

## JOINT REGIONAL PLANNING PANEL Sydney West Region

JRPP No	2015SYW201
DA Number	DA NO. 256/2015/JP/B
Local Government Area	<b>CITY OF PARRAMATTA (THE HILLS SHIRE COUNCIL AT TIME OF LODGEMENT)</b>
Proposed Development	<b>SECTION 96(2) MODIFICATION TO AN APPROVED RESIDENTIAL FLAT BUILDING DEVELOPMENT</b>
Street Address	<b>LOT 2 DP 1158967, LOT 101 DP 617754 - 27-33 NORTH ROCKS ROAD, NORTH ROCKS</b>
Applicant/Owner	<b>SILKY CONSTRUCTIONS</b>
Number of Submissions	<b>NIL</b>
Regional Development Criteria (Schedule 4A of the Act)	Item 3 - General development over \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i): <ul style="list-style-type: none"> <li>- The Hills Local Environmental Plan 2012</li> <li>- State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>- State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development</li> </ul> </li> <li>• 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"> <li>- Nil</li> </ul> </li> <li>• List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> <li>- DCP 2012 Part D Section 1 – 27-33 North Rocks Road, North Rocks</li> <li>- DCP 2012 Part B Section 5 – Residential Flat Buildings</li> <li>- DCP 2012 Part C Section 1 – Parking</li> <li>- DCP 2012 Part C Section 3 – Landscaping</li> </ul> </li> <li>• 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"> <li>- Nil</li> </ul> </li> <li>• List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> <li>- Nil</li> </ul> </li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> </ul>

	<ul style="list-style-type: none"> <li>- Environmental Planning and Assessment Act Regulation 2000.</li> </ul>
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No.
List all documents submitted with this report for the panel's consideration	Plans and supporting documentation submitted with the application.
Recommendation	Approval subject to conditions.
Report by	Senior Town Planner Sophia Brown
Report date	21 July 2016

## EXECUTIVE SUMMARY

The application is for a Section 96(2) modification to an approved residential flat building development. The original Development Consent for the construction of four x nine storey residential flat buildings and six terrace style dwellings comprising a total of 148 units was granted by the Joint Regional Planning Panel (JRPP) on 18 December 2014.

The subject Section 96(2) modification seeks to modify the building locations and basement design. The number of residential flat buildings has increased from four to five, with Blocks A and B being split into two buildings. The overall number of units and car parking spaces are proposed to remain as approved. Minor changes are proposed to the building height, building setbacks and landscaped area. The development as proposed to be modified will remain substantially the same as originally approved.

The Section 96 application has been assessed against the provisions of Section 79C and 96(2) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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 proposed development includes variations to The Hills DCP Part D Section 1- 27-33 North Rocks Road, North Rocks in respect to building setbacks and landscaped area. The variations are addressed in the body of the report and do not warrant refusal of the application.

No submissions were received during the exhibition period.

Approval is recommended subject to the relevant conditions of consent being modified to reflect the proposed changes.

## BACKGROUND

## MANDATORY REQUIREMENTS

Owner:	Austcorp No 603 Pty Ltd and Austcorp No 459 Pty Ltd	1.	<u>LEP 2012</u> – Satisfactory.
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Zoning:	R4 High Density Residential	2.	<u>SEPP No. 65 – Design Quality of Residential Apartment Development – Complies.</u>
Area:	13,195.8m <sup>2</sup>	3.	<u>DCP 2012 Part D, Section 1 – 27-33 North Rocks Road, North Rocks – Variation proposed, see report.</u>
Existing Development:	Under construction	4.	<u>DCP 2012 Part B Section 5 – Residential Flat Buildings – Complies.</u>
		5.	<u>DCP 2012 Part C Section 1- Parking – Complies.</u>
		6.	<u>DCP 2012 Part C Section 3- Landscaping – Complies.</u>
		7.	<u>Section 79C (EP&amp;A Act) – Satisfactory.</u>
		8.	<u>Section 94 Contribution – \$274,274.68 (no change to original approval)</u>

## SUBMISSIONS

## REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 31 days.	1.	Section 96(2) modification
2. Notice Adj Owners:	Yes, 31 days.		
3. Number Advised:	84		
4. Submissions Received:	None		

## HISTORY

**18/12/2014**

Development Application No. 256/2015/JP approved by the NSW Joint Regional Planning Panel for the construction of four residential flat buildings.

**17/08/2015**

Section 96(1A) Modification approved under Delegated Authority for the amendment of conditions relating to cost sharing associated with the roadworks required by the Roads and Maritime Services.

**02/11/2015**

Subject Section 96(2) Modification application lodged.

## PROPOSAL

The proposed Section 96(2) modification to an approved residential flat development includes amendments to the building locations/footprints and basement design. The overall number of units is to remain as approved.

The development remains compliant with the relevant development standards with the exception of setback and separation and landscaped area, with no increase in height, car parking or floor space proposed.

The key modifications are summarised as follows:

1. Amendments to the basement car park with the proposed replacement of the circular ramp design between levels with a more direct and straighter path of travel for vehicular access between basement car parking levels;
2. Amendment to the basement car park to provide a more regular form, removing a number of curves. The car park now extends further to the eastern boundary;
3. Structural columns and layout of the basement amended to align with structural loading of columns/elements for buildings above;
5. Blocks A and B have been split, and are separate buildings, increasing the number of residential flat buildings from four to five;
6. Building orientations follow a more regular alignment with basement structural design and respect the existing curvature of James Ruse Drive and North Rocks Road. All Blocks have been shifted slightly closer to Darling Mills Creek, other than Block B which has been reoriented and shifted slightly closer to James Ruse Drive;
7. Minor modifications to unit layouts to be more efficient and improve residential amenity. Unit sizes are generally as approved, with the exception of 2 x 2 bedroom units now proposed to be 2 x 3 bedroom units;
8. There are a number of minor facade amendments for aesthetic purposes, including the location of blades on the ends of the building, the inclusion of vertical blades on the southern elevation, relocation of lift and fire stairs and redesign of lobbies on each floor to each block (excluding the townhouse) to create better entry points and also to comply with Australian Standards, including BCA travel distances;
9. Internal layout of townhouses has been modified to improve residential amenity, including relocating bedrooms to the first floor;
10. Separation between the first floor of each townhouse has been removed, and as such the townhouses are fully abutted. A separation is introduced in the middle of the townhouse block to reduce the perceived bulk of the townhouses.

The application is classified as 'Nominated Integrated Development' pursuant to Clause 91 of the Environmental Planning and Assessment Act 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000, requiring referral to the Office of Water for concurrence.

## **NOTIFICATION**

The Section 96(2) modification application was notified to 84 surrounding properties between 16 November 2015 and 17 December 2015 and no submissions were received.

## **ISSUES FOR CONSIDERATION**

### **1. Compliance with Section 96(2) of the Environmental Planning and Assessment Act, 1979**

Section 96(2) of the Environmental Planning and Assessment Act, 1979 provides the following (with corresponding comments);



*"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if;*

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

**Comment:**

The Section 96(2) modification includes amendments to the building locations/footprints and basement design and the overall number of units. The floor space is to remain as approved, with minor changes to the unit mix and height.

When viewed from the street and adjoining properties the main change that will be noticeable are that Block A and Block B have been split into two buildings, however such changes do not alter the main element of the original approval being a residential flat building development containing nine storeys and basement parking.

The applicant has provided the following statement in relation to whether or not the proposed modifications are considered to be development which is "substantially the same as that originally approved".

- *The definition of the development remains as a 'residential flat building';*
- *The proposed built form and building envelopes remain generally the same with only minor shifts in siting proposed. Block A and Block B have been split into two separate building forms, technically increasing the number of residential flat buildings to five (5), however these blocks were originally proposed as connected in a disjointed fashion, appearing as two distinct blocks;*
- *Six terrace house dwellings remain at the northern side of the site, although these have been split into two distinct built forms;*
- *Overall building height does not change significantly, generally reducing in height across the site;*
- *The number of apartments remain the same at 148;*
- *There is no change in the allocation of parking as a result of the modification to the layout of the basement levels; and*
- *Vehicle and pedestrian access to the development will be maintained via a new serve road and North Rocks Road.*

In view of the above, it is considered that the proposed development as modified when viewed in its totality is substantially the same as that originally approved by the JRPP even if the proposed amendments alter to some extent the external appearance and internal layout of the development.

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Comment:**

The original development application was referred to Department Primary Industries Water (DPI Water). The proposal includes works within 40 metres of a watercourse therefore it requires concurrence from the DPI Water under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979. The DPI Water issued their General Terms of Approval (GTA) on 10 October 2014 which was imposed as Condition No. 6 in the original consent (see Attachment 8).

DPI Water has been consulted with respect to this modification application and has granted its concurrence subject to compliance with the original concurrence conditions and additional conditions relating to groundwater (refer recommended Condition No. 6A).

(c) *it has notified the application in accordance with:*

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

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

**Comment:**

The subject application was advertised in the local newspaper and notified to surrounding properties and a previous objector between 17 November 2015 and 17 December 2015.

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

**Comment:**

No submissions were received during the notification period.

**2. Compliance with the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

The Development Application was lodged on 15 October 2015. The direction from the Department of Planning and Environment is as follows:

*"For apartment development applications lodged from 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 applies."*

In addition, Clause 29(2) of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development states the following:

*"(2) In determining an application to which this clause applies, the consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*

*(a) The advice (if any) obtained from the design review panel, and*

*(b) The design quality of the development (as modified) when evaluated in accordance with the design quality principles, and*

*(c) The Apartment Design Guide."*

Having regard to the above, the application is therefore subject to the relevant design criteria contained within the Apartment Design Guide.

The proposed modifications include changes to the building locations/footprints and basement design. The development remains fully compliant with the relevant development standards, with no change in height or floor space proposed. Minor amendments to building setbacks are proposed to ensure residents are able to access lifts and other levels of the development.

Clause 30(1) of the SEPP provides the following:

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

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

Based on the above design criteria, as the car parking provision is greater than the minimum amount of car parking specified in Part 3J of the ADG, this standard cannot be used as a ground for refusal.

Further, as the proposal complies with the minimum internal area requirements specified in Part 4D of the ADG, similarly with car parking this standard cannot be used as a ground for refusal.

### **3. Compliance with The Hills Local Environmental Plan 2012**

The approved residential flat development which is the subject of this Section 96 modification application satisfies the objectives of the Hills Local Environment Plan 2012 and R4 High Density Residential zone. The development is most appropriately defined as a "Residential Flat Building" which is permissible with consent in the zone. The proposed modification to the approved development does not propose to alter the use and therefore continues to comply with The Hills Local Environment Plan 2012.

LEP 2012 imposes a maximum building height of 30 metres for the subject site. The development was approved with a building height of 30 metres plus 1.2 metres architectural roof feature. The building height of 30 metres plus 1.2 metre was assessed under Clause 5.6 of LEP 2012 which allows roof features exceeding the maximum permitted building height and was approved accordingly. The overall height of buildings has been reduced by 0.85 metres to 2 metres. The average reduction in height across the entire development is 1.55 metres, which is equivalent to half a floor/storey (refer to Attachment 6 – Proposed Elevations which show the approved building height in red-broken lines) and is considered satisfactory.

### **4. Compliance with LEP 2012 (LEP Mapping Restrictions)**

The proposal has been assessed against the LEP 2012 Map Sheets as follows:-

LEP 2012 MAPPING - DEVELOPMENT STANDARDS			
STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	N/A	N/A	N/A
Allotment Size	4000m <sup>2</sup>	Site area is 13,195.8m <sup>2</sup> .	Yes

Building Height	30m	Approved: 30 metres + 1.2m architectural feature (below the height as originally approved)	Yes
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## 5. Compliance with DCP 2012 Part D Section 1 – 27-33 North Rocks Road, North Rocks

The proposed modification has been assessed against the relevant development standards and objectives of DCP 2012 Part D Section 1 – 27-33 North Rocks Road, North Rocks which demonstrates that the development as modified is substantially the same development as originally approved. The development as modified remains compliant with the required controls with the exception of setbacks and separation, and landscape and open space area as follows:

### a) Setbacks and Separation

Clause 3.6 of DCP 2012 Part D Section 1 requires the following setbacks as illustrated in Figure 11 below:

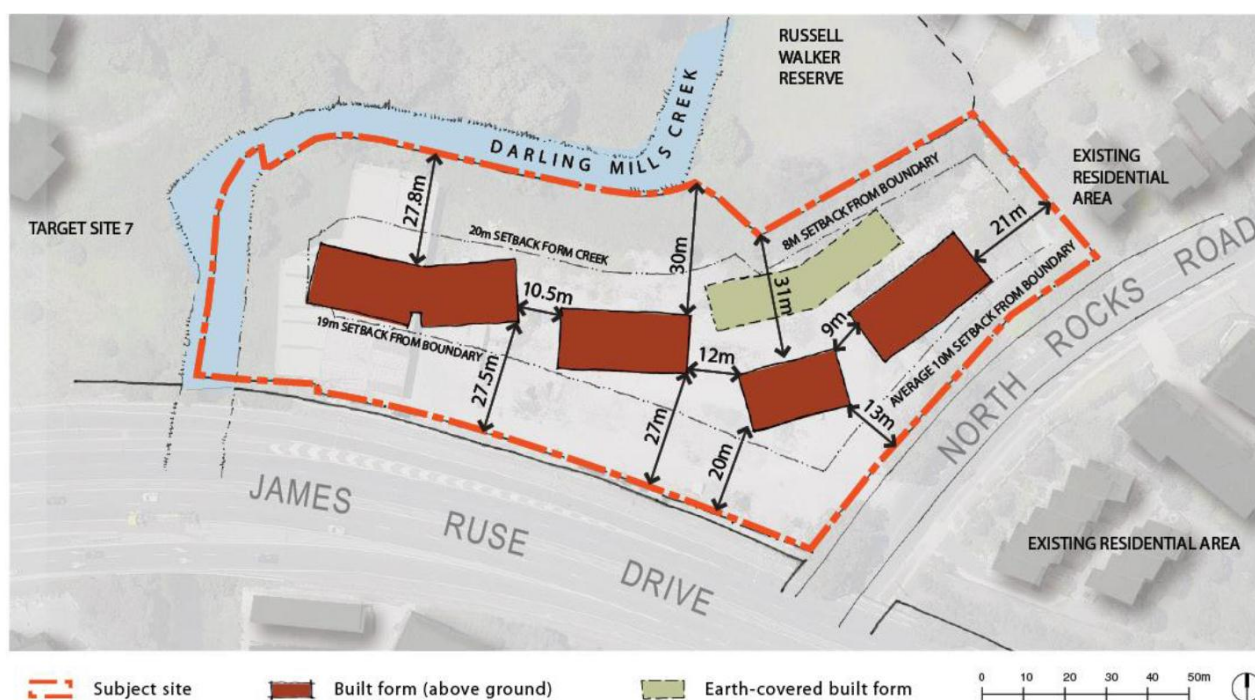


Figure 7: Minimum setback and separation distances

Minor variations are proposed as follows:

- Average setback from North Rocks Road in excess of 10 metres. The setback of Building E varies from 5 metres to 10 metres from North Rocks Road.
- Setback from Russell Walker Reserve is generally in excess of 8 metres. The modification proposal moves both 2 storey terrace units. One set of terraces is moved to the north, resulting in a minor encroachment to the 8 metre setback by about 2 metres. The other set of terraces to the north however does not result in any encroachment into the minimum setbacks;

- Riparian setback generally in excess of 20m from Darling Mills Creek to the north. Riparian setback at the west is reduced to a minimum of 14 metres, however this setback is generally the same as the approved development.

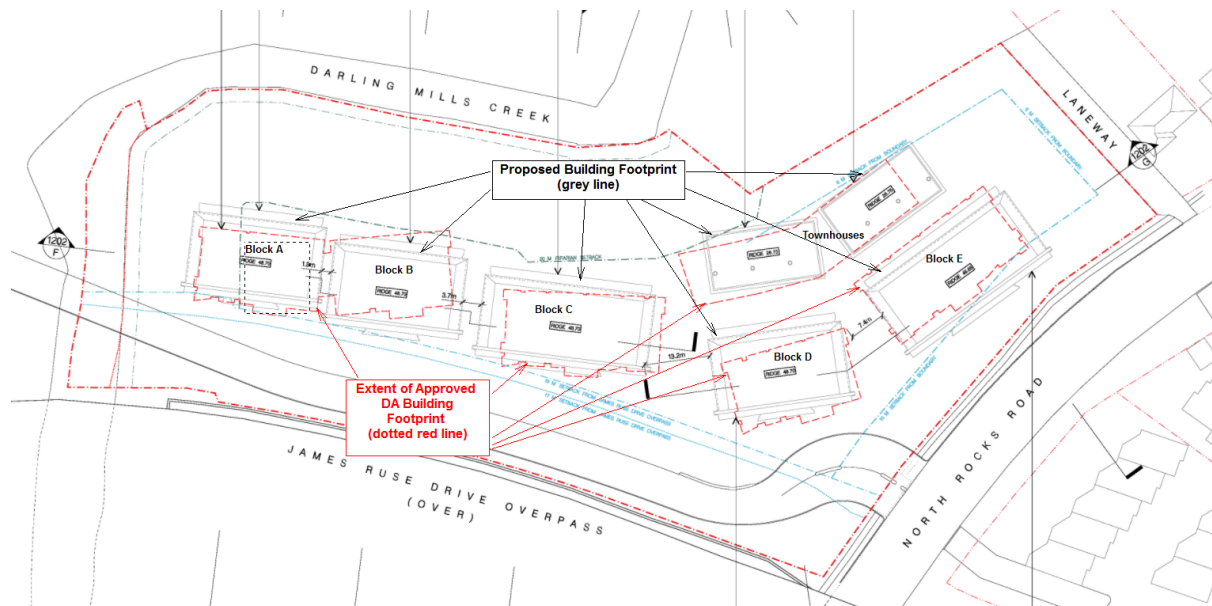
The objectives of Clause 3.6 are as follows:

- "(i) To mitigate adverse impacts on neighbouring properties.
- (ii) To mitigate acoustic impacts of James Ruse Drive.
- (iii) To ensure new development is appropriately setback from North Rocks Road.
- (iv) To encourage solar penetration and view corridors through the site.
- (v) To safeguard and protect the required riparian corridor and enable regeneration of native landscape to the creek banks and corridor.
- (vi) To provide sufficient setback from the riparian corridor to allow private open space to occur at ground level."

The applicant submitted the following statement in support of the variations:

*"Overall, the variations to the setbacks are considered acceptable. Impacts upon neighbouring properties are minor, noting that on the whole the setbacks are consistent with the minimums required and any variations are generally point encroachments."*

Figure 12 below shows the site plan, with the previously approved design and the DCP setbacks. As is shown, the originally approved proposal encroached into the minimum setback areas from James Ruse Drive, North Rocks Road, and Darling Mills Creek. The modified proposal therefore is generally consistent with the requirements, and while setbacks are reduced at some points they are increased in other locations.



### **Comment:**

The development as modified proposes minor variations to the setbacks as illustrated above. It is considered that the proposed setbacks are generally consistent with the envisaged building envelope and setbacks illustrated in Figure 7: Minimum setback and separation distances under The Hills DCP Part D Section 1 – 27-33 North Rocks Road, North Rocks. The proposed development will not adversely impact adjoining neighbours given that the setbacks are towards North Rocks Road, James Ruse Drive, and Darling Mills Creek. It is considered that the development provides adequate solar penetration and view corridors and is a minor variation from the development as approved. In view



of the above, it is considered that the setbacks and building separation of the modified development is supportable.

## **b) Landscape and Open Space Area**

Section 3.10 of The Hills DCP Part D Section 1 – 27-33 North Rocks Road, North Rocks requires a minimum landscaped area of 60% of the site area. The original development (DA 256/2015/JP) was approved with a landscaped area of 58.9% of the site area (7,737m<sup>2</sup>). The modified development reduces the landscaped area to 53.3% of the site area (7,005m<sup>2</sup>).

The objectives of Clause 3.6 are as follows:

- "(i) To maintain and enhance the natural vegetation along Darling Mills Creek and Russell Walker Reserve.*
- (ii) To maximise landscaping and provide opportunities for the planting of native species.*
- (iii) To provide high quality landscaping along the Target Site 7 access road and frontage to North Rocks Road.*
- (iv) To provide a high quality landscaped outlook and private open space for residents.*
- (v) To retain the existing tree planting within the site where possible.*
- (vi) To minimise visual privacy impacts to the dwellings to the north east.*
- (vii) To maximise deep soil zones within the site.*
- (viii) To minimise the visual impact of the existing retaining wall to James Ruse Drive.*
- (ix) To provide high quality communal open space for residents including a range of recreational opportunities for residents."*

The applicant submitted the following statement in support of the variation:

*"Although there is a reduction in the total amount of landscaped area provided, residents are still provided with good amenity through generous private open spaces, adjacent parkland, waterfront areas, and a substantial landscaping scheme. It is also noted that the minimum requirement for deep soil zones is above the required minimum, which is 30% of the total landscaped area. This figure has been exceeded, with 2,485m<sup>2</sup> or 35.5% of the landscaped area. It is noted that this is in excess of the minimum absolute area of deep soil area required under the DCP of 2,365m<sup>2</sup> (calculated by taking 30% of a landscaped area representing 60% of the total site).*

*The DCP also requires that a minimum of 2300m<sup>2</sup> is provided as communal open space. This figure has also been exceeded in the modified proposal, which allows for 2470m<sup>2</sup> of communal open space surrounding the buildings. On these grounds, the reduction in total landscaped areas is acceptable as there is no reduction in amenity to residents."*

### **Comment:**

The development as modified reduces the proposed landscape area from 58.9% to 53.3% of the site area. It is considered that the development maintains a satisfactory level of communal open space for residential amenity, and provides a substantial landscaping scheme with private open spaces, the adjacent parkland, and waterfront areas and throughout the development. The development maintains and enhances the natural vegetation along Darling Mills Creek and Russell Walker reserve and maximises planting opportunities for the planting of native vegetation. A high quality landscaped outlook is provided and it is considered that the variation to the landscaped area is considered supportable given the development maintains the minimum requirement for

deep soil zones and private open space areas. In view of the above, it is considered that the landscaped area of the modified development is supportable.

## **6. Compliance with DCP 2012 Part B Section 5 – Residential Flat Buildings**

The subject modification application complies with the controls under DCP 2012 Part B Section 5 – Residential Flat Buildings and the requirements under the previously approved scheme are not altered as a result of this modification.

As a result, the proposed variation is considered satisfactory.

### **SUBDIVISION ENGINEERING COMMENTS**

No objection is raised to the proposed modification. The proposed changes are acceptable from an engineering perspective subject to conditions of consent.

### **TREE MANAGEMENT COMMENTS**

No objection is raised to the proposed modification.

### **ECOLOGY COMMENTS**

No objection is raised to the proposed modification subject to a condition to comply with the submitted Vegetation Management Plan prepared by Travers Bushfire and Ecology dated 13 May 2016 (refer recommended condition No. 13A).

### **RESOURCE RECOVERY COMMENTS**

No objection is raised to the proposed modification subject to Condition Nos 20, 21 and 79 being amended to reflect the modified waste storage and collection schemes.

### **SECTION 94 COMMENTS**

No objection is raised to the proposed modification subject to Condition No. 38 being amended.

### **DPI WATER COMMENTS**

No objection is raised to the proposed modification subject to the General Terms of Approval dated 10 October 2014 conditioned in the original consent (see Attachment No. 9), and additional recommended condition relating to groundwater (refer recommended condition No. 6A).

### **ROADS & MARITIME SERVICES COMMENTS**

No objection is raised to the proposed modification.

### **NSW POLICE COMMENTS**

No objection is raised to the proposed modification.

### **CONCLUSION**

The Section 96 application has been assessed against the provisions of Section 79C and 96(2) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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 development as modified will remain substantially the same as originally approved.

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 proposed development includes variations to The Hills DCP Part D Section 1- 27-33 North Rocks Road, North Rocks in respect to building setbacks and landscaped area. The variations are addressed in the body of the report and do not warrant refusal of the application.

Approval is recommended subject to the relevant conditions of consent being modified to reflect the proposed changes.

#### **IMPACTS:**

##### **Financial**

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

##### **The Hills Future - Community Strategic Plan**

The proposal as modified responds to the revitalisation of 27 – 33 North Rocks Road, North Rocks which is an integral component of Council's Residential Direction and response to the State Government's North West Sub-Regional Strategy. The proposal provides a good mix of housing which is an environmentally sustainable form of residential development and would protect and enhance the character of the locality and the Shire as a whole.

#### **RECOMMENDATION**

The Development Application be approved subject to the following conditions.

1). Condition 1, 20, 21, 38, 43, 44 and 79 being **deleted** and **replaced** as follows:

##### **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**

<b>DRAWING NO.</b>	<b>DESCRIPTION</b>	<b>REVISION</b>	<b>DATE</b>
S96 - 1001	Site Analysis	B	16/03/2016
S96 - 1101	Basement Level 3 Plan	B	16/03/2016
S96 - 1102	Basement Level 2 Plan	B	16/03/2016
S96 - 1103	Basement Level 1 Plan	B	16/03/2016
S96 - 1104	Lower Ground Level Plan	B	16/03/2016
S96 - 1105	Upper Ground Level Plan	B	16/03/2016
S96 - 1106	Level 1 Plan	B	16/03/2016
S96 - 1107	Level 2 Plan	B	16/03/2016
S96 - 1108	Level 3 Plan	B	16/03/2016
S96 - 1109	Level 4 Plan	B	16/03/2016



S96 - 1110	Level 5 Plan	B	16/03/2016
S96 - 1111	Level 6 Plan	B	16/03/2016
S96 - 1112	Level 7 Plan	B	16/03/2016
S96 - 1113	Roof Plan	B	16/03/2016
S96 - 1201	Sections Sheet 1	B	16/03/2016
S96 - 1202	Sections Sheet 2	B	16/03/2016
S96 - 1301	Elevations West and South	B	16/03/2016
S96 - 1302	Elevations North	B	16/03/2016
S96 - 1850	Waste Management Plan	B	16/03/2016
S96 - 1851	Waste Management Plan	B	16/03/2016
LC01	Landscape Plan	E	10/05/2016
LC02	Landscape Plan	E	10/05/2016
LC03	Landscape Plan	E	10/05/2016
LC04	Landscape Plan – Section A, B, C	E	10/05/2016
LC05	Landscape Details	C	23/03/2016

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.

## **20. Construction of Waste Stores A, B, C, D and E**

All work involving construction of the waste stores must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. A combined total of 20 x 1100L bins and 18 x 660L bins must be accommodated in the waste stores. The waste collection area must accommodate all bins required at the entire development (20 x 1100L bins and 18 x 660L bins).

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

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

## **21. Signage for Waste Collection Area**

Appropriate signage must be mounted in visible locations and is to be maintained by the Owners Corporation, indicating the waste collection area is to be unimpeded at all times. A condition must be referenced within the strata management statement in regards to residents and their visitors adhering to the signage.

## **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.

Condition 38 of the original approved application (256/2015/JP)

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: Credit	No. Of 1 bedroom units: 59	No. of 2 bedroom units: 89	Sum of Units	No. of Credits: 6	Total S94
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
<b>Total</b>	<b>\$ 1,651.55</b>	<b>\$ 2,286.63</b>	<b>\$ 4,446.14</b>	<b>\$ 97,441.45</b>	<b>\$ 203,510.07</b>	<b>\$ 300,951.52</b>	<b>\$ 26,676.84</b>	<b>\$ 274,274.68</b>

Section 96 modification (256/2015/JP/B)

Section 96 modification (256/2015/JP/B)	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 bedroom units: 58	No. of 2 bedroom units: 89	No. of 3 bedroom units: 2	Sum of Units	No. of Credits: 6	Total S94
Community Facilities - Capital	\$ 102.06	\$ 141.30	\$ 211.97	\$ 274.72	\$ 5,919.48	\$ 12,575.70	\$ 423.94	\$ 18,919.12	\$ 1,648.32	\$ 17,270.80
Community Facilities - Land	\$ 6.36	\$ 8.80	\$ 13.20	\$ 17.11	\$ 368.88	\$ 783.20	\$ 26.40	\$ 1,178.48	\$ 102.66	\$ 1,075.82
Open Space - Capital	\$ 119.73	\$ 165.71	\$ 248.57	\$ 322.18	\$ 6,944.34	\$ 14,748.19	\$ 497.14	\$ 22,189.67	\$ 1,933.08	\$ 20,256.59
Open Space - Land	\$ 1,422.82	\$ 1,970.06	\$ 2,955.10	\$ 3,830.66	\$ 82,523.56	\$ 175,335.34	\$ 5,910.20	\$ 263,769.10	\$ 22,983.96	\$ 240,785.14
Roads & Traffic - Capital	\$ 4.99	\$ 6.88	\$ 10.34	\$ 13.39	\$ 289.42	\$ 612.32	\$ 20.68	\$ 922.42	\$ 80.34	\$ 842.08
<b>Total</b>	<b>\$ 1,655.96</b>	<b>\$ 2,292.75</b>	<b>\$ 3,439.18</b>	<b>\$ 4,458.06</b>	<b>\$ 96,045.68</b>	<b>\$ 204,054.75</b>	<b>\$ 6,878.36</b>	<b>\$ 306,978.79</b>	<b>\$ 26,748.36</b>	<b>\$ 280,230.43</b>

Please note that the outstanding amount payable is **\$5,220.15**, given that the applicant has paid the remainder of the required levy.

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

### **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 500mm 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 500mm 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 500mm 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) Works within Flood Inundation Storage**

No structures or earth works are permitted within the Pre Developed 1 in 100 year flood storage line included in Mance Arraj letter (revised flood statement) dated 27/01/2016 to ensure no loss of flood storage or impact on existing flood behaviour.

**(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) storage, Rainwater tanks, Enviropods and Stormfilters is to be provided in accordance with the stormwater concept plan prepared by HKMA Consulting Engineers Stormwater Drainage Layout Drawing 1142-C S96 -03 Issue b dated 27/01/2016 and the MUSIC Modelling referenced in the Stormwater Quality Management Plan Report Revision D dated January 2016 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) Detailed design must ensure the Treatment devices are incorporated in accordance with the approved Treatment Train of the Stormwater Quality Management Plan referenced above. The detailed design must demonstrate 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/>

#### **79. Waste Tractor and Trailer**

Prior to the issue of an Occupation Certificate, a ride-on tractor and trailer attachment must be purchased at the cost of the developer and provided to the site. The tractor and trailer must be handed over into the ownership of the Owners Corporation. The trailer must be capable of holding bins up to 1100L in size. The ride-on tractor must be able to tow the trailer and full bins over all ramps and slopes between the waste storage areas and the collection point. Contact Council's Resource Recovery Department should further clarification be required.

2). Conditions to be **added** as follows:

#### **6A. Department Primary Industries Water – General Terms of Approval for Construction Dewatering**

##### **General**

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.

3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
  - A. any groundwater mounding at the edge of the structure shall be at a level no greater than 10% above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and
  - B. any elevated watertable is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stage: prior to construction commencing (initial report – which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

#### **Prior to excavation**

6. The following shall be included the initial report:
  - A. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information.
  - B. a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - C. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - D. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence of excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by



- a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
  10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
  11. A copy of a valid development consent for the project shall be provided in the initial report.
  12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
  13. Contamination groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### **During excavation**

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

#### **Following excavation**

21. Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
  - A. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all the relevant bores; and
  - B. a watertable map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
  - C. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

#### **13A. Vegetation/Bushland Management**

The Vegetation Management Plan prepared by Travers Bushfire and Ecology dated 13<sup>th</sup> May 2016 must be complied with.

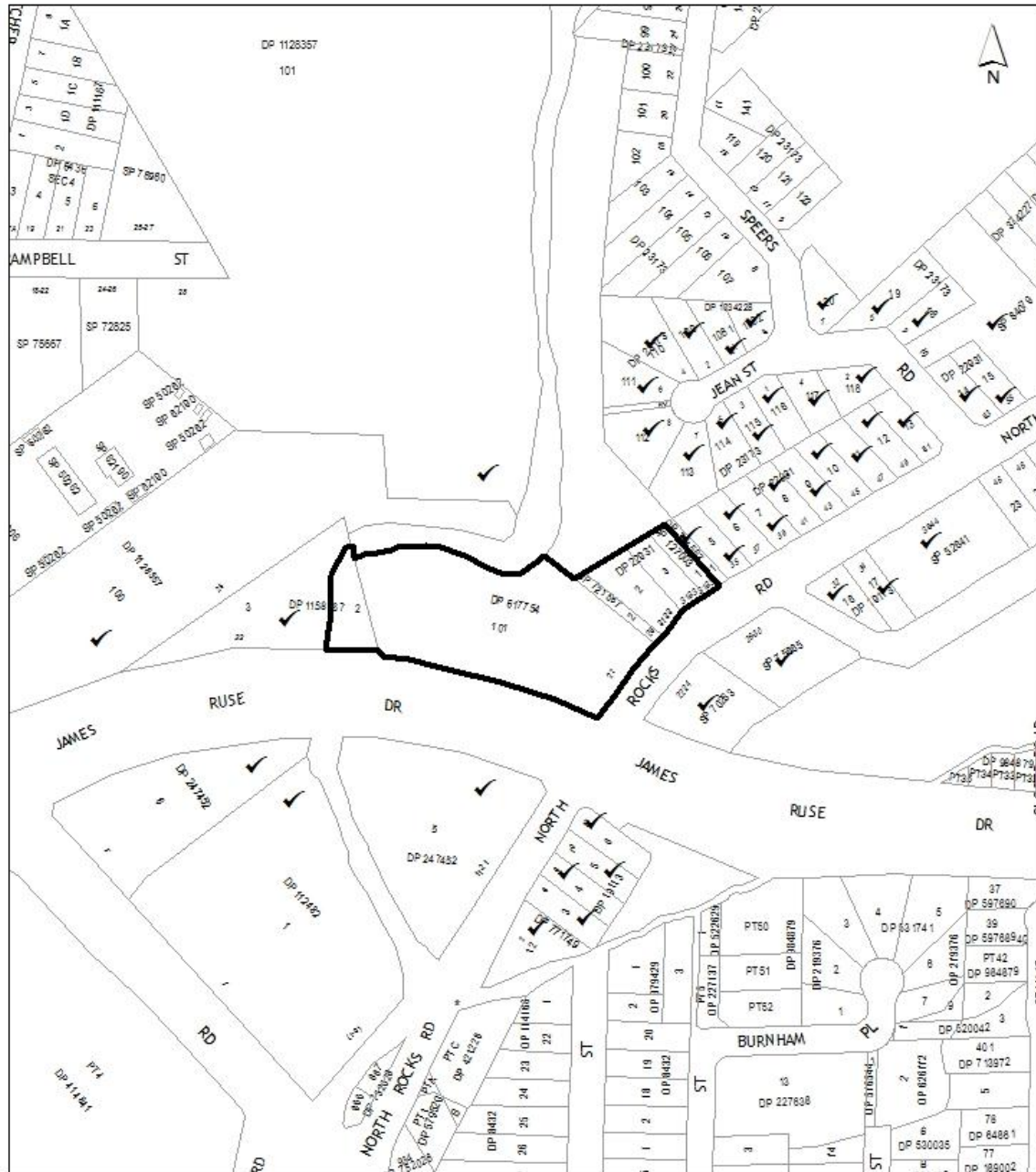
- 3). Condition No. 23 to be **deleted**.

#### **ATTACHMENTS**

1. Locality Plan (1 page)
2. Aerial Photograph (1 page)
3. Zoning Map (1 page)
4. 27 – 33 North Rocks Road DCP (1 page)
5. Proposed Site Plan (1 page)
6. Proposed Elevations (2 pages)
7. Proposed Landscape Plan (1 page)
8. Development Consent (256/2015/JP) (30 pages)
9. Approved Plans (256/2015/JP) (5 pages)



## ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

NOTE: RMS ALSO NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

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

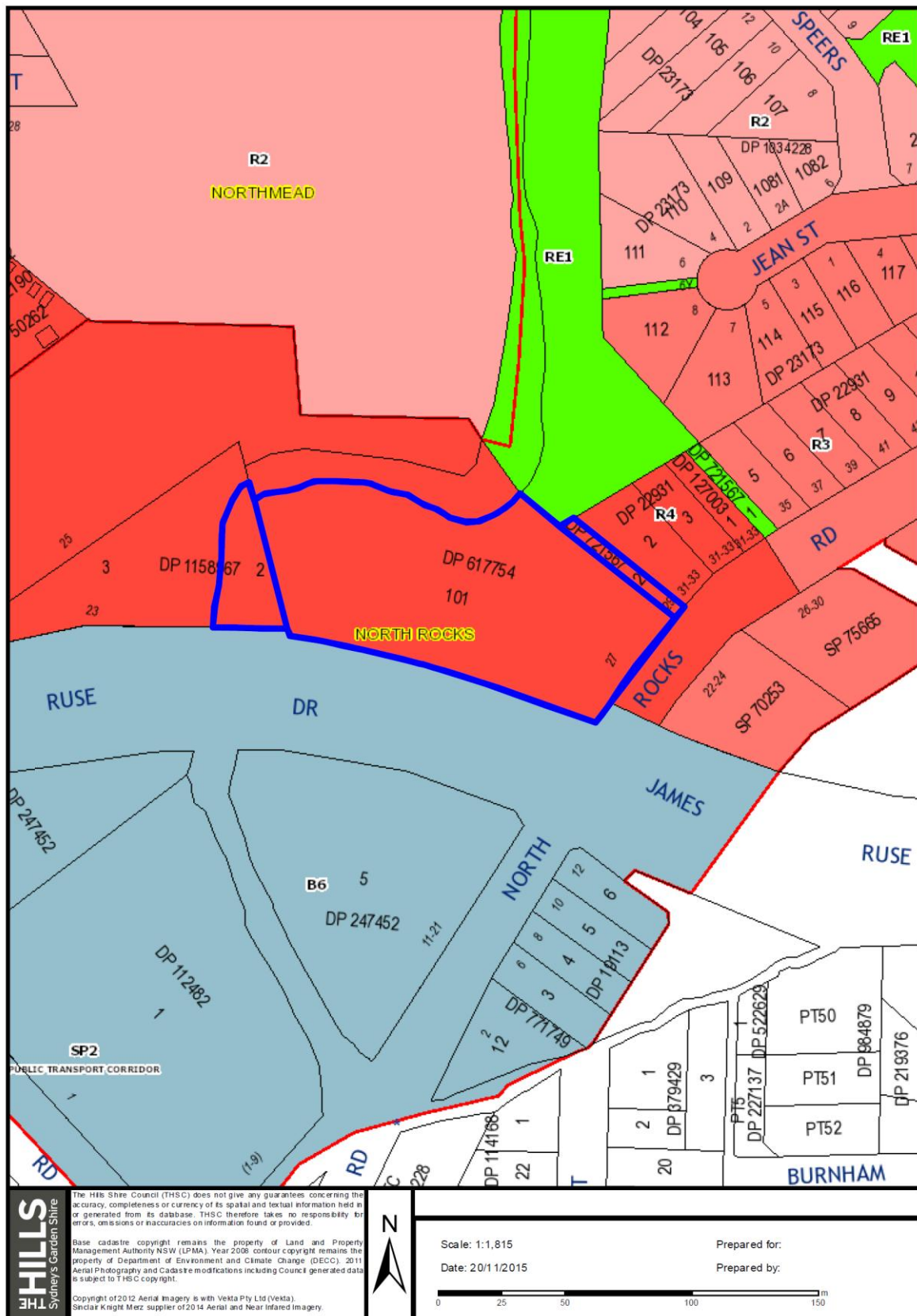
BASE CADASTRE, COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

## ATTACHMENT 2 – AERIAL PHOTOGRAPH

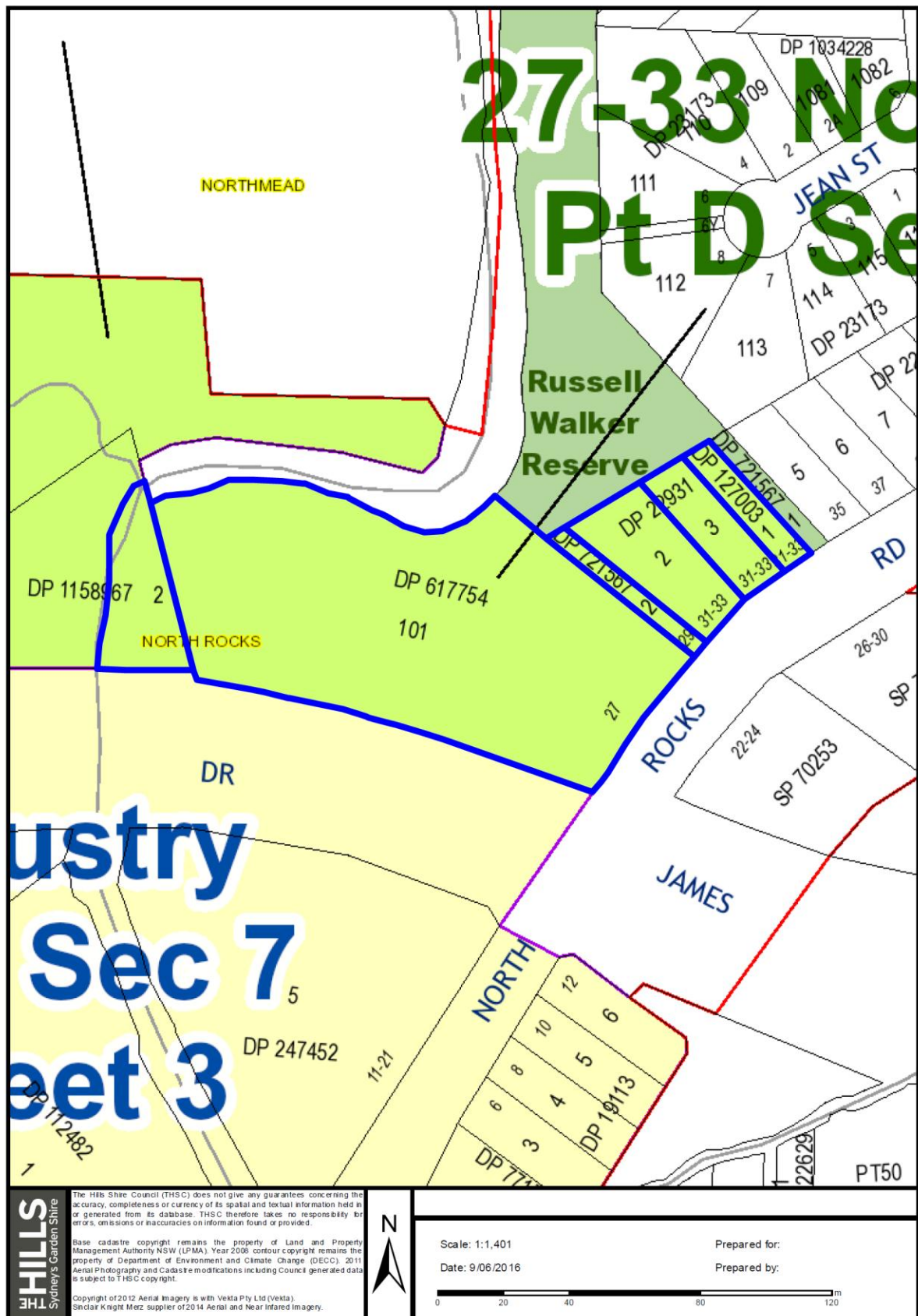




## ATTACHMENT 3 –ZONING MAP



# ATTACHMENT 4 – 27 – 33 NORTH ROCKS ROAD DCP



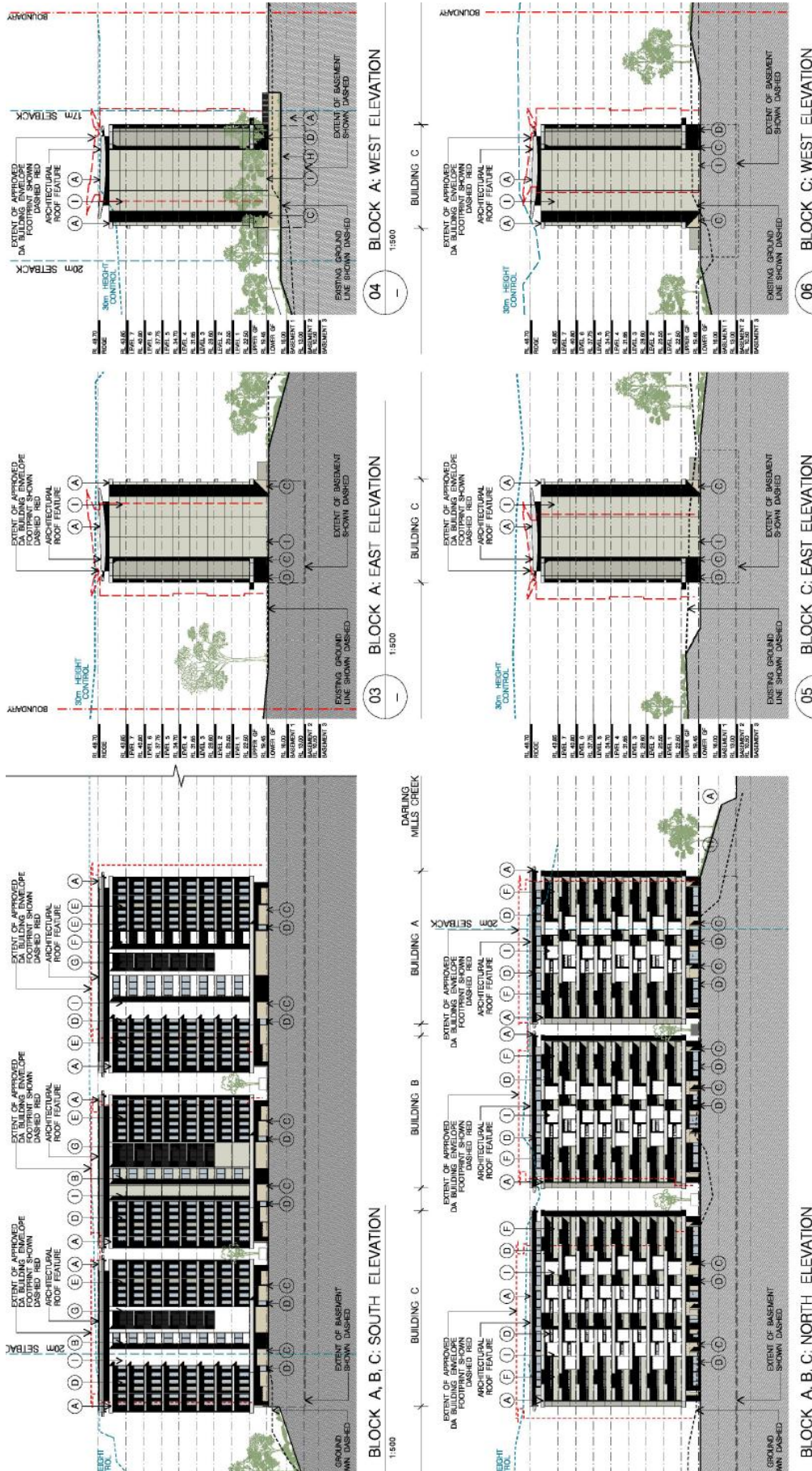


## ATTACHMENT 5 – PROPOSED SITE PLAN

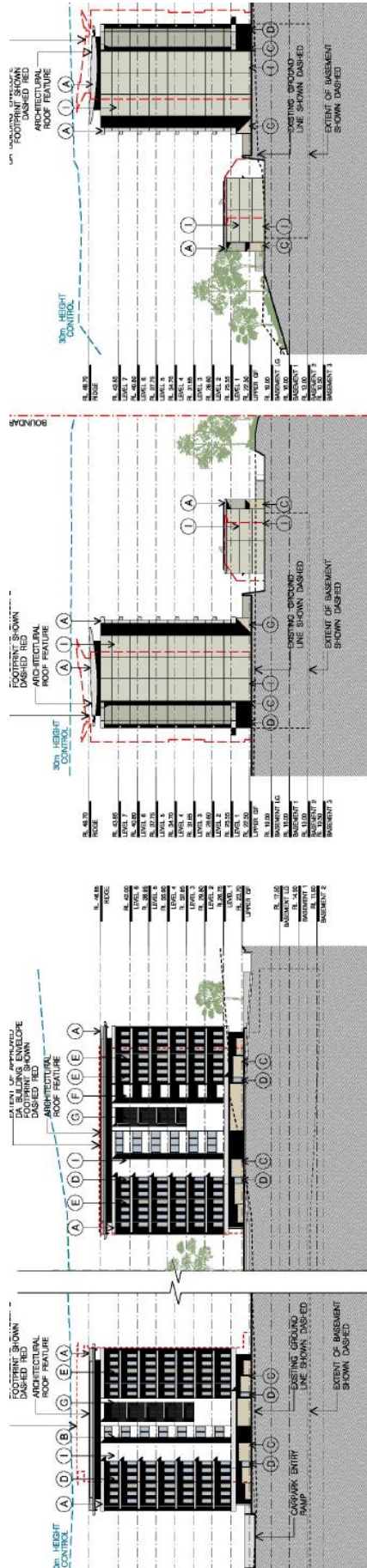




## ATTACHMENT 6 – PROPOSED ELEVATIONS



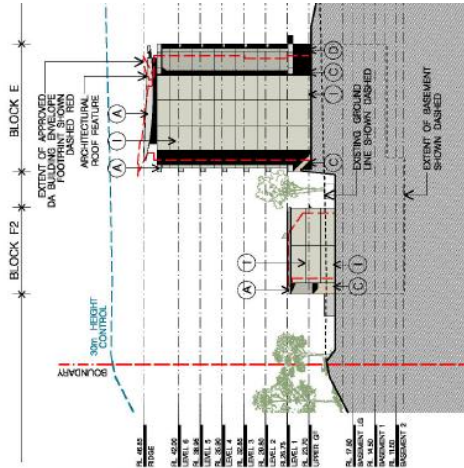




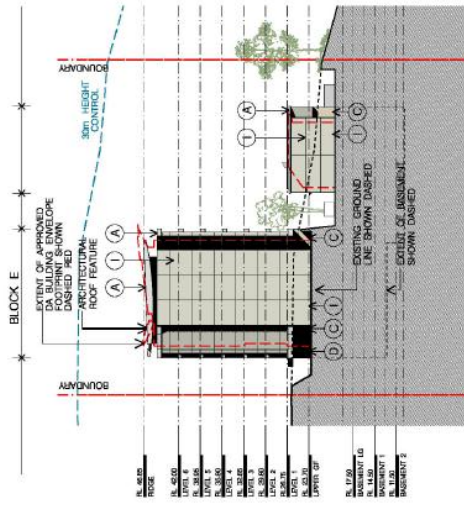
04 BLOCK D, F1: WEST ELEVATION  
1:500

03 BLOCK D, F1: EAST ELEVATION  
1:500

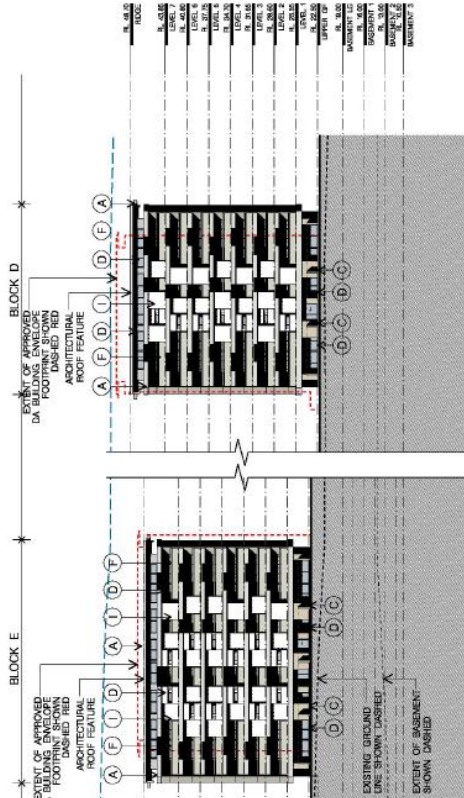
BLOCK D, E: SOUTH ELEVATION  
1:500



06 BLOCK E, F2: WEST ELEVATION  
1:500

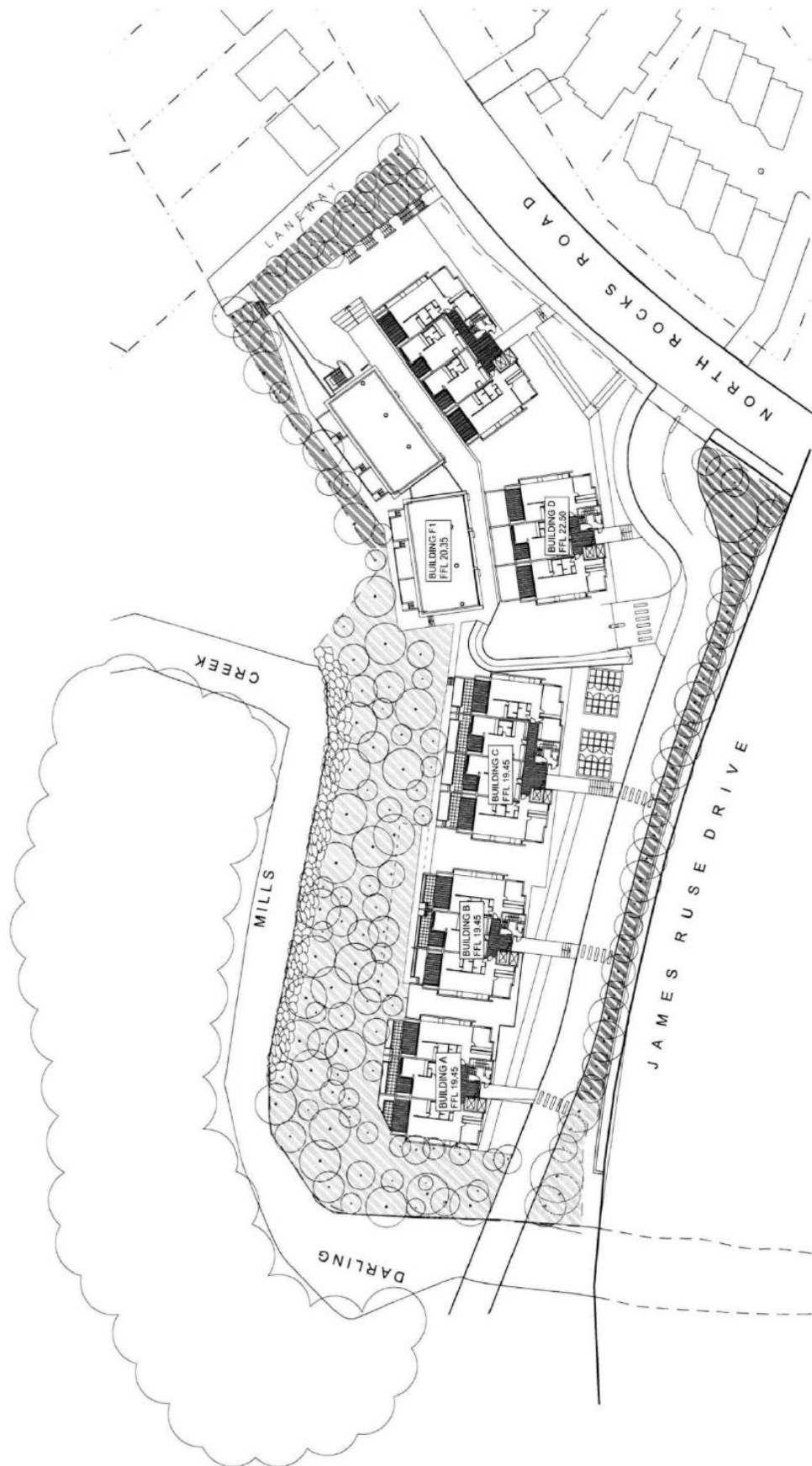


05 BLOCK E, F2: EAST ELEVATION  
1:500



BLOCK D, E: NORTH ELEVATION  
1:500

## ATTACHMENT 7 – PROPOSED LANDSCAPE PLAN





## ATTACHMENT 8 – DEVELOPMENT CONSENT (256/2015/JP)



24 December 2014

M Gheorghiu  
Suite 805, 185 Elizabeth St  
SYDNEY NSW 2000

Ref No.:256/2015/JP  
Joint Regional Planning Panel: 18 December 2014

Dear Sir/Madam

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

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

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

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

**This Consent shall become effective from the endorsed date of Consent.**

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

**Right of Review**

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

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

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

**Right of Appeal**

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

**APPLICANT** M Gheorghiu

**OWNER:** Austcorp No 603 Pty Ltd and Austcorp No 459 Pty Ltd

**PROPERTY:** Lot 2 DP 1158967, Lot 101 DP 617754, Lot 2 DP 721567, Lot 3 DP 22931, Lot 1 DP 127003, Lot 2 DP 22931  
27-33 North Rocks Road, North Rocks

**DEVELOPMENT:** Construction of four (4) residential flat buildings and six (6) terrace style dwellings containing a total of 148 units

**ENDORSED DATE OF CONSENT:** 18 December 2014

## **CONDITIONS OF CONSENT**

### **GENERAL MATTERS**

#### **1. Development in Accordance with Submitted Plans**

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

#### **REFERENCED PLANS AND DOCUMENTS**

<b>DRAWING NO.</b>	<b>DESCRIPTION</b>	<b>REVISION</b>	<b>DATE</b>
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
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 30<sup>th</sup> 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 an EPA accredited 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 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/m<sup>2</sup>.

### **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 Porte 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 8m<sup>2</sup>.

## **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](http://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
<b>Total</b>	<b>\$ 1,651.55</b>	<b>\$ 2,286.63</b>	<b>\$ 4,446.14</b>	<b>\$ 97,441.45</b>	<b>\$ 203,510.07</b>	<b>\$ 300,951.52</b>	<b>\$ 26,676.84</b>	<b>\$ 274,274.68</b>

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](http://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 Practising 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 500mm 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 500mm 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 500mm 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 (500mm 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 (500mm 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 within 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](http://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 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.

**ATTACHMENT: DEVELOPMENT ADVISORY NOTES**

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

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.

3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Shannon Butler on 9843 0334.

Yours faithfully



Paul Osborne

**MANAGER-DEVELOPMENT ASSESSMENT**

## DEVELOPMENT ADVISORY NOTES

### **A. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989**

(refer to Clause 98 of Environmental Planning & Assessment Regulation 2000)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

### **B. EXCAVATIONS AND BACKFILLING**

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

### **C. RETAINING WALLS AND DRAINAGE**

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided as indicated on the plans, and
- (2) adequate provision must be made for drainage.
- (3) A separate Development Application and Construction Certificate Application are required for the retaining walls that are not indicated on the approved plans where such works cannot be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Structural Engineer's details are required to be submitted to Council as part of the application if the amount to be retained is over 1 m in height.

### **D. SUPPORT FOR NEIGHBOURING STRUCTURES**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property, the person causing the excavation to be made:
  - (a) must seek advice from a professional structural engineer, and
  - (b) must preserve and protect the building or retaining structure from damage, and
  - (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
  - (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.



- (2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.
- (3) In this clause, **adjoining property** includes a public road and any other public place.

#### **E. PROTECTION OF PUBLIC SPACES**

- (1) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

#### **F. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES**

- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.  
**Note.** Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

#### **G. TOILET FACILITIES**

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
  - (a) must be a standard flushing toilet, and
  - (b) must be connected:
    - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

#### **H. DRIVEWAYS, FOOTPATHS ROAD AND OTHER PAVEMENT WORKS IN THE FOOTPATH VERGE**

1. The provision and maintenance of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner. However, any work undertaken by private owners within the public road area or footpath verge requires written approval from Council. Where new or replacement driveways and gutter crossings are proposed, the submission of an application for gutter and footpath crossings, accompanied by the current applicable fee as prescribed in Council's Schedule of Fees and Charges, must be submitted to Council.

This process is necessary to ensure the work complies with Australian Standards and Council policies and that all road users, including pedestrians and cyclists are protected both during and after construction. Work in the road reservation without Council approval may be removed if deemed to be a public liability or safety risk.

A copy of the "Footpath Crossing Application" form and Council's specifications relating such works be obtained from Council's website at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or from Council's Customer Service Centre.

2. The removal of all disused driveways and gutter crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjacent footpath verge area is required.
3. Council must be notified in the event of any existing damage to road, pavement, footpaving, kerbing and guttering and street trees prior to the commencement of the work. This notification should include photographic evidence of the existing damage. If Council does not receive notification it will be assumed that no damage existed prior to the work commencing.

Adequate protection must be provided for Council road pavement footpaving, kerbing and guttering and existing street trees prior to commencing and during building operations.

Upon completion of the work, any damage to road pavement, footpaving, kerbing and guttering and street trees not previously reported in accordance with (3) above shall be reported to Council and the cost of repair paid for in full prior to final certification of the works. A cost can be obtained from the Restorations Coordinator (ph. 9843 0234).

#### **DRIVEWAY LOCATIONS & LEVELS**

Owners and/or applicants are responsible to ensure that proper connection with the roadway can be made whilst maintaining safe levels across the footpath verge and along the driveway. Driveways must also be located a minimum of 6m from kerb returns and splayed corners and are sufficiently clear of street trees, service utility infrastructure such as power poles and drainage structures such as kerb inlet pits. Council's Engineer can be contacted on 9843 0374 to assist with these matters. Driveway gradients must conform to Council's specifications which can be obtained from Council's website at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or from Council's Customer Service Centre. The level of the garage floor is to be checked prior to pouring of concrete to ensure compliance with Council's requirements.

#### **ROAD OPENINGS**

Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on

site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped. Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

#### **I. STREET NUMBER**

A street number is to be prominently displayed in a conspicuous position on completion of the building.

#### **J. HOUSEHOLD SERVICES**

The householder is required to notify Council upon occupancy that the garbage service, which is mandatory, is to be commenced and pay the necessary charges upon receipt of an account.

- (1) No encroachment by any building or structure for private use will be permitted on a public reserve.
- (2) Soil and building materials are not to be deposited on any road, footpath or public reserve.
- (3) Building refuse or materials shall not be burnt on site.
- (4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.
- (5) Council consent is required before the removal of any tree, except those approved by this consent, or that is exempt under the Tree & Bushland Management Provision.
- (6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.
- (7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.
- (8) The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre, prior to work commencing, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at **[www.sydneywater.com.au](http://www.sydneywater.com.au)** then see Building & Renovating under the heading Building & Developing, or telephone 132092.
- (9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244
- (10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

#### **K. DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial before You Dig* at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig Service, an amendment to the development consent (or a new development application) may be necessary. *Individuals* owe asset owners a duty of

care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

#### **Telecommunications Act 1997 (Commonwealth)**

Telstra (*and its authorised contractors*) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's Infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 18008 10443.

#### **L. CONNECTION OF STORMWATER DRAINS**

All roof stormwater drains connected to Council's kerb must comply with the levels advised at the street alignment, must cross the footpath at 90° to the kerb line and be connected to existing holes provided in the kerb. Any alternative arrangements must be approved by Council's engineer and must comply with Council's Standard Drawing SD.13 (Roofwater Outlet Connection) a copy of which can be obtained from Council's website at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

#### **M. TREE MANAGEMENT PROVISIONS**

Clause 5.9 (Preservation of trees or vegetation) of The Hills Local Environmental Plan 2012, requires the preservation of all trees and prohibits the ringbarking, cutting down, topping, lopping or wilful destruction of trees except with the prior approval of Council.

#### **N. INSURANCE REQUIREMENTS**

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract must be in force.

THIS APPROVAL IN NO WAY VARIES COVENANTS, IF ANY, ATTACHING TO THE LAND NOR SHALL PREJUDICE ANY ACTION THAT MAY BE TAKEN BY ANY INTERESTED PARTY IN THIS REGARD.



# 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
<b>Plans, standards and guidelines</b>	
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  <b>Amendments to Plans –</b>  (v) <b>a 20 metre average riparian corridor must be fully vegetated in accordance with guidelines for Riparian Corridors and Vegetation Management Plans</b> <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx">http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx</a>  (vi) <b>Offset applied <u>must</u> belong to the same property</b>
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 <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a>  (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](http://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](mailto: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.
<b>Rehabilitation and maintenance</b>	
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.
<b>Reporting requirements</b>	
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.
<b>Security deposits</b>	
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.
<b>Access-ways</b>	
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.
<b>Bridge, causeway, culverts, and crossing</b>	
12-13	N/A
<b>Disposal</b>	
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.
<b>Drainage and Stormwater</b>	
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.
<b>Erosion control</b>	

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

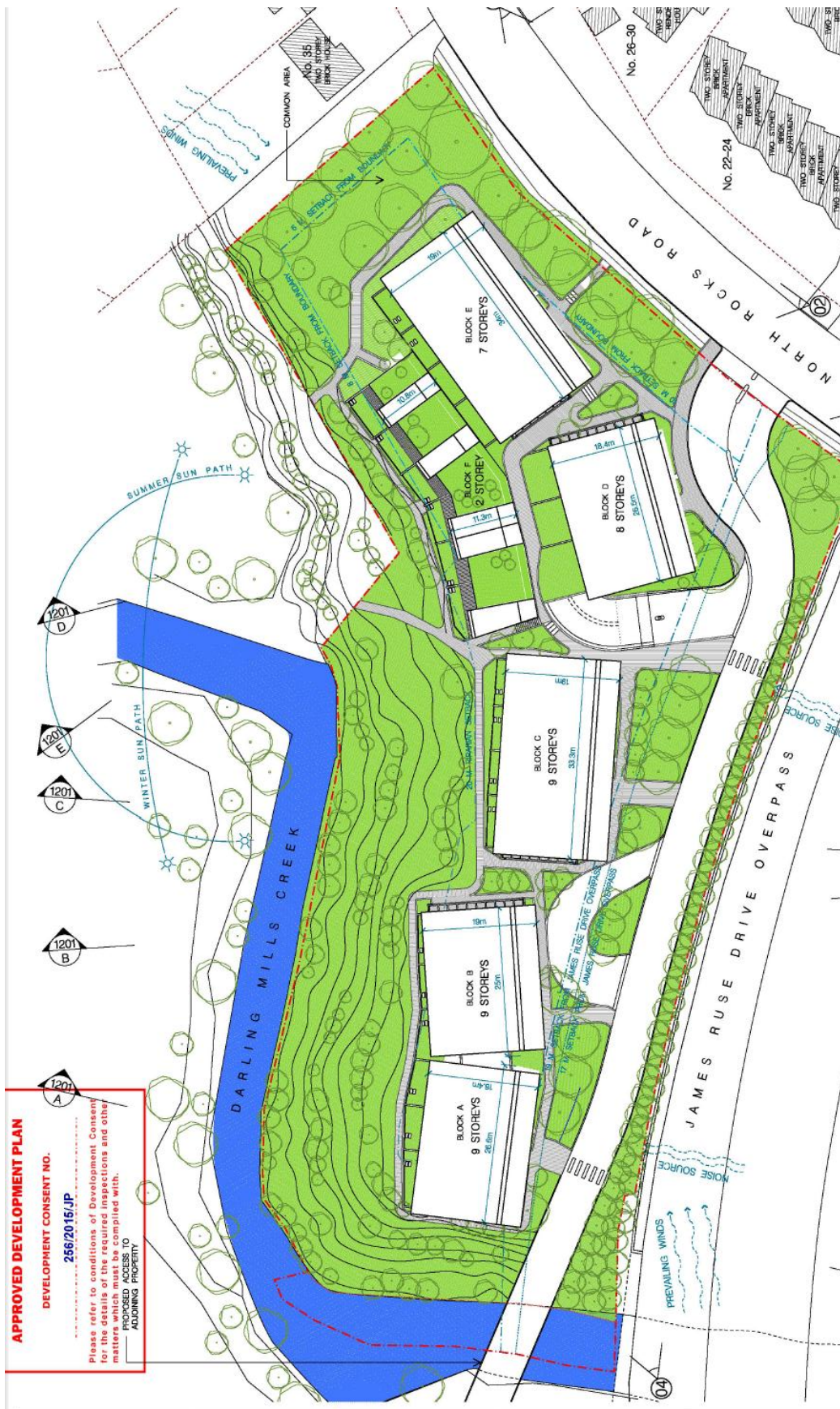
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 8838 7554 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072 170912

**Our Reference:** 10 ERM2014/0842 **File No:** 9011016  
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**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.
<b>Excavation</b>	
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
<b>River bed and bank protection</b>	
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.
<b>END OF CONDITIONS</b>	

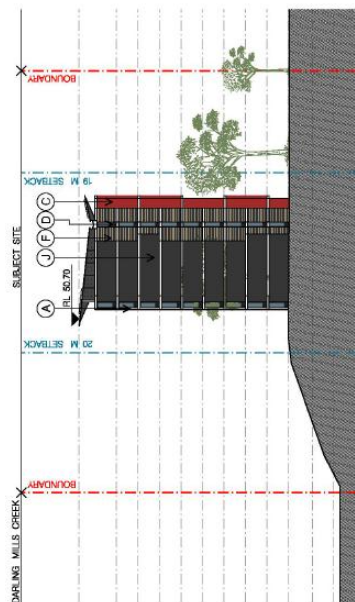


## ATTACHMENT 9 – APPROVED PLANS (256/2015/JP)

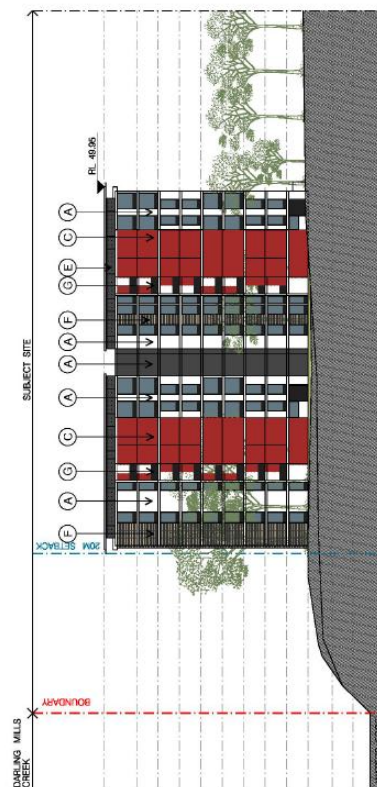




**THE HILLS SHIRE COUNCIL**  
**APPROVED DEVELOPMENT PLAN**  
 DEVELOPMENT CONSENT NO.  
**256/2015JP**  
 Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.



01 ELEVATION WEST (BLOCK A)  
 1:500



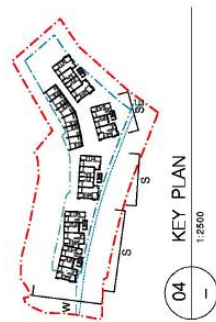
02 ELEVATION SOUTH (BLOCKS A, B)  
 1:500



03 ELEVATION SOUTH (BLOCK C)  
 1:500



04 ELEVATION SOUTH-EAST (BLOCK D)  
 1:500



04 KEY PLAN  
 1:2500





PLANT SCHEDULE				
ID	BOTANICAL NAME	COMMON NAME	HEIGHT (m)	SIZE QTY

**NOTE:** Plant quantities on planting plan take precedence over quantities identified in this schedule.

