and the following variation has been identified:

| DEVELOPMENT STANDARD | BHDCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|-----------------------------|---|---|---|
| Unit layout and design | <u>Apartment mix</u> a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom | <u>Apartment mix</u> The proposal is for 59 x 1 (39.8%) bedroom units and 89 x 2 (60.2%) bedroom units. There are no | The proposal does not comply with the apartment mix requirements as over 25% of the units are one bedroom. In |

| DEVELOPMENT STANDARD | BHDCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|----------------------|---|---|---|
| | apartments. b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms. <u>Unit floor areas</u> d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the table below (see discussion below). | three bedroom units proposed. <u>Unit floor areas</u> The proposal satisfies the above standards as the type 1 and type 2 one bedroom units do not exceed 30%. There are no three bedroom units (see attachment No. 9 for a table addressing unit floor area compliance). | addition, there are no three bedroom units proposed. The development application was lodged prior to the amendment of the DCP to include the apartment mix controls. The proposed unit floor areas achieve compliance. |

a) Unit Layout and Design

DCP 2012 Part B Section 5- Residential Flat Buildings was amended on 9 September 2014 to include the following requirements relating to apartment mix and unit floor areas:

Apartment Mix

(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.

(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

The proposal is for 59 x 1 bedroom units (39.8%) and 89 x 2 bedroom units (60.2%). There are no three bedroom units proposed. Therefore, the proposal does not comply with either requirement relating to unit mix.

Unit Floor Areas

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

| Apartment size category | Apartment size |
|-------------------------|------------------|
| Type 1 | |
| 1 bedroom | 50m ² |
| 2 bedroom | 70m ² |
| 3 or more bedrooms | 95m ² |
| Type 2 | |

| | |
|--------------------|-------------------|
| 1 bedroom | 65m ² |
| 2 bedroom | 90m ² |
| 3 or more bedrooms | 120m ² |
| Type 3 | |
| 1 bedroom | 75m ² |
| 2 bedroom | 110m ² |
| 3 or more bedrooms | 135m ² |

(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

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

(g) All remaining apartments are to comply with the Type 3 apartment sizes.

The proposal satisfies the above standards as the type 1 and type 2 one and two bedroom units do not exceed 30%. 97% of the units comply with the type 3 category and the remaining 3% comply with the type 2 category. There are no three bedroom units.

The applicant has addressed the variation to the apartment mix controls as follows:

"The proposal does not provide any three bedroom units and therefore does not comply with Council's requirement to provide a minimum of 10% of three bedroom units. Notwithstanding this, the proposal is in an area that provides a variety of housing types including detached three bedroom houses, which any three bedroom apartments in this proposal would be competing with. Due consideration has been given to this issue, where the design has arranged one and two bedroom units side by side, in a fashion that if a buyer wished to purchase a three bedroom unit, they could so by amalgamating a one and two bedroom unit.

Given the above we believe that:

- The proposal offers apartments that are large for the area and compliant with Council's minimum unit size controls;*
- Provides apartments that achieve a high quality of residential amenity; and*
- Provides units that contribute to achieving housing diversity in the locality."*

Comment:

The proposed apartment mix is considered satisfactory for the following reasons:

- The application was lodged prior to the adoption of the amended DCP which included the apartment mix controls. The apartment mix is consistent with the mix that was provided with the documentation that accompanied the planning proposal. It is noted that the previously approved residential flat building development on the site involved a similar unit mix (36x1 bedroom units (35%) and 65x2 bedroom units (65%)).
- The proposal has been designed in accordance with the requirements of the site specific DCP with regard to density and overall yield considerations. When the site

specific DCP was prepared, the recently adopted apartment mix requirements were not envisaged.

Accordingly, the proposed apartment mix is considered satisfactory.

4. Issues Raised in Submissions

The application was notified and advertised for thirty days and one submission was received. The issues raised in the submission are addressed as follows:

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|---------------------------------------|
| The site is bound by three major roads being James Ruse Drive, Windsor Road and North Rocks Road. It also sits between Northmead High School and St Monica's and a lot of small medium and large business and an aged care facility as well as residences. There is currently major congestion during peak hour on these roads and an increase of local traffic will cause a major bottleneck where North Rocks Road meets Windsor Road. Having all traffic from the development coming onto North Rocks Road would appear to be a poor solution because it was the easiest and cheapest. There should be multiple access points to more evenly disburse traffic and increase safety for the general community. | The current traffic congestion on the roads surrounding the development site is noted. A condition of consent is recommended requiring the developer to partially fund roadworks to increase the extent of lane storage on North Rocks Road for vehicles turning left into Windsor Road. It should also be noted that intersection design for the private road and North Rocks Road includes a median turning lane to enhance the safety of users of the intersection. An access point to Windsor Road from the subject development site and 25 North Rocks Road could not be achieved, as the NSW Roads and Maritime Services (RMS) would not permit access from the sites due to proximity to a major intersection. | Issue addressed. See Condition No. 7. |

5. Compliance with Draft SEPP No. 65 Design Quality of Residential Flat Development and Residential Flat Design Code

A review of SEPP 65 and a new supporting Apartment Design Guide was placed on exhibition from 23 September 2014 until 31 October 2014. A number of changes are now proposed to the Policy together with the new Apartment Design Guide (replacing the Residential Flat Design Code). The changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design.

The key changes are:

- The Policy will now apply to mixed use development and shop top housing;
- Key sections of the Apartment Design Guide will prevail over any DCPs.;
- Car parking is either removed or reduced for sites within 800m of a rail station or light rail stop; and

- The existing Design Quality Principles are proposed to be consolidated and simplified.

The Residential Flat Design Code has been renamed as the Apartment Design Guide. The changes proposed to the Guide include the following:

- Specific criteria and solutions for design outcomes;
- Greater flexibility for applicants to propose alternative design solutions in areas such as deep soil and open space, balconies, and apartment layout, to suit the needs of a particular development;
- A minimum size of 35m² for studio apartments (other minimum apartment sizes are already specified);
- Greater flexibility for applicants to reduce or remove car parking spaces, where there is good access to public transport and there is market demand to do so; and
- Criteria and solutions for managing external noise and for limiting noise transfer between apartments, buildings and their private open spaces.

Council considered a report on the new provisions at its Ordinary Meeting on 14 October 2014 and resolved as follows:

A submission be provided to the Department of Planning and Environment, together with a copy of this report, expressing our disappointment to a one size fits all approach to planning principles and advising that Council strongly opposes the application of State Environmental Planning Policy 65 and the new supporting Apartment Design Guide to the Hills Shire as it undermines Council's housing strategy and development standards and will result in housing stock that does not respond to the needs of existing and future residents.

On 23 October 2014 Council forward a submission to the Department of Planning and Environment outlining Council's resolution.

As outlined above in the report, the proposal meets the requirements of Council's DCP in relation to the key considerations of unit size and mix and car parking provision. The proposal is considered to be satisfactory in regard to the current provisions of SEPP 65 and the RFDC.

The proposal is also considered satisfactory in relation to the draft documents. The proposal continues to meet the objectives of the Draft SEPP and achieves the revised principles for good quality design.

The proposal is satisfactory in regard to the Draft SEPP 65 and the Apartment Design Code.

The merits of the application in terms of urban design and the relationship to the site constraints are:

i) Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The subject site is located in an area zoned R4 High Density Residential to facilitate high density residential flat buildings. The proposed residential flat buildings will integrate with the 'desired future character' of the area that is responding to the growing need for high density residential dwellings in proximity to major centres. The site is in close proximity to major roads including James Ruse Drive and Windsor Road.

The 'desired future character' of the site is defined by the site specific DCP. The proposed development will integrate with the 'desired future character' of the area that is responding to the growing need for higher density residential development in this part of the Shire.

The scale and height of the proposed development is appropriate within the context of the 'desired future character' of the area. The proposed height of the building maintains a transition in built form generally and will not cause significant adverse impacts onto adjoining properties in terms of overshadowing and view loss.

The proposed development provides setbacks to the street, to the rear and to the side appropriate to its context. The site is adjacent to a public open space and Darling Mills Creek which allows the development to respond to this setting and create a built form which addresses the park and creek and creates visual interest.

Adequate solar access is available in mid-winter which provides a high level of amenity for all the units.

A large portion of the site is common open space and the majority of the site will be soft landscaped. The proposed landscape plan includes a significant number of trees which will grow to maturity. The development does not affect any tree on any adjoining property.

ii) Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The scale and height of the proposed development is appropriate within the context of the 'desired future character' of the area. The proposed heights of the buildings maintain a transition in built form from the adjoining single dwellings (9 metres) to the approved residential flat building development at 25 North Rocks Road (10 storeys or 33 metres).

The heights of the buildings are appropriate to the width of the street and landscaping is proposed within the front setback to soften the impacts of bulk and scale on the streetscape.

The proposal is well set back from the street frontage which provides satisfactory visual and acoustic privacy for future occupants. There is a clear delineation between the public and private domain. The setback allows for the landscape to complement the existing streetscape which helps to minimise the appearance of building mass when viewed from the street.

The buildings have been orientated towards Darling Mills Creek to contribute positively to the desired high density streetscape character and provide casual surveillance

opportunities. Articulated facades break up the apparent mass of the façade and create an interesting streetscape presentation.

The proposed deep-soil planting zone and provision of landscape throughout the site will help reduce the scale of the proposed building and integrate the proposed development with the surrounding environment.

iii) Principle 3 - Density

Good design has a density appropriate for a site and its context, in terms of the number of units or residents. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The site is located in a high density residential zone and is located adjacent to a site which enjoys a notable higher density than allowed on the subject site (No. 25 North Rocks Road). The proposal meets the required area of common open space at ground level. It also satisfies the Residential Flat Design Code standards.

The density is suitable for the site given its accessibility, its access to common and public open space, the immediate built form context of the site and the high amenity achieved for every unit in the development.

iv) Principle 4 - Sustainability

Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment:

The Development Application is accompanied by a BASIX Certificate. The proposed development provides adequate solar access to the units with 90% of units receiving 4 hours of sunlight into the living room and 90% of the private open spaces receiving 4 hours sunlight during mid-winter.

There are no single aspect units facing south. All single aspect units have a generous northern aspect and are very wide apartments with excellent daylight penetration.

A waste management plan has been prepared and submitted with the development application and is considered satisfactory.

Triple A fixtures are proposed for bathroom, kitchen laundry, urinals, showerheads, dishwashers and toilet cisterns. Appropriate landscaping has been provided to reduce the quantity of urban stormwater runoff. Rainwater tanks are proposed.

v) Principle 5 - Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment:

The buildings are oriented to the proposed central common open space with the main entrances to each building fronting this common open space. Deep soil planting is provided at the periphery of the site to accommodate suitable screen planting. Combinations of deep soil planting and impervious areas are proposed at the ground floor level to allow for a good landscape outcome and usable private spaces. Proposed fencing has been carefully designed to create a satisfactory interface with the public domain.

The buildings have been stepped to reduce cut and fill on the site. While the majority of common open space is above the basement, sufficient soil depth is proposed to provide satisfactory landscaping.

vi) Principle 6 - Amenity

Good design positively influences internal amenity for residents and external amenity for neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

The proposed apartment layout demonstrates satisfactory spatial arrangement of rooms, circulation between rooms and the degrees of privacy of each room that will allow for good amenity for all the units in the development. The articulation of the building and provision of open space will ensure a maximum standard of residential amenity.

As stated above, the solar access for the development is considered satisfactory. There are no single aspect apartments facing south. The development also achieves a high degree of cross-ventilation.

Units are provided with good solar penetration and ventilation and with sizes consistent with the Residential Flat Design Code.

The location of the site maximises the use of public transport given the close proximity to bus services. The proposed garbage room is also centrally located and easy to access.

vii) Principle 7 - Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The following security measures are included in the design of the development:

- The entrances are clearly identified from the street and clear sightlines are established from the front entry to the street. A secure gate is provided near the boundary which provides access to the common open space. From the common open space each building has secure lobby entrances;

- There is casual surveillance of the communal open spaces on the site, including the main entrances, from the units. Corner balconies/windows and balconies provide a wider degree of casual surveillance along the street;
- The design has aimed to avoid dark alcoves and provide well-lit routes through the development (especially at main entrances and in common areas). Lighting details will be furnished in accordance with Australian Standards;
- Intercom systems are provided for the pedestrian entrances of each building and the main entrances and lift alcoves in the basement.

viii) Principle 8 – Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The proposal includes a mix of one and two bedroom units which will accommodate a range of different ages and professions from single professionals requiring single bedrooms, young families that only require two bedroom units and mature couples without children that may require one or two bedroom units.

The applicant has advised as follows:

The proposed unit mix meets the needs of the future demographic profile where household sizes are getting smaller and the demand for 1 and 2 bedroom units increases. The ABS population projection in 2010 showed an unexpected increase in population and the Department of Planning in their discussion paper "Towards 2036" called for increases in the numbers of small units (1 and 2 bedroom) to meet the metropolitan area's future needs. In this regard, the proposed smaller units would help with housing affordability. At the same time, the proposed unit sizes are consistent with the Residential Flat Design Code standards.

The proposed development maximises the accessibility for disabled persons. Sufficient disabled car parking spaces are provided and located near the main access and lift of the building. Passenger lifts provide easy access to all levels of the building.

The proposal includes a usable outdoor common open space with areas of direct solar access and areas of shade. The provision of common open space is greater than what is set out in the Residential Flat Design Code. Combined pervious and impervious areas are proposed to create a usable setting which can accommodate a range of activities.

In summary, the proposed development provides good residential amenity, is close to employment, public transport and services and offers units which meet the needs of the metropolitan area's demographic profile.

ix) Principle 9- Architectural Expression

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.

Comment:

The character and aesthetics of the new buildings is sympathetic to the adjacent built environment. It is modern in style and form and utilises a combination of materials.

The landscape treatment seeks to soften the built form and integrate with the development and the site's context. Deep root planting zones provide the opportunity to have denser and taller trees that partially screen the proposed building from the road.

The material, colours and textures of the proposed development will integrate with the desired character of the locality. This includes the use of a variety of cladding and painted render of varying colours.

The breaking of the development into four buildings reduces the impact of bulk and scale and allows the green space to flow through the site.

SEPP 65 - Residential Flat Design Code Compliance Table

| ITEM | GUIDELINE | COMMENT | COMPLIES |
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| Part1 Local Context | | | |
| Context | Local Context - <ul style="list-style-type: none"> Undertake a local context analysis. | Depicted in the drawings and addressed in the Statement of Environmental Effects submitted with the Development Application. | Yes |
| | Residential Flat Building Types - <ul style="list-style-type: none"> Tower apartments are best used where higher densities are desired; provide for strong urban forms and precincts; and mixed uses at lower levels. | There are no tower elements proposed with the current Development Application. | N/A |
| | Building Height - <ul style="list-style-type: none"> Test height controls against the FSR and the proposed number of storeys and minimum ceiling heights. | The proposed building height achieves compliance with LEP 2012, as discussed in Section 1 of this report. The subject site does not have an applicable FSR as the built form is specified within the site specific DCP. | Yes |
| | Building Depth - <ul style="list-style-type: none"> An apartment building depth of 10-18 metres is appropriate. Developments that proposed wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved. | The maximum building depth proposed is 7.95 metres. | No, however the proposed building depth allows considerable solar access and ventilation and is satisfactory. |
| | Building Separation - <ul style="list-style-type: none"> Increase building | The building separation is | No, |

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| | <p>separation distances as building height increases as follows:</p> <p>Up to four storeys:</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies. • 9m between habitable rooms/balconies and non-habitable rooms. • 6m between non-habitable rooms. <p>Up to five to eight storeys:</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies. • 13m between habitable rooms/balconies and non-habitable rooms. • 9m between non-habitable rooms. <p>Nine storeys and above:</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies. • 18m between habitable rooms/balconies and non-habitable rooms. • 12m between non-habitable rooms. | <p>proposed to range between 9 metres and 12 metres between habitable rooms and balconies. This variation was considered in the previous development application on the site and is consistent with the controls in the site specific DCP. The buildings are not aligned with each other and are sufficiently offset to prevent privacy issues or the appearance of attachment. The separation of the proposed built forms of the development limits the appearance of excessive bulk and scale.</p> | <p>however the building separation is consistent with the site specific DCP.</p> |
| | <p>Street Setbacks -</p> <ul style="list-style-type: none"> • Identify desired streetscape character. • Minimise overshadowing of street and buildings. • Consider secondary upper level setbacks to reinforce desired scale of buildings on the street. • Underground parking structures, awnings and balconies may encroach on the setback. | <p>The proposed front setback to North Rocks Road is 10 metres and 19 metres to James Ruse Drive.</p> | <p>Yes</p> |
| | <p>Side and Rear Setbacks</p> <ul style="list-style-type: none"> • To retain or create rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form. • Consider building separation, open space | <p>6m side-setbacks match adjoining development.</p> <p>Suitable perimeter plantings and deep soil to provide buffer to adjacent buildings</p> <p>Consistent street treatments.</p> | <p>Yes</p> |

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| | <ul style="list-style-type: none"> and soil zones. • Relate setbacks to existing streetscape pattern. | | |
| | Floor Space Ratio - <ul style="list-style-type: none"> • Height, setbacks and FSR are to be consistent. | <p>The proposed building configuration breaks up bulk and scale.</p> <p>There is no FSR specified for the subject site, as the built form is dictated by the site specific DCP.</p> | Yes |
| Part 2 Site Design | | | |
| Site Analysis | <ul style="list-style-type: none"> • Site analysis to include plans and sections of the existing features of the site, and written description. | Included in SEE and site analysis materials submitted. | Yes |
| Site Configuration | Deep Soil Zones - <ul style="list-style-type: none"> • Optimise provision of deep soil zones. • Support a rich variety of vegetation type and size. • Increase permeability of paved areas. • 25% of open space to be deep soil zone. | <p>Large deep soil areas provided around basement.</p> <p>Largest deep soil area is adjacent to open space and at the lower portion of site to assist in stormwater infiltration.</p> <p>28% of the site comprises deep soil zones.</p> <p>Common open space is centrally located and is predominately deep soil.</p> | Yes |
| | Fence and Walls - <ul style="list-style-type: none"> • Respond to character of street and area. • Delineate private and public domain without compromising safety and security. • Contribute to amenity, beauty and usability of private and communal open spaces. • Retain and enhance amenity of public domain by avoiding continuous lengths of blank walls and using planting to soften the edges and reduce their scale. | <p>A low level stepped brick fence is proposed on the North Rocks Road frontage, with an average height of 750mm.</p> <p>This is detailed on the landscape drawings.</p> | Yes |

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| | <ul style="list-style-type: none"> • Select durable materials which are easily cleaned and graffiti resistant. | | |
| | <p>Landscape Design -</p> <ul style="list-style-type: none"> • Improve amenity of open space with landscape design, including shade and screening. • Contribute to streetscape and public domain. • Improve energy efficiency and solar efficiency of dwellings and microclimate of private open spaces. • Design landscape with regard to site characteristics. • Contribute to water and stormwater efficiency. • Provide sufficient depth of soil above pavers. • Minimise maintenance by robust landscape elements. | <p>Photomontage and landscape design is suitable.</p> <p>Central communal area provided between buildings.</p> <p>Landscape plan and location of deep soil contributes to water infiltration.</p> <p>Native species and low water species are proposed to reduce water consumption and maintenance.</p> | Yes |
| | <p>Open Space -</p> <ul style="list-style-type: none"> • Provide communal open space which is appropriate and relevant to the context and building setting. • Facilitate the use of communal open space by solar access, site features, and minimise overshadowing. • Provide private open space for each apartment. • Local open space to increase residential amenity. • Provide environmental benefits including habitat, microclimate, rainwater, percolation, outdoor drying area. • Communal open space should be 25-30% of site area. • Minimum private open space for each apartment is 25m² at | <p>Communal open space detailed on landscape drawings. Will receive ample solar access in morning and afternoon. The central communal area is centrally placed and orientated to the creek. The total communal area is 2,376m².</p> | Yes |

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| | ground level/above podium with minimum dimension of 4m. | | |
| | Orientation - <ul style="list-style-type: none"> • Orient buildings to maximise north facing walls and provide adequate building separation. • Respond to streetscape and optimise solar access. • Courtyards and setbacks to northern boundaries. • Optimise solar access to living spaces and private open space by orienting them to the north. • Building elements to maximise sun in winter and shade in summer. | The design has maximised to the greatest possible degree the number of units with a northern aspect. | Yes |
| | Planting on Structures - <ul style="list-style-type: none"> • Design for optimum plant growth by appropriate soil and drainage conditions. • Design planters to support soil depth and plant selection. | The landscape plan establishes sufficient soil on the basement slab to ensure planting and basement setbacks are maintained in key locations to allow for mature planting. | Yes |
| | Stormwater Management - <ul style="list-style-type: none"> • Retain stormwater on site. • Protect stormwater quality. • Control erosion. • Consider using grey water for site irrigation. | The on-site detention system design has been prepared in accordance with the Upper Parramatta Catchment Trust guidelines. | Yes |
| Site Amenity | Safety - <ul style="list-style-type: none"> • Delineate private and public space. • Optimise visibility, functionality and safety of building entrances. • Improve opportunities for casual surveillance. • Minimise opportunities for concealment. • Control access to the | <p>Clear delineation provided from entry to principal building entries.</p> <p>Passive surveillance well provided.</p> <p>Controlled access from entry gates.</p> | Yes |

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| | development. | | |
| | Visual Privacy - <ul style="list-style-type: none"> • Maximise visual privacy between adjoining buildings by separation, setbacks and site layout. • Design layouts to minimise direct overlooking of rooms and private open spaces. • Use site and building design elements to increase privacy without compromising light and air access. | Appropriate building separation from proposed bedrooms of units to habitable balconies of other units. | Yes |
| Site Access | Building Entry - <ul style="list-style-type: none"> • Improve presentation to street by entry treatment. • Direct connection and clear transition between street and entry. • Ensure equal access for all. • Provide safe and secure access. • Separate building entry from car parks. • Design entries/circulation to allow furniture movement. • Provide mailboxes to be convenient, but not clutter the appearance of the development from the street. | Each building has direct entry from the street with strong pedestrian connectivity through the site. | Yes |
| | Parking - <ul style="list-style-type: none"> • Determine car spaces by access to public transport, density and ability to accommodate on site. • Limit visitor spaces, where impact on landscape and open space is significant. • Give preference to underground parking. • Provide bicycle parking which is easily accessible. | <p>296 car parking spaces provided. 296 spaces required based on 89 x 2 BR and 59 x 1 BR (plus visitors parking).</p> <p>Underground parking provided.</p> <p>Bicycle parking accessible off street including secured resident parking and visitor parking.</p> | Yes |

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| | Pedestrian Access - <ul style="list-style-type: none"> • Accessible routes to public and semi-public areas. • Promote equity by entry location and ramps. • Ground floor apartments to be accessible from the street and associated open space. • Maximise number of accessible, visitable and adaptable apartments in a building. • Barrier free access to at least 20% of dwellings. | <p>Level (with a small grade) access provided from roads to building entrances and communal open space</p> <p>Barrier free access provided to all units.</p> | Yes |
| | Vehicle Access - <ul style="list-style-type: none"> • Ensure adequate separation between vehicle entries and street intersections. • Optimise opportunities for active street frontages and streetscape design. • Improve appearance of car parking entries. • Limit vehicle entries away from pedestrian entries and on secondary frontages. | <p>Vehicle ingress and egress can occur in a forward direction from the access road off North Rocks Road.</p> <p>The traffic report indicates sightline distances meet requirements and the proposal is considered satisfactory by Council's Traffic and Transport Co-ordinator.</p> | Yes |
| Part 3 Building Design | | | |
| Building Configuration | Apartment Layout - <ul style="list-style-type: none"> • Determine apartment sizes in relation to location, market, spatial configuration and affordability. • Ensure apartment layouts are resilient over time. • Design layouts to respond to natural and built environments and optimise site opportunities. • Avoid locating kitchen in circulation space. • Include adequate storage in the apartment. | <p>The proposal complies with the unit typologies outlined on Page 69 of the RFDC.</p> <p>In addition, the proposal complies with the unit floor area requirements which were recently added to DCP 2012 Part B Section 5-Residential Flat Buildings. These controls require more generous unit floor areas than those required by the RFDC.</p> | Yes |

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| | <ul style="list-style-type: none"> • Ensure apartments facilitate furniture removal and placement. • Single aspect apartments should be limited in depth to 8m from a window. Buildings not meeting this standard must demonstrate how satisfactory daylight and natural ventilation can be achieved. • Kitchen to be maximum of 8m from window. • Cross over or cross through apartments >15m deep to have minimum width of 4m. | | |
| | Apartment Mix - <ul style="list-style-type: none"> • Provide variety of apartments in larger buildings. • Refine appropriate mix by considering population trends and proximity to transport, employment and services. • Locate mix of 1 and 3 bed units on ground floor to enable access by disabled, elderly and families. • Optimise accessible and adaptable apartments. | <p>Apartment mix is considered satisfactory, i.e.</p> <p>39.8% 1 bedroom units 60.2% 2 bedroom units</p> <p>Accessible units are distributed throughout the ground floor levels.</p> <p>An access report was provided with the Development Application and is considered satisfactory.</p> | Yes |
| | Balconies - <ul style="list-style-type: none"> • Provide at least one primary balcony. • Primary balconies to be adjacent to living area. • Consider secondary balconies in larger apartments, adjacent to bedrooms and for clothes drying. • Balconies to respond to local climate and context, solar access, wind and privacy. • Design balustrades to allow views and casual | <p>Balconies provided adjacent to all living spaces. Ground floor units have good on-grade access as well as solar access.</p> <p>Balustrades are glazed with solid sections in some locations. Shading devices are provided.</p> | Yes |

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| | <p>surveillance, while providing safety and privacy.</p> <ul style="list-style-type: none"> • Co-ordinate and integrate building services with façade and balcony design. • Primary balcony to have minimum depth of 2m. | | |
| | <p>Ceiling Heights -</p> <ul style="list-style-type: none"> • Co-ordinate internal ceiling heights and slab levels with external height requirements. • Minimum floor to ceiling height of 2.7m. • Variations to demonstrate satisfactory daylight. | <p>Minimum ceiling height is 2.7m.</p> <p>Floor to floor is generally 3.0m.</p> | Yes |
| | <p>Flexibility -</p> <ul style="list-style-type: none"> • Provide robust building configurations which utilise multiple building entries and circulation cores. • Promote accessibility and adaptability by accessible and visitable apartments and pedestrian access. | <p>Buildings have main entrances as well as secondary entrances.</p> <p>Buildings provide disabled access.</p> | Yes |
| | <p>Internal Circulation -</p> <ul style="list-style-type: none"> • Increase amenity and safety by generous widths, lighting, minimising lengths, avoiding tight corners, legible signage and adequate ventilation. • Support better apartment layouts by designing buildings with multiple cores. • Articulate longer corridors by using series of foyer areas and windows along or at end of window. • Minimise maintenance and maintain durability by using robust materials in common circulation areas. | <p>Internal corridors are 1.6m wide. Buildings have internal corridors with natural light adjacent to lifts.</p> | Yes |

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| | Storage - <ul style="list-style-type: none"> • 50% of storage to be within apartment and accessible from hall or living area and dedicated storage rooms on each floor and car parks. • Storage to be suitable for local area and able to accommodate larger items (e.g. bicycles) • Ensure storage is secure for individual use. | <p>Storage areas are placed in a centrally accessible position in all apartments.</p> <p>Basement levels have secured residential storage rooms as well.</p> | Yes |
| Building Amenity | Acoustic Privacy - <ul style="list-style-type: none"> • Maximise acoustic privacy by adequate separation. • Internal layout to separate noise from quiet areas by grouping bedrooms and service areas. • Resolve conflicts between noise, outlook and views by design measures, such as double glazing. • Reduce noise transmission from common corridors. • Provide seals to entry doors. | <p>Acoustic report submitted takes into account the surrounding classified roads and the associated acoustic impact.</p> <p>Window glazing provided in accordance with the standards.</p> | Yes |
| | Daylight Access - <ul style="list-style-type: none"> • Orient building to optimise northern aspect. • Ensure daylight access to communal open space March-September and shade in summer. • Optimise apartments receiving daylight access to habitable rooms and principal windows. • Design for shading and glare control. • Living rooms and private open space of at least 70% of apartments should receive 3 hours direct sunlight between 9am | <p>90% of units have 4 hours solar access in midwinter to living rooms and balconies.</p> <p>90% of private open spaces receive at least 4 hours solar access in midwinter, having a generous northern aspect.</p> <p>The centrally located communal area has a good balance of solar access and shade year round.</p> <p>There are no south-facing single aspect units in the development.</p> <p>100% of living rooms and balconies achieve 2 hours</p> | Yes |

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| | <p>and 3pm in mid winter.</p> <ul style="list-style-type: none"> Limit single aspect apartments with a southerly aspect to a maximum of 10% of total units. | solar access in mid-winter. | |
| | <p>Natural Ventilation -</p> <ul style="list-style-type: none"> Promote and guide natural breezes. Utilise building layout and section to increase potential for natural ventilation. Internal layout to minimise disruptions and group rooms with similar usage together. Select doors and operable windows to utilise air pressure or windows to funnel breezes. Co-ordinate design with passive solar design. Explore innovative technologies to ventilate rooms. 10-18m of building depth recommended for natural ventilation. 60% of units to be naturally cross ventilated. 25% of kitchens to have access to natural ventilation. | All units are appropriately cross ventilated and all kitchens have access to adequate ventilation. | Yes |
| Building Form | <p>Awnings and Signage -</p> <ul style="list-style-type: none"> Locate awnings over building entries. Enhance safety by providing lighting. | Building entries are covered. | Yes |
| | <p>Facades -</p> <ul style="list-style-type: none"> Consider relationship between building form and façade or building elements. Facades to have appropriate scale, rhythm and proportion responding to use and desired character. Facades to reflect orientation of site | <p>As shown in the submitted photomontages the buildings are well articulated and proportioned.</p> <p>Wall surfaces are broken up by balconies which enhance the facades.</p> | Yes |

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| | <ul style="list-style-type: none"> using sun shading devices. Express important corners by giving visual prominence to parts of the façade. Co-ordinate and integrate building services and utility items. | | |
| | Roof Design - <ul style="list-style-type: none"> Relate roof design to desired built form. Relate to size and scale of building, elevations, building form. Respond to orientation of site. Minimise visual intrusiveness of service elements. Facilitate use of roof for sustainable functions. | The proposed roof forms are considered satisfactory and are consistent with those of future surrounding residential flat buildings. | Yes |
| Building Performance | Energy Efficiency - <ul style="list-style-type: none"> Incorporate passive solar design to optimise heat storage in winter and heat transfer in summer. Improve control of mechanical heating and cooling. Plan for photovoltaic panels. Improve hot water system efficiency. Reduce reliance on artificial lighting. Maximise efficiency of household appliances. | <p>Buildings have good passive design with long north facing design and shorter facades towards east and west.</p> <p>Apartments have good access to natural daylight.</p> <p>BASIX Certificate submitted with the Development Application meets the criteria.</p> | Yes |
| | Maintenance - <ul style="list-style-type: none"> Design windows to enable internal cleaning. Select manually operated systems, such as blinds. Incorporate and integrate building maintenance systems into the design of the building form, roof and façade. | <p>Principal windows have easy access for cleaning.</p> <p>Solar control devices have been provided on facades.</p> <p>Exterior materials are masonry and painted render.</p> <p>Landscape areas are accessible for maintenance.</p> | Yes |

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| | <ul style="list-style-type: none"> • Select durable materials which are easily cleaned. • Select appropriate landscape elements and vegetation and provide appropriate irrigation systems. • Provide garden maintenance and storage area. | | |
| | <p>Waste Management -</p> <ul style="list-style-type: none"> • Incorporate existing built elements where possible. • Recycle and reuse demolished materials. • Specify building materials that can be reused or recycled. • Integrate waste management into all stages of project. • Support waste management by specifying project needs and reducing waste by using standard product sizes. • Prepare waste management plan. • Locate storage areas for bins away from street frontage. • Provide waste cupboards or temporary storage area. • Incorporate on-site composting where possible. | <p>A Waste Management Plan has been submitted with the application.</p> <p>A central waste and recycling area is provided at street level which allows for pick up off the access road. This arrangement has been assessed to be satisfactory.</p> | Yes |
| | <p>Water Conservation -</p> <ul style="list-style-type: none"> • Use AAA rated appliances. • Encourage use of rainwater tanks. • Collect, store and use rainwater on site. • Incorporate local native vegetation in landscape. • Consider grey water recycling. | <p>BASIX Certificate covers water related strategies.</p> | Yes |

SUBDIVISION ENGINEERING COMMENTS

Flooding

The subject site is located along the Darling Mills Creek, a tributary of Upper Parramatta River Catchment, and the property is identified by Council to be a flood control lot. The part of the land where the proposed buildings are located is well above the 1 in 100 year flood inundation line. Multiple levels of basement carparking have been proposed, which require protection from flooding from the creek whilst the driveway entrance to the basement carpark requires protection from North Rocks Road flooding. The applicant has provided a Flood Impact Report addressing the flooding issues.

Stormwater Management:

The development proposes an underground on-site detention (OSD) tank, two Bio-retention systems and multiple Rainwater tanks to achieve design requirements relating to controlled runoff and water quality from the development. The applicant has submitted a stormwater concept plan and MUSIC Modelling, which are considered satisfactory in concept. In this respect, appropriate conditions have been recommended.

TRAFFIC MANAGEMENT COMMENTS

The application has been assessed by Council's Principal Traffic and Transport Co-ordinator and no objection is raised to the proposal subject to the following conditions:

- 1. Shared access arrangement with the previously approved residential flat building development at 25 North Rocks Road.*
- 2. Shared obligation with 25 North Rocks Road for the provision of a central turning lane in North Rocks Road fronting the proposed development.*
- 3. Contribution towards the cost of extending the existing left turn slip lane at the intersection of North Rocks Road and Church Street in accordance with the preliminary design provided by the RMS.*

These recommended conditions have been merged with the RMS condition, see Condition No. 7.

TREE MANAGEMENT COMMENTS

The application has been assessed by Council's Senior Tree Management Officer and no objection is raised subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The application has been assessed by Council's Senior Environmental Health Officer and no objection is raised subject to conditions.

RESOURCE RECOVERY COMMENTS

The application has been assessed by Council's Resource Recovery Projects Officer and no objection is raised subject to conditions.

NSW OFFICE OF WATER COMMENTS

The proposal includes works within 40 metres of a watercourse therefore it requires concurrence from the NSW Office of Water (NOW) under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979. NOW issued their General Terms of Approval (GTA) on 10 October 2014 (See Attachment No. 13). A condition of consent is recommended requiring compliance with the GTA, see Condition No. 6.

CONCLUSION

The proposal has been assessed against the provisions of Section 79C of Environmental Planning and Assessment Act 1979, Draft SEPP No. 65- Design Quality of Residential Flat Development, Local Environmental Plan 2012 and Development Control Plan 2012 Part D

Section 1- 27-33 North Rocks Road, North Rocks, Part B Section 5- Residential Flat Building, Part C Section 1- Parking and Part C Section 3- Landscaping and is considered satisfactory.

The proposal is consistent with the controls and objectives of the site specific DCP and provides a built form that is envisaged for the site.

The application seeks a variation to the apartment mix requirements of DCP 2012 Part B Section 5- Residential Flat Buildings. The variation has been addressed in the body of the report and does not warrant refusal of the application.

The application was notified and advertised for 30 days and one submission was received. The submission relates to traffic issues and does not warrant refusal of the application.

Accordingly, the proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

| DRAWING NO. | DESCRIPTION | REVISION | DATE |
|--------------------|-------------------------|-----------------|-------------|
| DA 1001 | Site Analysis | C | 19/08/2014 |
| DA 1101 | Basement Level 3 Plan | D | 13/11/2014 |
| DA 1102 | Basement Level 2 Plan | D | 13/11/2014 |
| DA 1103 | Basement Level 1 Plan | D | 13/11/2014 |
| DA 1104 | Lower Ground Level Plan | D | 13/11/2014 |
| DA 1105 | Upper Ground Level Plan | D | 13/11/2014 |
| DA 1106 | Level 1 Plan | C | 19/08/2014 |
| DA 1107 | Level 2 Plan | C | 19/08/2014 |
| DA 1108 | Level 3 Plan | C | 19/08/2014 |
| DA 1109 | Level 4 Plan | C | 19/08/2014 |
| DA 1110 | Level 5 Plan | C | 19/08/2014 |

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| DA 1111 | Level 6 Plan | C | 19/08/2014 |
| DA 1112 | Level 7 Plan | C | 19/08/2014 |
| DA 1113 | Roof Plan | C | 19/08/2014 |
| DA 1201 | Sections Sheet 1 | C | 19/08/2014 |
| DA 1202 | Sections Sheet 2 | D | 13/11/2014 |
| DA 1301 | Elevations West and South | C | 19/08/2014 |
| DA 1302 | Elevations North | C | 19/08/2014 |
| L01 | Landscape Plan | A | 21/08/2014 |
| L03 | Planting Plan 1/2 | A | 21/08/2014 |
| L04 | Planting Plan 2/2 | A | 21/08/2014 |

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

2. Construction Certificate

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

3. Provision of Parking Spaces

The development is required to be provided with 296 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

4. External Finishes

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

5. Building Work to be in Accordance with BCA

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

6. NSW Office of Water General Terms of Approval

The development shall comply with the NSW Office of Water General Terms of Approval dated 10 October 2014 and attached to this consent as Appendix A.

7. Compliance with Roads and Maritime Services Requirements

The development shall comply with the following NSW Roads and Maritime Services requirements:

- a) The intersection of Windsor Road – Church Street/North Rocks Road currently operates at capacity during both the AM and PM peak travelling periods because of extensive queues in North Rocks Road and along Windsor Road.

To address the additional traffic and congestion caused by this development proposal along the North Rocks Road approach, RMS requires that the applicant extends the storage within the left turn slip lane along North Rocks Road in accordance with the concept plan attached to this consent as Appendix B.

In addition, the applicant is required to construct a central turning lane on North Rocks Road, fronting the development site. The developer of No. 25 North Rocks Road shall be consulted in this regard.

The above works have also been conditioned upon No. 25 North Rocks Road, North Rocks, therefore, a cost sharing arrangement is to be entered into between both development sites.

The level of contribution payable by each party is to be calculated based on the following:

- The additional amount of traffic to be generated by each development at 25 North Rocks, North Rocks and 27-33 North Rocks, North Rocks as a percentage of the total amount of traffic currently using the intersection. Calculations are to be based on traffic volumes in the peak periods between 7-9AM and 4-6PM.

Prior to the issue of a Construction Certificate, written evidence shall be provided that a cost sharing arrangement has been entered into by the two parties. The evidence shall be documented into a legally binding agreement, which shall be reviewed by the RMS and Council prior to the issue of a Construction Certificate.

The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities.

- b) James Ruse Drive is a Controlled Access Road and therefore access is denied to this corridor.
- c) To facilitate the proposed right turning bays and subject to Council's Local Traffic Committee's approval, full time "No Stopping" restrictions are to be installed along both sides of North Rocks Road, covering the subject property frontage.
- d) Geotechnical and design details for the excavation and retaining structures are to be submitted to the RMS for review and approval. The developer is to pay for the full cost of the review by the RMS.
- e) Permanent or temporary anchors are not permitted within the James Ruse Drive road reserve.
- f) The development shall be designed such that road traffic noise from James Ruse Drive is mitigated by durable materials and complies with the requirements of Clause 102- (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- g) All works/regulatory signposting associated with the development are to be at no cost to the RMS.

8. Compliance with NSW Police Requirements

The development shall comply with the following NSW Police requirements:

- a) The basement car parking areas shall be painted white to assist in reflecting light.
- b) All vegetation, especially the shrubs and shade trees, is to be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.
- c) Bicycle parking areas shall be located where there is suitable casual surveillance potential. The provision of covered, lockable racks to secure bicycles increases the effort required to commit crime.
- d) The access/exit driveways are to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended.
- e) A CCTV system is to be installed to monitor common open space areas and the access/exit driveways of the underground car parks.

- f) All public access points are to be well marked.
- g) Police recommend the use of roller shutters placed at the vehicular entrance to the residential parking areas and further access control both into the grounds of the development or the residential buildings. Police recommend separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building.
- h) All fire exit stairwells are to be properly secured so as to only allow downwards travel and exit from the building. No person should be able to move up a level in the building through a fire escape stairwell without a key.
- i) Police recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

9. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as Report Ref 20111086.1/2208A/R2/YK , dated 22 August 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: the recommendations of Section 6 – Traffic Noise Intrusion Assessment.

10. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report Number E1558.1 AA dated 30th March 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- a) Preparation of an Asbestos Management and Work Plan prior to the commencement of any excavations works on site.
- b) During site redevelopment and bulk excavation works, removal of the asbestos impacted fill soils at the north-eastern (BH12 and BH13) and central (BH21) parts of the site in accordance with Work Cover NSW Authority guidelines.
- c) Classification and off-site disposal of asbestos impacted soils in accordance with the DECCW (2009) Waste Classification Guidelines.
- d) Validate that the excavated areas are left free of contamination by visual inspection and validation sampling by comparing analytical results for excavation surfaces and any backfill material, against the respective DECC/EPA thresholds.
- e) Preparation of a validation report by a qualified environmental consultant, certifying site suitability for the proposed development.

11. Carwash Bays

Any bays marked or signposted as being for car washing must be graded and drained to the sewer.

12. Bushfire Considerations

The landscaping of the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed area/mowed lawns/or ground cover plantings being provided in close proximity to the building.
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building.
- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%.
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).

- When considering landscape species consideration needs to be given to the estimated size of the plant at maturity.
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.
- Use smooth bark species of tree species which which generally do not carry a fire up the bark into the crown.
- Avoid planting of deciduous species that may increase fuel at ground level (i.e. leaf litter).
- Avoid climbing species to walls and pergolas.
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building.
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building.
- Use of low flammability vegetation species.

13. Tree Removal

Approval is granted for the removal of trees numbered 4, 11-27 as per arborist report prepared by TLC Tree Solutions dated December 2011.

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

14. Replacement Planting Requirements

To maintain the treed environment of the Shire five (5) advanced (100 litres) replacement trees from the following list are to be planted elsewhere within the property.

| | |
|------------------------------|---------------------|
| <i>Syncarpia glomulifera</i> | Turpentine |
| <i>Angophora costata</i> | Smooth barked Apple |
| <i>Eucalyptus pilularis</i> | Blackbutt |

15. Planting Requirements

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

16. Adherence to Waste Management Plan

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

17. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. Personal waste must not litter the site. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

18. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

19. Commencement of Domestic Waste Service

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

20. Construction of Bin Stores 1-6

All work involving construction of the bin stores is required to comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. The bins stores must also be roofed and contain an internal light. Minimum storage facility must be provided as follows:

Bin Store 1: 6 x 1100L garbage bins and 6 x 660L or 17 x 240L recycling bins

Bin Store 2: 6 x 1100L garbage bins and 6 x 660L or 17 x 240L recycling bins

Bin Store 3: 3 x 1100L garbage bins and 3 x 660L or 8 x 240L recycling bins

Bin Store 4: 3 x 1100L garbage bins and 3 x 660L or 8 x 240L recycling bins

Bin Store 5 + 6: 6 x 1100L garbage bins and 6 x 660L or 16 x 240L recycling bins

Additional space is to be provided to ensure sufficient separation of each bin type, movement of bins in and out of the bin stores and access by residents. Measurements of a 240L, 660L and 1100L bin are as follows:

240L: 735mm (d), 580mm (w) and 1080mm (h)

660L: 850mm (d), 1370mm (w) and 1250mm (h)

1100L: 1245mm (d), 1370mm (w) and 1470mm (h)

A copy of Council's Bin Storage Facility Design Specifications is available on Council's website.

21. Provision of No Parking Signs

No Parking 6:00am to 12:00pm Monday must be mounted in a visible location within the Porta Cochere and is to be maintained by the body corporate. This is to ensure that there is no conflict between waste collection and parked vehicles. This requirement must also be referenced within the strata management statement.

22. Provision of Bulky Waste Storage Area

A separate dedicated room or caged area must be provided for the interim storage and management of unwanted bulky items with a minimum area of 8m².

23. Bin Transfer Path Requirements

Reference is made to the Waste Management Plan (Drawing No. 1850 Issue p1) dated 3 November 2014. The path of travel for bins moved by Council waste collectors must be free of steps and kerbs and must not exceed a grade of 1:20 (5%). The path of travel for bins moved by building management must be free of steps and kerbs and should not exceed a grade of 1:20 (5%). All bin transfer paths must also be suitably sized for easy movement of an 1100L bin (bin dimensions: 1245mm (d), 1370mm (w) and 1470mm (h))

24. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

25. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

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

26. Protection of Public Infrastructure

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

27. Structures Adjacent to Piped Drainage Easements

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

28. Requirements for Council Drainage Easements

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

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

29. Access Road, Footpath and Landscaping

Throughout all stages of development the applicant must comply with their obligations relating to the construction of the access road, footpath and landscaping within the proposed right of carriageway 12m wide and variable as per the orders made by the NSW Land and Environment Court in Proceedings 30115 of 2009 dated 10 March 2010. Specifically, those matters listed under Point 5 of the Court orders.

30. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. The driveway to the basement carpark access must be designed to provide crest to a minimum RL 21.6m AHD (i.e 500mm above the 1 in 100 year ARI level) in accordance with the proposal to protect the basement car park from flood inundation.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

31. Gutter and Footpath Crossing Application

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

32. Excavation/ Anchoring Near Boundaries

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

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

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

33. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.

or telephone 13 20 92.

34. Compliance with RMS Requirements

Prior to the issue of a Construction Certificate evidence shall be provided to the Principal Certifying Authority (PCA) that a cost sharing arrangement has been entered into, as required by Condition No. 7(a) of this consent.

35. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

36. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system.

Details of the stormwater treatment device are to be submitted to Council for review and approved by Council's Manager Environment and Health prior to the issue of a Construction Certificate.

37. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$20,000 shall be lodged with Council to ensure satisfactory completion of the landscaping works.

The landscape bond shall be released:

- a) six months from the issue of the Final Occupation/Subdivision Certificate; and
- b) after submission of certification from a qualified landscape architect; or
- c) to the satisfaction of the Manager – Health & Environment;
- d) that the landscaping has been completed in accordance with the approved landscape plan.

38. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

| | <i>Purpose: 1 bedroom unit</i> | <i>Purpose: 2 bedroom unit</i> | <i>Purpose: Credit</i> | <i>No. Of 1 bedroom units: 59</i> | <i>No. of 2 bedroom units: 89</i> | <i>Sum of Units</i> | <i>No. of Credits: 6</i> | <i>Total S94</i> |
|--------------------------------|------------------------------------|------------------------------------|----------------------------|---|---|----------------------|------------------------------|----------------------|
| Community Facilities - Capital | \$ 100.08 | \$ 138.54 | \$ 269.35 | \$ 5,904.72 | \$ 12,330.06 | \$ 18,234.78 | \$ 1,616.10 | \$ 16,618.68 |
| Community Facilities - Land | \$ 6.36 | \$ 8.80 | \$ 17.11 | \$ 375.24 | \$ 783.20 | \$ 1,158.44 | \$ 102.66 | \$ 1,055.78 |
| Open Space - Capital | \$ 117.39 | \$ 162.47 | \$ 315.88 | \$ 6,926.01 | \$ 14,459.83 | \$ 21,385.84 | \$ 1,895.28 | \$ 19,490.56 |
| Open Space - Land | \$ 1,422.82 | \$ 1,970.06 | \$ 3,830.66 | \$ 83,946.38 | \$ 175,335.34 | \$ 259,281.72 | \$ 22,983.96 | \$ 236,297.76 |
| Roads & Traffic - Capital | \$ 4.90 | \$ 6.76 | \$ 13.14 | \$ 289.10 | \$ 601.64 | \$ 890.74 | \$ 78.84 | \$ 811.90 |
| Total | \$ 1,651.55 | \$ 2,286.63 | \$ 4,446.14 | \$ 97,441.45 | \$ 203,510.07 | \$ 300,951.52 | \$ 26,676.84 | \$ 274,274.68 |

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 7.

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

39. Internal Pavement Structural Design Certification

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

40. Creation/ Registration of Right of Carriageway

Prior to the issuing of any Construction Certificate documentary evidence must be submitted to Council confirming the registration of a right of carriageway 12m wide and variable over Lots 2 and 3 DP 247452 and Lot 101 DP 617754 in favor of Lot 100 DP 1128357 complying with the orders made by the NSW Land and Environment Court in Proceedings 30115 of 2009 dated 10 March 2010.

41. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

42. Works on Adjoining Land

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

43. Engineering Works and Design

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

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

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

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

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

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

The following engineering works are required:

i. RMS Requirements

Submission of a set of construction plans endorsed by the RMS for the works required as part of the development.

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps, must be provided on North Rocks frontage of the development site.

iii. Footpath Verge Formation

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

iv. Disused Layback/ Driveway Removal

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

v. Flooding

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour and provision of adequate flood protection measures to the development based on best engineering practices on river management and floodplain risk management principles and infrastructure assets, detailed design and construction drawings shall include:

(a) Design Levels

Finish levels of the habitable floors to be minimum 500m above the respective 1 in 100 year flood level along Darling Mills Creek as referenced in the Flood Impact Revised Report prepared by HKMA Engineers dated November 2, 2014.

All access to the building and basement car park shall be designed to incorporate adequate flood protection measures up to 500m above the respective 1 in 100 year ARI flood level in the vicinity.

Driveway access to the basement carpark at the entry shall provide a crest to a minimum RL 21.6m AHD i.e 500m above the respective 1 in 100 year flood level.

Note: Survey report confirming the construction compliance must be submitted upon completion of such works.

(b) Flood Compatible Materials

All structural components of the development must be flood compatible below the Flood Planning Level (500m above the respective 1 in 100 year flood level).

(c) Structural Design

All structural design must be considerate to withstand the forces of floodwater and buoyancy up to the Flood Planning Level (500m above the respective 1 in 100 year flood level).

(d) Flood Warning

Provision of adequate flood warning measures including signs, emergency response plan and flood level indicators with the development in accordance with the Flood Impact Report prepared by HKMA Engineers to ensure the building occupants are advised of the possible flood risks and appropriate emergency evacuation procedures.

vi. Stormwater Discharge – Creek Outlets

Piped stormwater outlets/ connections to Darling Mills Creek, a natural watercourse must comply with the requirements of Council and the NSW Office of Water (as well as Sydney Water, in the case of stormwater management land).

44. Onsite Stormwater Detention & Water Sensitive Urban Design Elements

An integrated stormwater drainage system including Onsite Stormwater Detention (OSD) system, Bio Retention Systems and Rainwater Tank is required in accordance with the stormwater concept plan prepared by HKMA Consulting Engineers Stormwater Drainage Layout Drawing 1142-C DA02 Issue E dated 14/07/2014 and the MUSIC Modelling referenced in the Stormwater Quality Management Plan Report Revision B dated July 2014 both prepared by HKMA Engineers.

The detailed design must reflect the approved concept plan and the following necessary changes:

a) The OSD must be provided in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

b) Water sensitive urban design elements, consisting of Bio Retention Systems and Rainwater Tanks, are to be provided in accordance with the approved concept plan and the above MUSIC modelling and concept plans demonstrating a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous

- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

Detailed plans for the OSD & Water Sensitive Urban Design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling.

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

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

45. Stormwater Pump/ Basement Car Park Requirements

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

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street along with the remaining site runoff, under gravity.

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

46. Draft Legal Documents

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

47. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$220,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (199m) multiplied by the width of the road (13m).

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

48. Security Bond – External Works

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

minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

49. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) Have no expiry date;
- b) Be sent to Council direct from the bank;
- c) Reference the development application, condition and matter to which it relates;
- d) The amount must match that required to be paid;
- e) If a single bank guarantee is used for multiple bonds, it must be itemised.

Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

PRIOR TO WORK COMMENCING ON THE SITE

50. Principal Certifying Authority

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

51. Builder and PCA Details Required

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

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

52. Erosion and Sedimentation Controls – Minor Works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

53. Stabilised Access Point

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

54. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

55. Erosion & Sediment Control Plan Kept on Site

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

56. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be as per Tree Protection Plan as per Arborist report for project.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ
- Placement of fill within TPZ
- Parking of vehicles within the TPZ
- Compaction of soil within the TPZ
- Cement washout and other chemical or fuel contaminants within TPZ
- Damage to tree crown

57. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to Tree Protection Fencing clearly indicating no access to area without authorisation from the project arborist or site manager. There is an example of an appropriate sign on p16 AS4970 (2009) Protection of trees on development sites.

58. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the TPZ are to be mulched with composted leaf mulch to a depth of 100mm.

59. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

60. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

61. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

62. Separate OSD & WSUD Detailed Design Approval

No work is to commence until a detailed design for the integrated stormwater drainage system has been approved by either Council or an accredited certifier.

DURING CONSTRUCTION

63. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

64. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 408350M_04 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

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

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

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

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

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

66. Stockpiles

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

67. Dust Control

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

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

68. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council seven (7) days of receiving notice from Council.

69. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council is to be notified and a site

contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council for review prior to works recommencing on site.

70. Project Arborist

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

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

71. Standard of Works

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

72. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

73. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

74. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

75. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

76. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the acoustic report submitted with the Development Application.

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

77. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

78. Final Inspection of Waste Storage Areas

Prior to an Occupation Certificate being issued, a final inspection of the waste storage areas and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

79. Supply of Waste Handling Equipment

Prior to an Occupation Certificate being issued, a mechanical bin tug (or equivalent) must be purchased for and provided at the development. The selected equipment must be suitable for all bin types required at the development, and is required to have the capacity to move bins over all ramps and slopes between bin stores 3 and 4 and bin stores 5 and 6.

80. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

81. Flood Emergency Response Plan

Prior to the issue of an Occupation Certificate the applicant is to prepare and submit to Council for approval a site specific Flood Emergency Response Plan. The Flood Emergency Response Plan is to be specifically focused on the proposed landuse and the site conditions in conjunction with flood behaviour up to and greater than the 100 year ARI flood event experienced at the site.

Preparation of the Flood Emergency Response Plan shall be in accordance with the Upper Parramatta River Catchment Flood Risk Management Plan and rely on the State Emergency Service (SES) Floodsafe & Stormsafe, available at the SES website <http://www.ses.nsw.gov.au/topics>, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

NOTE: The site specific Flood Emergency Response Plan is to be certified by a suitably qualified emergency management specialist, experienced in emergency urban flash flooding response prior to submission to Council.

82. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

83. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

84. Flood Extent Plan and Certification

Flood protection measures as required under this consent must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate.

The following documentation is required to be prepared and submitted upon completion of the above works and prior to a final inspection:

- a) A plan of survey prepared by a registered surveyor that shows the 1:100 year ARI storm flood levels associated with the adjacent drainage system. The plan must reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm event(s).
- b) A certificate from a suitably accredited engineer verifying that the design levels of the building and the driveway crest levels comply with the freeboard requirements;

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

85. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

86. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

87. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

88. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

89. Water Sensitive Urban Design Certification

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

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

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

90. Pump System Certification

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

91. Performance/ Maintenance Security Bond

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

92. Removal of Sediment and Erosion Control Measures

Where the sediment and erosion control measures are required to be retained post construction to allow the site to establish, as directed by Council's Construction Engineer, a \$5,000.00 bond must be submitted to ensure their eventual removal, along with any collected debris.

93. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

95. Public Infrastructure Inventory Report - Post Construction

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

96. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

i. Restriction – Bedroom Numbers

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

ii. Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

iii. Restriction/ Positive Covenant – Water Sensitive Urban Design

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

iv. Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

v. Restriction/ Positive Covenant – Riparian corridor

The subject site must be burdened with a restriction and a positive covenant using the "Riparian corridor Requirements" terms included in the standard recitals.

vi. Restriction/ Positive Covenant – Watercourse

The subject site must be burdened with a restriction and a positive covenant using the “Overland Flow Path” terms included in the standard recitals.

Necessary amendments shall be made to wording to reflect the watercourse and associated floodway .

vii. Restriction – Driveway Levels

Restricting alterations of the finished level of the driveway crest as completed. This is to ensure protection of the basement carpark from flood inundation.

viii. Positive Covenant – Flood Emergency Response & Warning Signs

A positive covenant to ensure the implementation of the Flood Emergency Response Plan required under this consent.

This shall include maintenance of the flood warning measures, to be recommended in the Flood Emergency response plan.

THE USE OF THE SITE

97. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

98. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

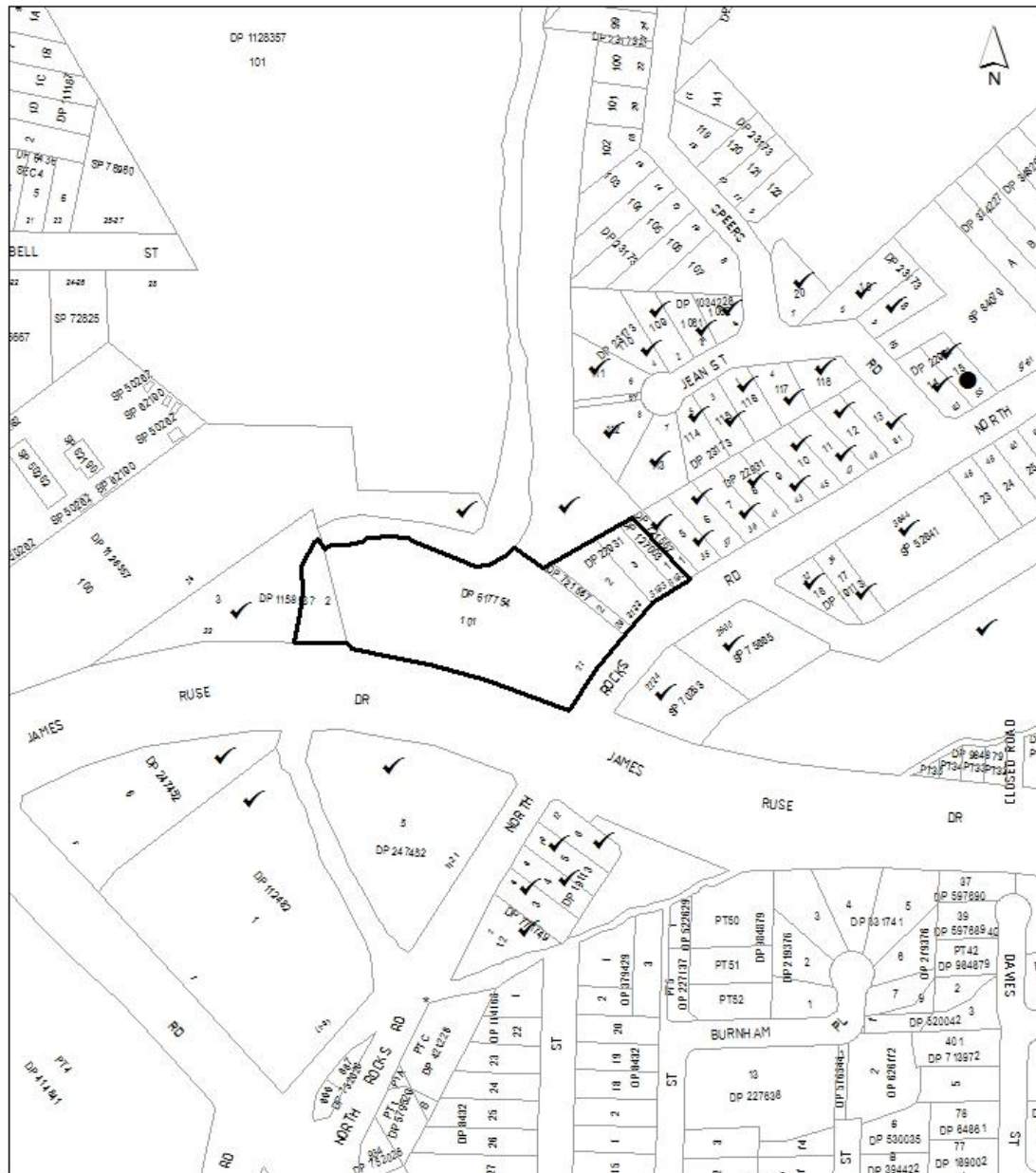
99. Waste and Recycling Collection

A caretaker must be engaged to move all bins to and from the waste storage areas and the collection points on the allocated day of collection as determined by Council.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Basement Level 3 Plan
5. Basement Level 2 Plan
6. Basement Level 1 Plan
7. Elevations
8. Sections
9. Landscaping Plan (Part 1)
10. Landscaping Plan (Part 2)
11. Site Plan of Previously Approved Development
12. RMS Plan of Required Roadworks
13. General Terms of Approval- NSW Office of Water

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH

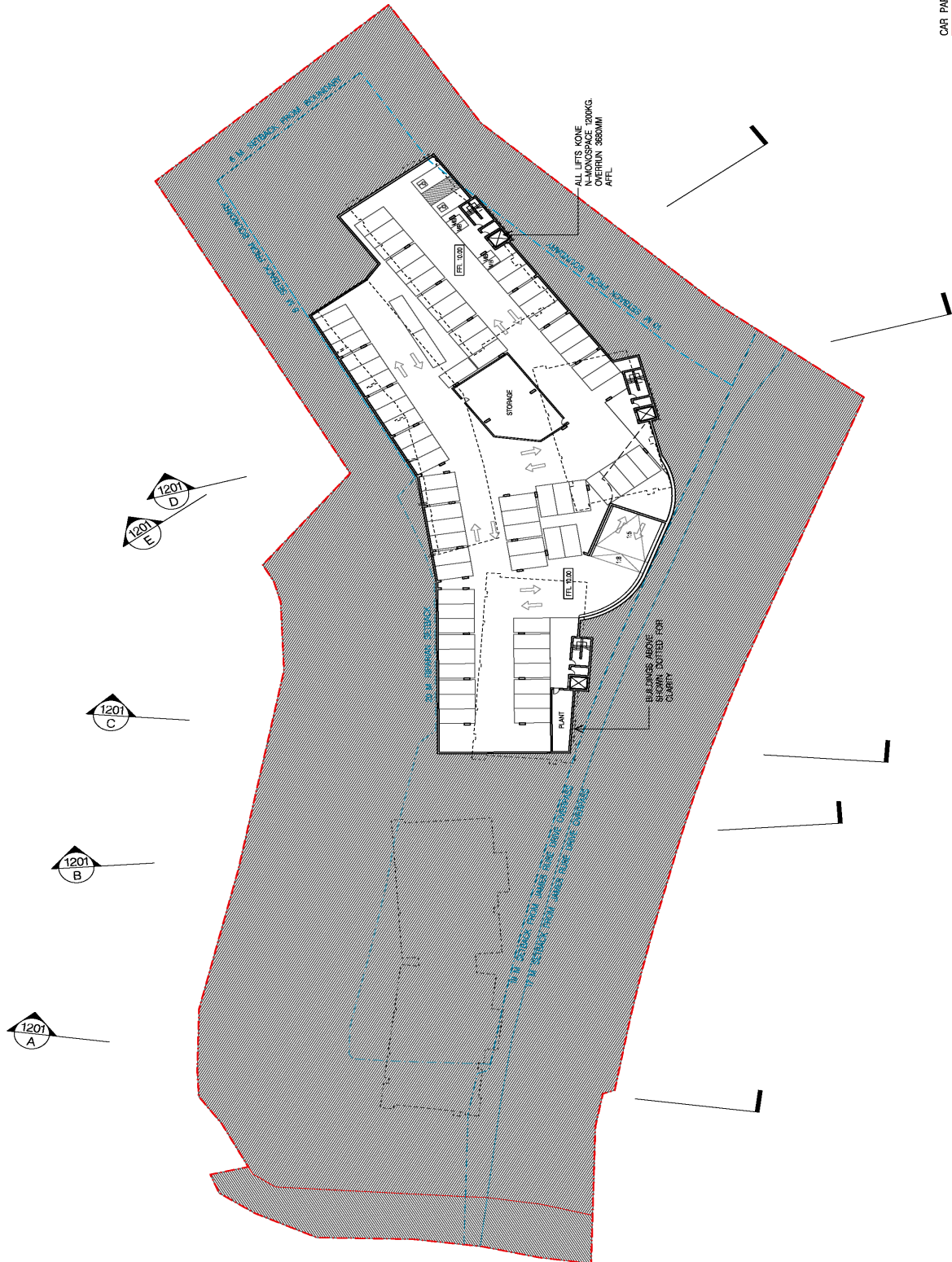


ATTACHMENT 3 – SITE PLAN

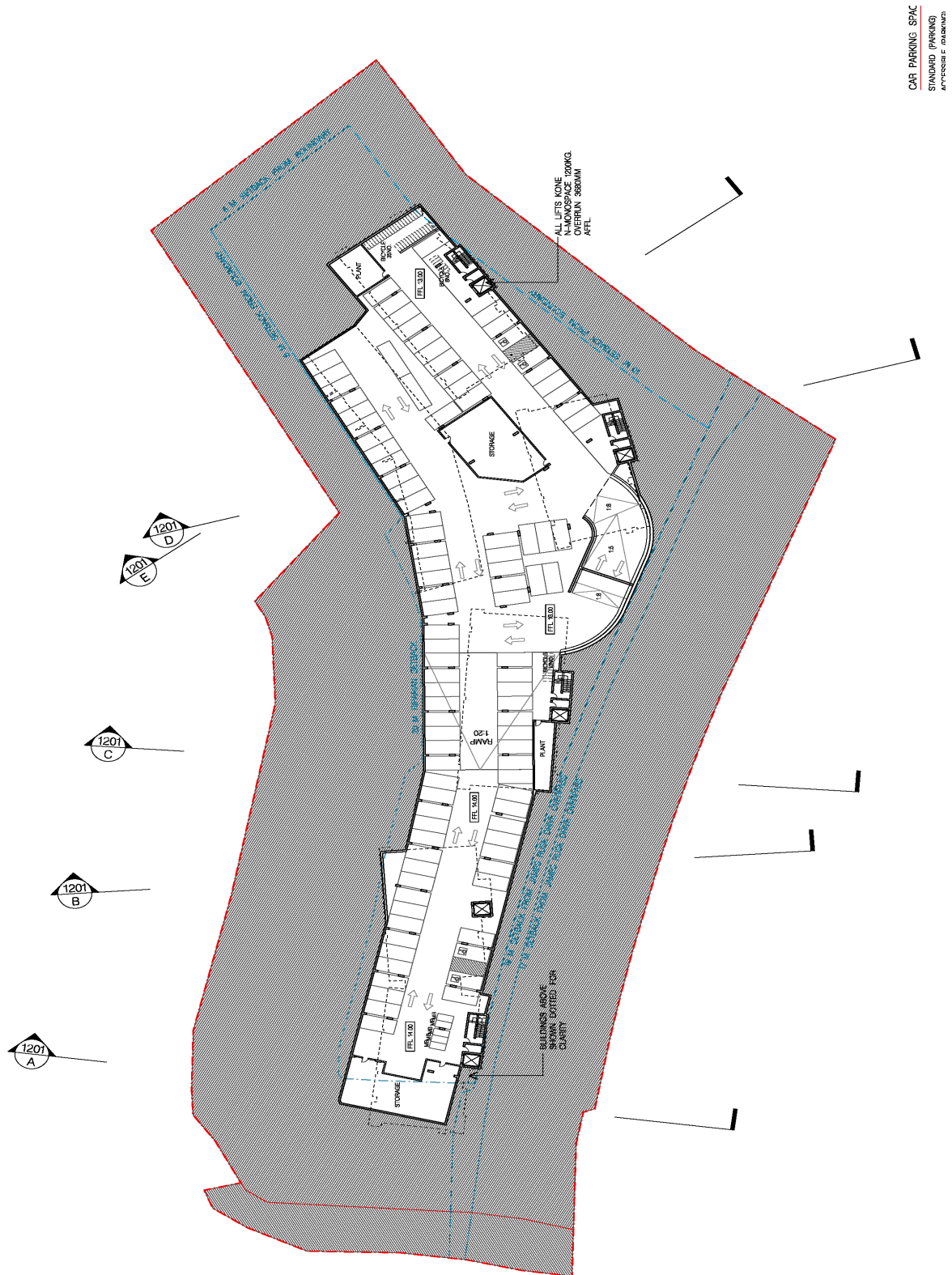


ATTACHMENT 4 – BASEMENT LEVEL 3 PLAN

CAR PARKING SPAK

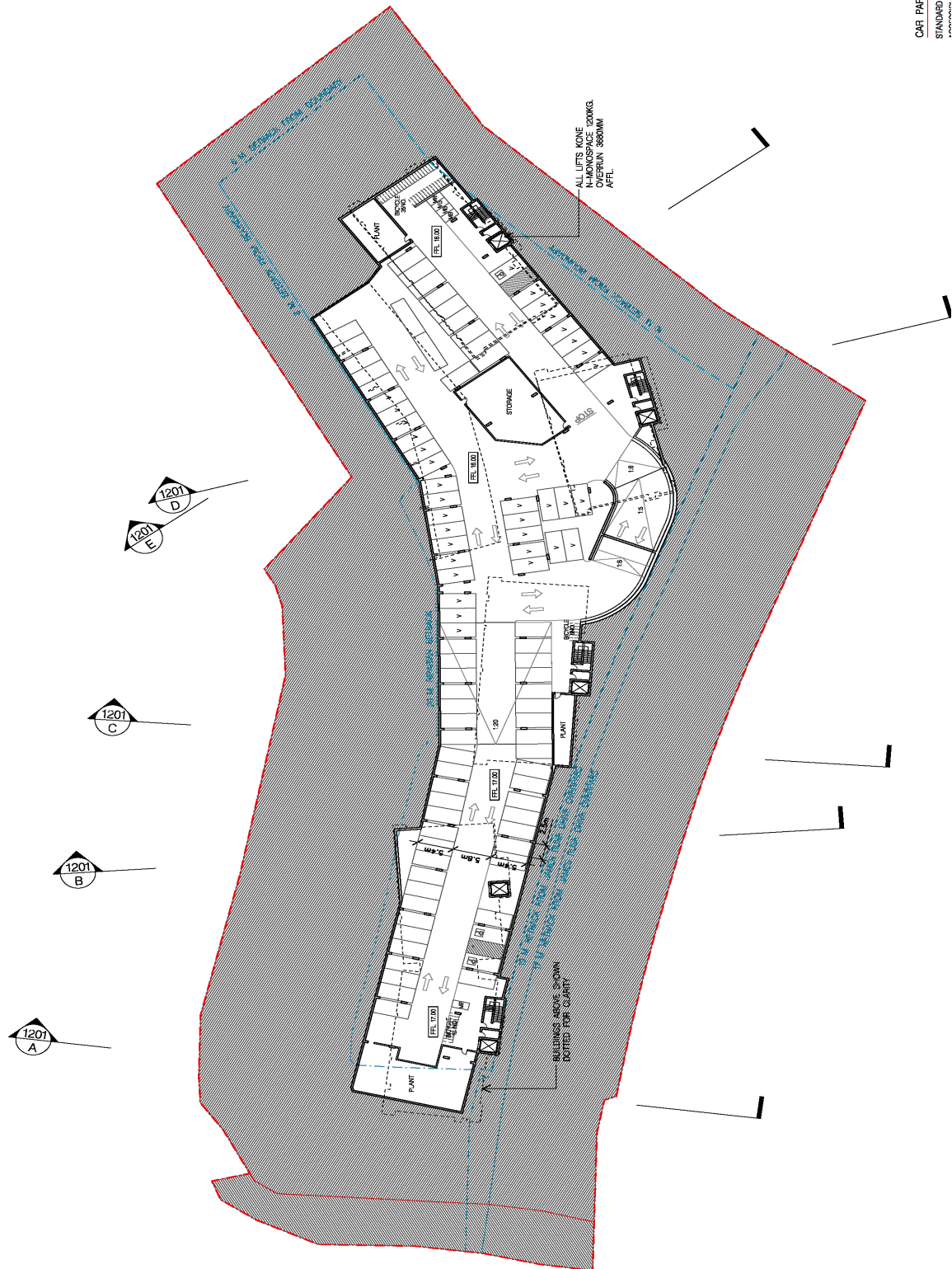


ATTACHMENT 5 – BASEMENT LEVEL 2 PLAN

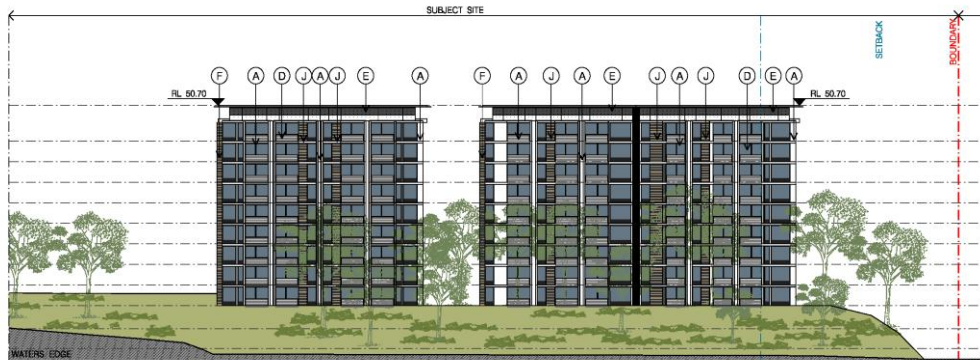


ATTACHMENT 6 – BASEMENT LEVEL 1 PLAN

CAR PARKING SPACES
STANDARD (PARKING)



ATTACHMENT 7 – ELEVATIONS



04 ELEVATION NORTH (BLOCKS C, B, A)
1:500



03 ELEVATION NORTH-WEST (BLOCKS E, F, D)
1:500

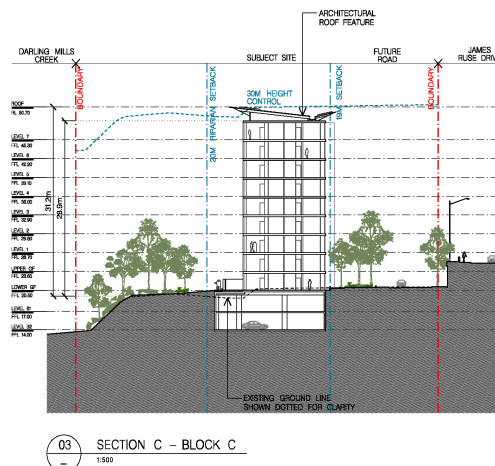
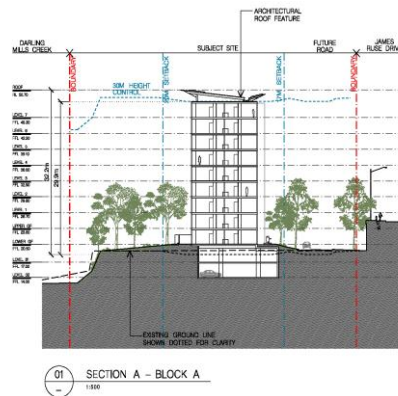
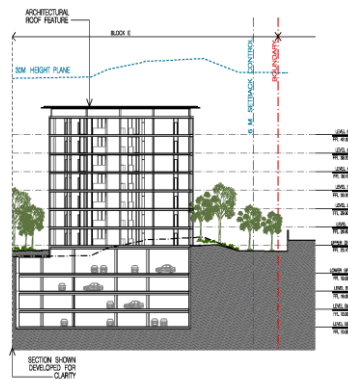
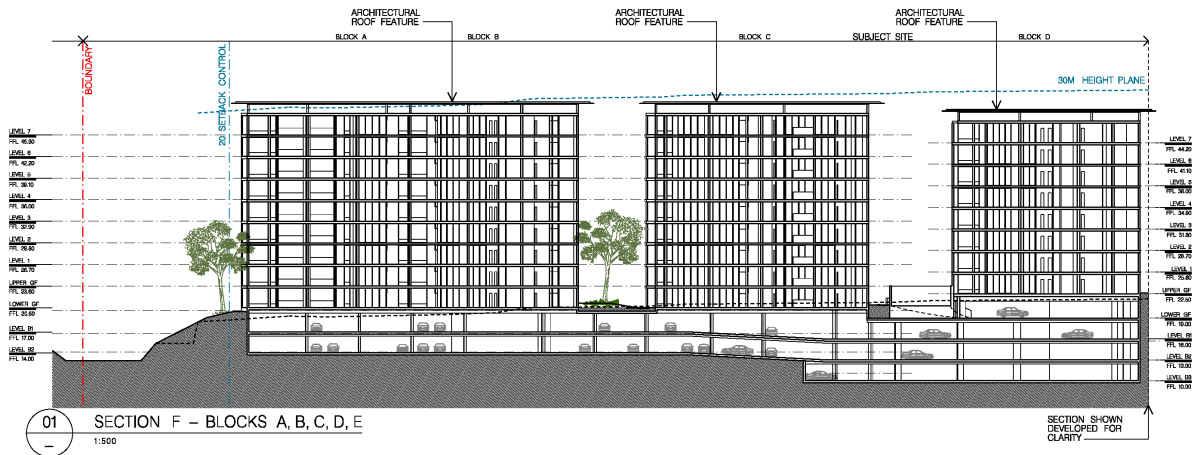


02 ELEVATION SOUTH (BLOCKS A, B)
1:500

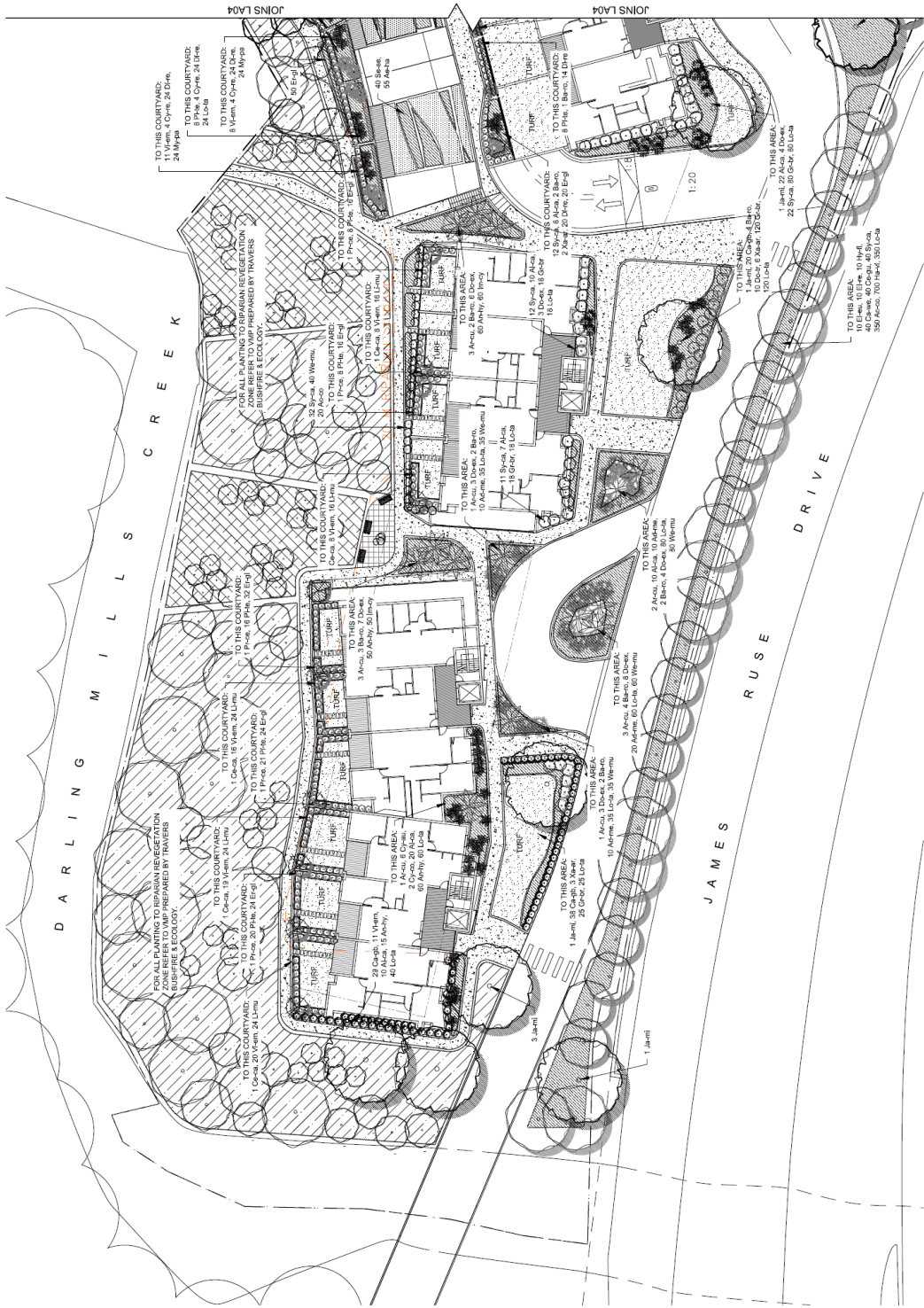


01 ELEVATION WEST (BLOCK A)
1:500

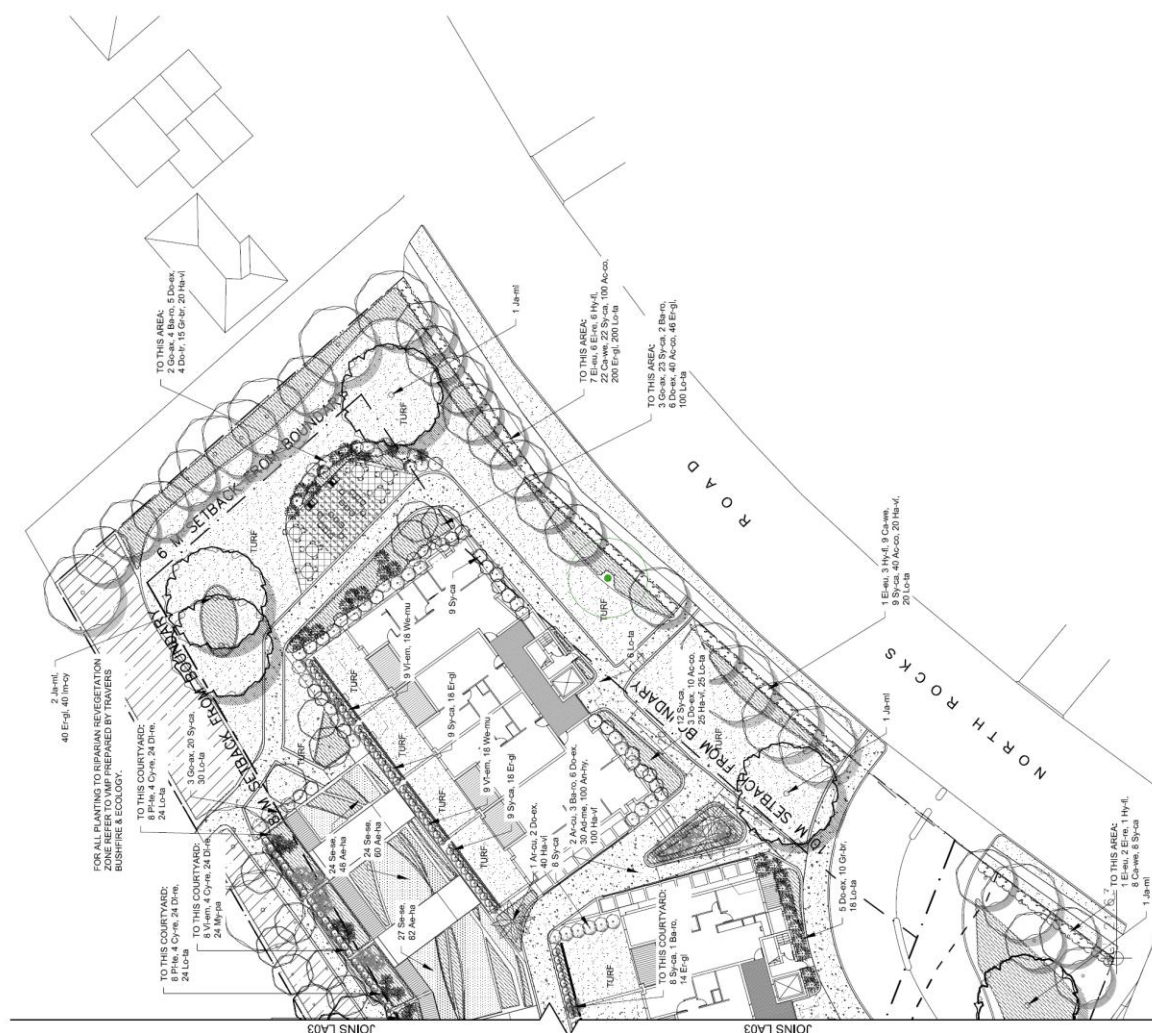
ATTACHMENT 8 – SECTIONS



ATTACHMENT 9 – LANDCAPING PLAN (PART 1)



The Hills Shire Council - 2014SYW117



ATTACHMENT 11 – SITE PLAN OF PREVIOUSLY APPROVED DEVELOPMENT



LEGEND
RED PAVEMENT ON ALL LANES

2.5m
3.0m
3.0m
3.2m

TCS 0481

3.1 BUS LANE AM
3.5
2.9
3.1 2.9 2.9 2.9 2.9
BUS LANE AM
2.1 2.9 2.9 2.9 2.9 2.9
3.1 3.0 3.0
2.9 2.9 2.9 3.1
BUS LANE AM
2.9 2.9 2.9 3.0
3.4
3.3 3.3 3.4
BUS LANE AM
3.0 3.1 3.0 3.0
2.9 3.1 3.0 3.0
3.3 3.3 3.4
3.0 3.0 3.0

**ATTACHMENT 13 – GENERAL TERMS OF APPROVAL
NSW OFFICE OF WATER**

General Terms of Approval
for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 10 ERM2014/0842 **File No:** 9011016
Site Address: 27-33 North Rocks Road North Rocks
DA Number: DA2015/256/JP
LGA: The Hills Shire Council

| Number | Condition |
|--|---|
| Plans, standards and guidelines | |
| 1 | These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/256/JP and provided by Council: (i) Site plan, map and/or surveys Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required. |
| 2 | Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified. |
| 3 | The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Works Schedule (iii) Erosion and Sediment Control Plan (iv) Soil and Water Management Plan Amendments to Plans – (v) a 20 metre average riparian corridor must be fully vegetated in accordance with guidelines for Riparian Corridors and Vegetation Management Plans http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx (vi) Offset applied <u>must</u> belong to the same property |
| 4 | All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures |
| 5 | The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of |

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 8838 7554 | e information@water.nsw.gov.au | ABN 72 189 919 072 170912

Our Reference: 10 ERM2014/0842 **File No:** 9011016
Site Address: 27-33 North Rocks Road North Rocks
DA Number: DA2015/256/JP
LGA: The Hills Shire Council

| Number | Condition |
|---|---|
| | Water. |
| Rehabilitation and maintenance | |
| 6 | The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water. |
| 7 | The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water. |
| Reporting requirements | |
| 8 | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required. |
| Security deposits | |
| 9 | The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required. |
| Access-ways | |
| 10 | The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water. |
| 11 | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water. |
| Bridge, causeway, culverts, and crossing | |
| 12-13 | N/A |
| Disposal | |
| 14 | The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water. |
| Drainage and Stormwater | |
| 15 | The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water. |
| 16 | The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water. |
| Erosion control | |

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 8838 7554 | e information@water.nsw.gov.au | ABN 72 189 919 072 170912

| | | |
|-----------------------|------------------------------------|-------------------------|
| Our Reference: | 10 ERM2014/0842 | File No: 9011016 |
| Site Address: | 27-33 North Rocks Road North Rocks | |
| DA Number: | DA2015/256/JP | |
| LGA: | The Hills Shire Council | |

| Number | Condition |
|--------------------------------------|--|
| 17 | The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised. |
| Excavation | |
| 18 | The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water. |
| 19-21 | N/A |
| River bed and bank protection | |
| 22 | The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with an average width of 20 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water. |
| 23 | The consent holder must establish a riparian corridor along Darling Mills Creek in accordance with a plan approved by the NSW Office of Water. |
| END OF CONDITIONS | |