

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-27
<b>DA Number</b>	1395/2016/JP/C
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	A Section 4.55(2) Modification to an approved mixed use development
<b>Street Address</b>	Lot 5074 DP 1003042, LOT 102 DP 1065520, 11-13 Solent Circuit, Norwest, Lake, Norwest Boulevard, Bella Vista
<b>Applicant/Owner</b>	D Beasley/Prime Esplanade Land Pty Ltd and Norwest Association Limited
<b>Consultant/s</b>	Sutherland & Associates Planning Accessible Building Solutions
<b>Date of DA lodgement</b>	3 September 2019
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011, Clause 123BA of the Environmental Planning and Assessment Regulation 2000 and Section 4.7(2)(h) of the Act</b>	Section 4.55(2) Modification Applications require determination by a Regional Planning Panel
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• The Hills Local Environmental Plan 2012</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• DCP 2012 Part B Section 6 – Business</li> <li>• DCP 2012 Part B Section 5 – Residential Flat Buildings</li> <li>• DCP 2012 Part C Section 1 – Parking</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 7.4: s4.15(1)(a)(iv)</li> </ul>

	<ul style="list-style-type: none"> <li>Voluntary Planning Agreement for 11-13 Solent Circuit Baulkham Hills between The Hills Shire Council and Hills Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd, dated July 2015.</li> <li>List any relevant regulations: s4.15(1)(a)(iv)</li> <li>Environmental Planning and Assessment Act Regulation 2000</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Report prepared by</b>	Cynthia Dugan Development Assessment Co-ordinator
<b>Report date</b>	Electronic Determination

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

### EXECUTIVE SUMMARY

Development Application No. 1395/2016/JP was approved by the then Joint Regional Planning Panel (JRPP) (now Sydney Central City Planning Panel) on 20 October 2016 for the demolition of existing structures and the construction of a mixed use development containing 247 residential units (36 x 1 bedroom, 179 x 2 bedroom, 25 x 3 bedroom and 7 x 4 bedroom), ground floor retail, three (3) levels of commercial offices, construction of a new boardwalk adjacent to Norwest Lake, landscaping works, tree removal and five (5) levels of parking providing 646 car parking spaces. A Section 4.55(2) Modification Application was subsequently approved on 8 May 2018 to amend the apartment mix to 51 x 1 bedroom, 167 x 2 bedroom, 31 x 3 bedroom and 3 x 4 bedroom units, the deletion of 5 commercial car parking spaces on ground level and relocating the gymnasium from the fourth level to the ground level and external façade alterations.

The subject Modification Application seeks consent for the use and conversion of 10 x 2 bedroom units to 10 x 1 bedroom and study units to make them liveable for young persons

with disabilities. The modifications would result in a residential unit mix of 61 x 1 bedroom, 157 x 2 bedroom, 31 x 3 bedroom and 3 x 4 bedroom units. The 10 units have been purchased by Summer Housing, a not for profit organisation that provides housing choice to support people with a disability, particularly younger people. The use of the proposed development remains consistent with the approved mixed use development comprising residential and commercial uses which are permissible pursuant to The Hills LEP 2012. The proposed modification is only for internal unit reconfigurations and subsequent minor changes to windows and balcony walls. The proposal does not result in any other changes to the external built form and no change is proposed to the approved gross floor area, height, unit yield or car parking.

The proposed modification does not produce any further variations to State Environmental Planning Policy 65, the Apartment Design Guide or The Hills DCP 2012. The proposed modification increases the amount of flexible housing for all community members which is more consistent with the recently adopted accessibility controls in The Hills DCP 2012.

The application relates to 'Nominated Integrated Development' pursuant to Clause 4.46 of the Environmental Planning and Assessment Act, 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000 as the original proposal required referral to the NSW Department of Primary Industries – Water for concurrence. The NSW Department of Primary Industries – Water have indicated that no objections are raised to the proposed modification and that the General Terms of Approval issued for the original consent remain valid.

The proposed modification was exhibited and notified to adjoining property owners for a period of 14 days. No submissions were received.

The modification application is recommended for approval subject to revised conditions.

## **BACKGROUND**

The site was subject to a Planning Proposal (Ref. No 17/2013/PLP) to amend the Hills Local Environmental Plan 2012. Amendment No. 29 was gazetted on 20 November 2015. The plan amends The Hills Local Environmental Plan 2012 as follows:

- Increase the maximum permitted building height from RL 116 metres (approximately 11 storeys) to RL 143.20 metres (20 storeys);
- Increase the maximum permitted floor space ratio from 1.49:1 to 2.42:1;
- Allow uses that are permissible within the B2 Local Centre zone, that is, commercial premises, residential flat buildings, building identification signs and business identification signs, on that part of the site that is zoned SP2 (Drainage) through Schedule 1 - Additional Permitted Uses; and
- To specify a minimum 6,000m<sup>2</sup> of commercial floor space to be provided on the land.

Associated amendments to The Hills Development Control Plan 2012 (Part B Section 6 – Business) came into force on 1 December 2015 and provide objectives and development controls to guide the development of the site.

The original Development Application No. 1395/2016/JP was approved by the then Joint Regional Planning Panel (JRPP) (now Sydney Central City Planning Panel) on 20 October 2016. The approved Development Application consisted of the demolition of existing structures and the construction of two mixed use buildings being 16 and 19 storeys in height containing 267 residential units (44 x 1 bedroom, 194 x 2 bedroom, 22 x 3 bedroom and 7 x 4 bedroom), ground floor retail, three (3) levels of commercial offices, construction of a new

boardwalk adjacent to Norwest Lake, landscaping works, tree removal and five (5) levels of parking providing 652 car parking spaces. The application was accompanied by a request to vary Clause 4.4 floor space ratio development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). This variation was supported with an approved floor space ratio of 2.66:1.

Section 96(2) application to Development Consent No. 1395/2016/JP was approved on 8 May 2018 by the Sydney Central City Planning Panel for the following modifications:

- Relocation of gym from level 4 to ground level and replacement of the gym location on level 4 with two new 1 bedroom apartments;
- Various changes to the configuration of a variety of approved units including replacement of four levels of 2 x 2 bedroom units per floor with 3 x 1 bedroom units, consolidation of apartment 1702 and 1703;
- Reconfiguration of retail tenancies;
- Relocation of fire stairs and toilets for restaurant tenancies in Building A;
- Conversion of retail space in Building B for restaurant use;
- Amendments to facades;
- Introduction to obscure glazing to louvres of eastern terraces to commercial tenancies to comply with condition No.11;
- Additional bathroom facilities as well as modification to approved WC layout on the ground floor for retail tenancies;
- Change to numbering of units on the plans;
- Minor reconfiguration of waste room on ground floor;
- Introduction of privacy screening, obscured glazing and highlight windows to unit windows as required by condition No.11.

Section 4.55 (2) Modification Application (1395/2016/JP/B) was lodged on 21 December 2018 for internal and external changes to the approved mixed use development. The modifications proposed have been reduced in scope and the application has been approved under Council officer delegations under Section 4.55(1A) of the Act.

The subject Modification Application was lodged on 3 September 2019.

A site inspection was conducted by Council officers on 17 and 18 October 2019. Council Officers identified that partial construction of the proposed works have already been undertaken including the construction of internal walls in different locations, external walls to the balconies in different locations and enlarging of the balconies.

A Stop Work Order was issued on 22 October 2019 for all unauthorised works. A condition has been recommended in the development consent requiring a Building Information Certificate for the unauthorised works.

## DETAILS AND SUBMISSIONS

Owner:	Prime Esplanade Land Pty Ltd and Norwest Association Limited
Zoning:	B2 Local Centre and SP2 Infrastructure
Area:	1.2 Hectares
Existing Development:	Construction of mixed use development under subject development consent
Section 7.11 Contribution	No, however a Planning Agreement is in place. Currently \$3,130,000.00 (indexed in accordance with the Planning Agreement) for



	the first 240 units, as well as an additional amount of \$13,041.67 (indexed in accordance with the Planning Agreement) for each of the additional 12 units proposed in excess of 240 units.
Exhibition:	Yes, 14 days.
Notice Adj Owners:	Yes, 14 days
Number Advised:	457 adjoining land owners
Submissions Received:	Nil

## PROPOSAL

The proposed Section 4.55(2) modification application seeks consent for the conversion of the following 2 bedroom units to 1 bedroom and study units that meet the platinum level of the Liveable Housing Guidelines:

- 1309
- 1510
- 1610
- 1707
- 1708
- 1709
- 1806
- 1813
- 1814
- 1906

Minor alterations to windows and balconies have been made to incorporate these unit reconfigurations.

The following comparison to the approved development is demonstrated in the below table:

	Approved	Proposed Modification
<b>Gross Floor Area</b>	30,649m <sup>2</sup>	No change
<b>Floor Space Ratio</b>	2.55:1	No change
<b>Height</b>	RL 143.2m	No change
<b>Storeys</b>	19 storeys	No change
<b>Dwelling Yield</b>	252 units	No change
<b>Apartment mix</b>	51 x 1 bedroom units (20.2%) 167x 2 bedroom units (66.3%) 31 x 3 bedroom units (12.3%) 3 x 4 bedroom units (1.2%)	61 x 1 bedroom units (24.2%) 157x 2 bedroom units (62.3%) 31 x 3 bedroom units (12.3%) 3 x 4 bedroom units (1.2%)
<b>Car Parking</b>	387 residential spaces; 254 commercial spaces	No change

## ISSUES FOR CONSIDERATION

### 1. Assessment under Section 4.55 Provisions

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved.

The proposed modification seeks approval for the use of minor changes to the unit mix and conversion of 10 x 2 bedroom units to 10 x 1 bedroom and study units to make them accessible for occupation for young people with disabilities. Apart from minor changes to windows and balconies to accommodate these unit layouts, no other external changes are proposed. The built form and layout of all other units remains consistent with the original approval. The proposal responds appropriately to the interface of Norwest Lake within Norwest Business Park and is in keeping with the future character of development within close proximity to Norwest Station. The proposed modification is considered to be substantially the same development as originally approved by Council.

Modification applications can be granted retrospective approval under NSW case law as established in the case of *Windy Dropdown Pty Ltd v Warringah Council [2000] NSWLEC 240*. Commissioner J. Talbot considered the following:

*the broad construction of s 96 leads to a practical result that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.*

Therefore, although partial construction for the works which form the basis of this section 4.55 application have already been undertaken, modification approval can still be granted.

The original development was determined by the then JRPP (now SCCPP) as the Capital Investment Value exceeded \$20 million. In addition, under Clause 123BA of the Environmental Planning and Assessment Regulation 2000, the proposed Section 4.55(2) modification is not included in consent authority functions of a Sydney regional planning panel under section 4.7(2)(h) of the Act as the modification of development consent does not relate to a Section 4.55(1) or Section 4.55(1A). In this regard, the subject application requires referral to the SCCPP for determination.

## **2. Assessment under SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide**

The subject modification application has been considered under SEPP 65 requirements and the Apartment Design Guide (ADG). The proposed modification only includes internal layout changes to 10 units and does not alter the total residential dwelling yield for the approved development. The proposed modification provides for an increase in accessible units and therefore an increase in housing diversity. The proposal does not result in a change to the height, bulk and scale, sustainability, landscape, safety, context and neighbourhood character. In this regard, the proposed modification is consistent with the original assessment of the relevant design quality principles within the SEPP.

### **2.1 Apartment Design Guide**

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a development or modification to a residential flat building must have regard to the Apartment Design Guide. The subject modification application only proposes changes to the unit mix, and layout of 10 apartments. It is noted that the original approval allowed variations to separation between buildings (to the eastern adjoining property), solar and daylight access, apartment layout, common circulation spaces and storage. The following table is an assessment of the proposed modification against the relevant guidelines in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	No change to approved communal open space area.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .	No change to approved development.
<b>Siting</b>		
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	No change to approved development.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	No change to approved development.
Car parking	<p>Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit.  0.9 spaces per 2 bedroom unit.  1.40 spaces per 3 bedroom unit.  1 space per 5 units (visitor parking).</p> <p>Approved unit mix  51 x 1 bedroom unit (30.6)  167 x 2 bedroom units (150.3)  34 x 3-4 bedroom units (47.6)  Total spaces required: 228.5</p> <p>Proposed unit mix  61 x 1 bedroom unit (36.6)  157 x 2 bedroom units (141.3)  34 x 3-4 bedroom units (47.6)  Total spaces required: 225.5</p>	<p>Yes. No change proposed to the number of car parking spaces provided. The change in unit mix results in the requirement of 3 less car parking spaces.</p> <p>Provided:</p> <p>Residents: 311 + 28 tandem</p> <p>Visitor: 51</p> <p>Total: 362 (excludes tandem) or 390 (includes tandem).</p>
<b>Designing the Building</b>		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	<p>No change to approved development</p> <p>75% of apartments (190 units) receive 2</p>

	<p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter.</p>	<p>hours direct sunlight between 9am and 3pm midwinter.</p> <p>25% of apartments (62 units) receive no solar access, however variation of 24% supported in original application.</p>
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>No change to approved development. 70% of apartments receive natural cross ventilation.</p> <p>Yes. The maximum overall depth is 17 metres for a cross through apartment.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	<p>No change to approved development.</p> <p>Floor to ceiling height approx. 2.7 metres for all apartments, ground floor retail – 5.4 metres and first floor office – 3.3 metres.</p>
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup> 1 bedroom – 50m<sup>2</sup> 2 bedroom – 70m<sup>2</sup> 3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>No change to approved development.</p> <p>1 bedroom – 50m<sup>2</sup> 2 bedroom – 76m<sup>2</sup> 3 bedroom – 102m<sup>2</sup></p> <p>Where additional bathrooms are proposed, an additional 5m<sup>2</sup> has been provided.</p> <p>No change to approved development.</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>

Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>- 3.6m for studio and 1 bedroom apartments</li> <li>- 4m for 2 and 3 bedroom apartments</li> </ul> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts</p>	<p>Yes. The conversion of units to accessible units does not alter the room depths and increases minimum areas of master bedrooms.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth</p> <p>1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m.</p> <p>2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m.</p> <p>3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m.</p>	<p>Yes. Existing balconies provided for the approved 2 bedroom units are in excess of the requirements of the converted 1 bedroom units.</p>
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>No changes to circulation core for residential levels. Apartment numbers and remain as approved.</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup></p> <p>1 bedroom – 6m<sup>3</sup> (x 51 = 306m<sup>3</sup>)</p> <p>2 bedroom – 8m<sup>3</sup> (x 167 = 1,336m<sup>3</sup>)</p> <p>3+ bedrooms – 10m<sup>3</sup> (x 34 = 340m<sup>3</sup>)</p> <p>1,982m<sup>3</sup> of storage required for approved unit mix.</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Yes. Units provide for at least 3m<sup>3</sup> (50% of required storage) within converted 1 bedroom apartments. No changes to the approved 1,995m<sup>3</sup> of storage provided within car parking</p>

Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The proposal provides for a satisfactory unit mix with an increase in the number of flexible apartment configurations to support young people with disabilities.
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### 3. Compliance with The Hills Local Environmental Plan 2012

The proposal has been assessed under the relevant standards under The Hills LEP 2012. The table below contains the relevant development standards of the LEP applying to the proposed modification application:

DEVELOPMENT STANDARD	LEP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Clause 4.4 Floor Space Ratio	2.42:1	2.551:1	No, supported under original assessment. No change to Gross Floor Area proposed under subject application.
Clause 4.3 of Height of Buildings	RL 143.200	Building A – RL 143.113 Building B – RL 141.2	Yes, no change proposed.
Clause 7.7 Design Excellence	Development consent must not be granted to development unless the consent authority considers the development exhibits design excellence.	The design of the development is consistent with approved development.	Yes. The development has already been granted development consent. Changes only relate to internal layout of 10 units and associated windows and balconies.
Clause 7.10 Minimum commercial floor space in Norwest Town Centre	Min. 6,000m <sup>2</sup>	6,056m <sup>2</sup>	Yes. No change to commercial floor space proposed.

### 4. Compliance with The Hills DCP 2012

The proposed modifications only relate to the internal reconfiguration of 10 residential units and subsequent minor balcony wall and window changes to units. The proposal does not alter the overall change in gross floor area, built form, maximum height or building envelope massing of the approved development. No change is proposed to the commercial

component of the approved mixed use development and a further assessment against the provisions of Part B Section 6 – Business is not required.

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

Part B Section 5 Residential Flat Buildings applies to land where residential flat buildings are permissible. The proposed modification relates to a mixed use development with a residential flat building component. The DCP contains provisions which typically apply in residential zones where the maximum height limit is in the order of four storeys. In this regard, this particular section of the DCP has been used as a guide to assess the residential component of the development noting that the site is subject to site-specific LEP height and FSR controls and provisions under DCP Part B Section 6 – Business. The following table details the relevant parts of the DCP where they relate to the proposed changes:

DEVELOPMENT STANDARD (CLAUSE NO.)	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
3.10 Density	150-175 persons per hectare.	419 persons per hectare proposed under subject application.	The proposed modification results in 7 persons per hectare less than the approved development which has been approved at 426 persons per hectare under previous development consent No. 1395/2016/JP/A. The mixed use development is consistent with the unit yield envisaged under the Planning Proposal which was supported due to its close proximity to Norwest train station.
3.11 Unit Layout and Design	<p>Apartment Mix</p> <p>(a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.</p> <p>(b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</p> <p>Residential Flat Development (30 or more units) (d) The minimum internal floor area for each unit,</p>	<p>Complies. A maximum of 24.2% of units are 1 bedroom</p> <p>Complies. 14% of units are 3 or more bedrooms</p>	<p>Yes</p> <p>Yes</p>

	<p>excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <table><tr><th>Apartment Size Category</th><th>Apartment Size</th></tr><tr><td colspan="2">Type 1</td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 or more bedrooms</td><td>95m<sup>2</sup></td></tr><tr><td colspan="2">Type 2</td></tr><tr><td>1 bedroom</td><td>65m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>90m<sup>2</sup></td></tr><tr><td>3 or more bedrooms</td><td>120m<sup>2</sup></td></tr><tr><td colspan="2">Type 3</td></tr><tr><td>1 bedroom</td><td>75m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>110m<sup>2</sup></td></tr><tr><td>3 or more bedrooms</td><td>135m<sup>2</sup></td></tr></table> <p>Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>All remaining apartments are to comply with the Type 3 apartment sizes.</p>	Apartment Size Category	Apartment Size	Type 1		1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 or more bedrooms	95m <sup>2</sup>	Type 2		1 bedroom	65m <sup>2</sup>	2 bedroom	90m <sup>2</sup>	3 or more bedrooms	120m <sup>2</sup>	Type 3		1 bedroom	75m <sup>2</sup>	2 bedroom	110m <sup>2</sup>	3 or more bedrooms	135m <sup>2</sup>	<p>Type 1: 1BR – 51/61 units 2BR –121/157 units 3BR – 23/34 units 77% of units are type 1 (195 units).</p> <p>Type 2: 2BR – 36/157 3BR – 2/34 20% of units are type 2 (38 units).</p> <p>Type 3: 1BR – 10/61 units 2BR – NIL 3BR – 9/34 units 20% of units are type 3.</p>	<p>No, variation proposed. Refer to discussion below.</p> <p>Yes</p> <p>No, variation proposed. Refer to discussion below.</p>
Apartment Size Category	Apartment Size																												
Type 1																													
1 bedroom	50m <sup>2</sup>																												
2 bedroom	70m <sup>2</sup>																												
3 or more bedrooms	95m <sup>2</sup>																												
Type 2																													
1 bedroom	65m <sup>2</sup>																												
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3 or more bedrooms	120m <sup>2</sup>																												
Type 3																													
1 bedroom	75m <sup>2</sup>																												
2 bedroom	110m <sup>2</sup>																												
3 or more bedrooms	135m <sup>2</sup>																												
3.13 Open Space	<p>Private: Ground level – 4m x 3m (min).</p> <p>Above ground – min. 10m<sup>2</sup> with min. depth 2.5m.</p> <p>Common: 20m<sup>2</sup> per dwelling.</p>	<p>Podium level private open space areas comply.</p> <p>Minimum 8m<sup>2</sup> with min. depth of 2m</p> <p>No change to residential unit yield. Common open space areas provided in original consent (as modified).</p>	<p>Yes, no change proposed to ground level units.</p> <p>No, however no change to private open space areas as approved under 1395/2016/JP/A.</p> <p>Yes, no change to residential unit yield or common open space areas.</p>																										



3.15 Ventilation	<ul style="list-style-type: none"> <li>- Consider prevailing breezes in relation to building orientation, window design and internal circulation.</li> <li>- Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position.</li> <li>- Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation.</li> <li>- Provide security screen doors at unit entries.</li> <li>- Minimise air gaps by incorporating door and window seals.</li> </ul>	<p>The proposed orientation and internal configuration of the development responds to prevailing breezes in order to maximise natural ventilation to apartments. At least 70% of apartments are naturally ventilated which exceeds the 60% requirement of the ADG.</p> <p>Windows have been located on opposite sides or to a different aspect where possible.</p>	Yes, negligible change proposed to windows for each unit.
3.19 Car parking	<p><u>Rate per unit &amp; visitor parking:</u></p> <p>1 space per 1 BR (61).  2 spaces per 2 or 3 BR (191).  Visitor – 2 spaces per 5 dwellings (101).  Total spaces required: 353.</p>	<p>Total Approved: 358 (excluding tandem) or 387 (including tandem).</p>	No change to car parking spaces approved under 1395/2016/JP/A. The DCP requires 5 less car spaces for the change in unit mix of 10 x 2 bedroom units to 10 x 1 bedroom units.
3.20 Storage	10m <sup>3</sup> with an area 5m <sup>2</sup> and dimension 2 metres.	Minimum 8m <sup>3</sup>	Yes, all reconfigured units provide for at least 8m <sup>3</sup> storage.
3.21 Access and Adaptability	<p>Lift provided if greater than 2 storeys.</p> <p>Accessible housing: 10% in a development &gt;20 units.</p>	13 (5%) accessible units proposed.	No, however no change to approved development. It is noted that an additional 10 units provides for liveable unit for young people with disabilities in accordance with the liveable housing guidelines.

<p>3.23 Privacy – Visual and Acoustic</p>	<ul style="list-style-type: none"> <li>- Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space).</li> <li>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.</li> <li>- Dwellings adjoining arterial roads to be designed to acceptable internal noise levels, based on AS 3671 – Road Traffic Noise Intrusion Guidelines.</li> </ul>	<p>Internal building separation and window location and sizes for the reconfigured units are unaltered. Units have been designed to minimise the potential for direct overlooking through the sufficient separation of Building A and B in addition to the appropriate placement of balconies and windows.</p> <p>The internal configuration of the development has been designed to consider the location of potential noise sources.</p>	<p>Yes</p>
<p>3.25 Waste Management – Storage and Facilities</p>	<ul style="list-style-type: none"> <li>- Waste collection and separation facilities to be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material.</li> <li>- Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per</li> </ul>	<p>Each dwelling includes the required waste collection facilities.</p> <p>No change to the location of the communal waste storage areas.</p>	<p>Yes</p>

	week for garbage and fortnightly for recycling. - Screen views of waste and storage facility from any adjoining property or public place while ensuring there is some natural surveillance from within the development to minimise vandalism and other anti-social activity. - Waste storage areas to be kept clean, tidy and free from offensive odours at all times.		
3.26 Waste Management Planning	Submission of a Waste Management Plan – demolition, construction and on-going use.	Proposal is consistent with the Waste Management Plan approved under the original application.	Yes

The original approval allowed variations to landscaping, building length, density, private open space, common open space, apartment sizes, car parking and storage. The proposed modification includes the reconfiguration of 10 units to accessible units, converting 2 bedroom units to 1 bedroom and study units. The modifications do not result in further variations to the controls. The unit layout and design, access and adaptability and private open space areas are further discussed below:

#### 4.2.1 Unit Layout and Design

The proposed modification includes the addition and reconfiguration of the following units: Units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1814 and 1910.

The proposed modification results in apartment sizes that are inconsistent with the minimum unit size typology as required by the DCP. The proposal would provide the following apartment sizes:

One Bedroom: 50m<sup>2</sup> to 84m<sup>2</sup>  
 Two Bedroom: 76m<sup>2</sup> to 93m<sup>2</sup>  
 Three Bedroom: 106m<sup>2</sup> to 169m<sup>2</sup>  
 Four Bedroom: 147m<sup>2</sup> to 150m<sup>2</sup>

With respect to compliance, 77% of units are Type 1, 20% of units are Type 2 and 20% of units are Type 3. In this regard, the proposal exceeds the maximum permitted Type 1 apartment by 37% and has a shortfall of 20% of Type 3 apartment size.

#### Comment:

The objectives of the DCP are:

- (i) *To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) *To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) *To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

It is noted that the approved development supported a variation to the control with 81% of Type 1 units and 37% of Type 3 units. The proposed modification would result in a reduced variation to Type 1 units and Type 3 unit however does not reduce the residential unit yield.

The proposed increase in 10 x one bedroom and study apartments and subsequent decrease in 10 x two bedroom units is considered minor in nature as the proposal continues to provide a reasonable mix of apartments, with 61 x 1 bedroom, 157 x 2 bedroom and 31 x 3 bedroom units and 3 x 4 bedroom units proposed within the design. The proposal meets the objectives of the DCP in that the units are a suitable, the layouts have been designed to provide for a high level of amenity including adequate solar access and natural ventilation, provides for a more inclusive and diverse housing choice and have efficient designs.

The proposal also meets the minimum unit size requirements of the Apartment Design Guide in regard to unit size and unit mix. It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings*' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in the Apartment Design Guidelines. The apartment sizes all exceed the minimum requirements of the SEPP.

In this regard, the proposed apartment size and unit mix caters for different users/household types and meet the objectives of the control. The proposed unit mix is considered satisfactory and the variation is supported.

#### **4.2.2 Access and Adaptability**

The DCP requires that for residential flat buildings with more than 30 dwellings, 10% adaptable or accessible dwellings are to be provided.

The proposal provides 13 adaptable dwellings (5%) which does not comply with this control.

The DCP provides the following objectives relating to Access and Adaptability:

- *To ensure that developments provide appropriate and improved access and facilities for all persons (consistent with the provisions of Australian Standard AS1428.1).*
- *To encourage designers/developers to consider the needs of people who are mobility impaired and to provide greater than minimum requirements for access and road safety.*

- *To ensure that building design does not prevent access by people with disabilities.*
- *Incorporate design measures that are appropriate to people with disabilities. To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.*

**Comment:**

The DCP amendments to Access and Adaptability controls came into force on 21 May 2019 following Council resolution on 30 April 2019 to adopt the draft amendments as a response to requirements of The Hills Disability Inclusion Action Plan. The amendments include an increase in the percentage of adaptable/accessible housing from 5% to 10% under Part B Section 5 Residential Flat Buildings.

The residential component of the mixed use development was approved on 20 October 2016 with 5% accessible housing prior to the newly adopted DCP controls for Access and Adaptability coming into force. The increase of 10 liveable housing units is more aligned with the new controls that promote increased housing diversity and considers the needs of people who are mobility impaired. In this regard, the variation to the control is supported.

#### **4.2.3 Private Open Space**

The DCP requires that private open spaces above ground floor comprise a minimum of 10m<sup>2</sup> with minimum depth 2.5 metres. The modified development includes the reconfiguration of 10 x 2 bedroom units to 10 x 1 bedroom and study units. Each of these reconfigured units include balconies that are at least 8m<sup>2</sup> with minimum depth 2 metres.

**Comment:**

The private open space areas comply with the requirements of the Apartment Design Guide which specify a minimum area of 8m<sup>2</sup> for one bedroom units. Pursuant to Clause 6A of SEPP 65, if a development control plan contain provisions that specify requirements, standards or controls in relation to private open space, those provisions have no effect. As such the private open space standards of the Apartment Design Guide prevail.

Additionally, the proposed development provides for a high level of residential amenity with over 70% of private open space areas receiving 2 hours of solar access during mid-winter. Furthermore, the communal open space area provides for both passive and recreational activities. In this regard, a variation is considered to be satisfactory.

## **5. Referrals**

### **External Referrals**

The application was referred to the following external authorities:

#### **NSW DEPARTMENT OF PRIMARY INDUSTRIES WATER**

The Application was referred to The NSW Department of Primary Industries – Water. No objections are raised to the proposed modification and that the General Terms of Approval issued for the original consent remain valid.

## **Internal Referrals**

The application was referred to the following internal sections:

### **FIRE SAFETY COMMENTS**

The Application was referred to Council's Fire Safety Section. As partial construction of the works has already been undertaken, a Building Information Certificate condition has been recommended in the consent (refer condition No. 2a and 2b).

### **CONCLUSION**

The Section 4.55 application has been assessed against the provisions of Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012 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 for more housing diversity and is inclusive for people with a disability. The built form is unaltered and is in keeping with the desired future character of the area.

The proposed development includes variations to The Hills DCP with regard to unit layout and design, private open space and accessibility which are consistent with those approved under the original development consent. 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 is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of unit layouts and sizes in a Town Centre location.

### **RECOMMENDATION**

The Modification Application be approved subject to the following:

1. Condition 1 be deleted and replaced with:

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

The development being carried out in accordance with the following approved plans and details, stamped 1395/2016/JP and as amended by 1395/2016/JP/A and 1395/2016/JP/C and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – 1395/2016/JP

<b>DRAWING NO.</b>	<b>DESCRIPTION</b>	<b>ISSUE</b>	<b>DATE</b>
DA-100-001	Site Plan prepared by Turner	J	03/08/2016
DA-110-009	Basement Plan prepared by Turner	J	08/08/2016
DA-110-010	Ground Level Plan prepared by Turner	K	19/09/2016
DA-110-011	Level 01 Plan prepared by Turner – Amended in red.	K	16/09/2016
DA-110-012	Level 02 Plan prepared by Turner – Amended in red.	K	19/09/2016
DA-110-014	Level 03 Plan prepared by Turner– Amended in red.	K	19/09/2016
DA-110-015	Level 04 Plan prepared by Turner	K	19/09/2016
DA-110-016	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-017	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-018	GA Plans prepared by Turner	N/A	19/09/2016
DA-110-019	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-020	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-021	Service Level prepared by Turner	J	08/08/2016
DA-110-022	Roof Level prepared by Turner	J	08/08/2016
DA-250-001	North Elevation prepared by Turner	K	15/09/2016
DA-250-002	South Elevation prepared by Turner	K	15/09/2016
DA-250-003	East Elevation prepared by Turner – Amended in red.	K	15/09/2016
DA-250-004	West Elevation prepared by Turner	K	15/09/2016
DA-250-005	Building A South Elevation prepared by Turner	K	15/09/2016
DA-250-006	Building B North Elevation prepared by Turner	K	15/09/2016
DA-350-001	Section 01 Plan prepared by Turner	K	15/09/2016
DA-910-001	910 Finishes prepared by Turner	N/A	N/A
SK02	Planting Philosophy prepared by Scape Design	G	N/A
SK03	Ground Floor Plan prepared by Scape design	T	N/A
SK04	Podium Level Plan prepared by Scape Design	Q	N/A
SK05	Pool Level Design prepared by Scape Design	H	N/A

REFERENCED PLANS AND DOCUMENTS – 1395/2016/JP/A

<b>DRAWING NO.</b>	<b>DESCRIPTION</b>	<b>ISSUE</b>	<b>DATE</b>
DA-110-009	GA Plans Basement Plan prepared by Turner	N	15/08/2017
DA-110-010	GA Plans Ground Level Plan prepared by Turner	N	15/08/2017
DA-110-011	GA Plans Level 01 Plan prepared by Turner	N	15/08/2017
DA-110-012	GA Plans Level 02 Plan prepared by Turner	N	15/08/2017
DA-110-013	GA Plans Level 03 Plan prepared by Turner	N	15/08/2017
DA-110-014	GA Plans Level 04 Plan prepared by Turner– Amended in red.	N	15/08/2017
DA-110-015	GA Level 05 Plan prepared by Turner	N	1/03/2018
DA-110-016	GA Plans Typical Levels 06-13 prepared by Turner	N	5/03/2018
DA-110-017	Typical Residential Levels 14-16 prepared by Turner	N	5/03/2018
DA-110-018	GA Plans Level 17 prepared by Turner	N	1/03/2018
DA-110-019	GA Plans Level 18 prepared by Turner	N	15/08/2017
DA-110-020	GA Plans Level 19 prepared by Turner	N	15/08/2017
DA-110-021	Service Level prepared by Turner	N	15/08/2017
DA-110-022	Roof Level prepared by Turner	N	15/08/2017
DA-250-001	North Elevation prepared by Turner	N	28/07/2017
DA-250-002	South Elevation prepared by Turner	N	28/07/2017
DA-250-003	East Elevation prepared by Turner – Amended in red.	N	28/07/2017
DA-250-004	West Elevation prepared by Turner	N	28/07/2017
DA-250-005	Building A South Elevation prepared by Turner	N	28/07/2017
DA-250-006	Building B North Elevation prepared by Turner	N	28/07/2017
DA-350-001	Section 01 Plan prepared by Turner	N	28/07/2017



## REFERENCED PLANS AND DOCUMENTS – 1395/2016/JP/C

Amendments in red:

All changes indicated on the plans for the windows and balconies for Units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1814 and 1910 are to be reflected on the Elevations.

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA-110-016	GA Plans Typical Residential Levels 06-12 prepared by Turner	O	28/05/2019
DA-110-016B	GA Plans Level 13	O	2/07/2019
DA-110-017	GA Plans Level 14 prepared by Turner	O	2/07/2019
DA-110-017B	GA Plans Typical Residential Levels 15-16	O	2/07/2019
DA-110-018	GA Plans Level 17 prepared by Turner	O	2/07/2019
DA-110-019	GA Plans Level 18 prepared by Turner	O	2/07/2019
DA-110-020	GA Plans Level 19 prepared by Turner	O	2/07/2019
DA-810-103	Supplementary Drawings Typical Unit	A	2/07/2019
-	Type 1 – Unit 1708 layout	B	9/04/2019
-	Type 2 – Unit 1813 layout	B	9/04/2019
-	Type 3 – Unit 1814	B	9/04/2019
-	Type 4 – Unit 1309, 1510, 1610 & 1709	B	9/04/2019
-	Type 5 – Unit 1707	B	9/04/2019

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. The addition of the following conditions:

### **2a. Building Information Certificate Application**

As the building works to the residential units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1714 and 1906 has commenced, an application for building information certificate is to be lodged with Council to consider the works undertaken. The application is to be lodged with Council within 30 days of the determination date of the development consent.

### **2b. Building Information Certificate**

Prior to a building information certificate being determined, the following information must be submitted to Council for review:

1. A certificate of structural adequacy from a professional engineering confirming the unauthorised internal walls and unauthorised external walls to the balconies located in residential units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1714 and 1906 are structurally adequate.

2. Documentation demonstrating how the unauthorised external walls comply with FP1.4 of the BCA.
  3. A glazing certificate from both the manufacturer and installer of the glass used in the unauthorised building works that form part of the external walls to the balcony of residential units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1714 and 1906. The glazing certificate must confirm compliance with AS2047-2014 and B1.4 of the BCA
  4. A waterproofing certificate from the licensed water proofer confirming the external balconies of residential units 1309, 1510, 1610, 1707, 1708, 1709, 1806, 1813, 1714 and 1906 comply with AS 4645.1-2012 and AS 4654.2-2012 and F1.4 of the BCA.
3. Condition 6 be deleted and replaced with:

#### **6. Compliance with Norwest Association Requirements**

The development is required to comply with the requirements of Norwest Association dated 29 October 2019 and as follows:

- The Applicant is to maintain safe pedestrian access at all times during construction of the Development within the Easement for Public Access between Solent Circuit and Lot 5072 in DP878258 (Norwest Marketown).
  - All building services, plant and equipment are to be screened from view from any public street or place and comply with the requirements of Council.
  - External seating for restaurant patrons is to be restricted so as to maintain a safe passageway of not less than 2 metres in width along the frontage of the restaurants and not less than 5 metres in width along the boardwalk adjacent to the restaurants for unencumbered pedestrian flow.
  - An automated irrigation system is to be provided and used in all landscaped areas.
  - On completion of the landscaping works, the Applicant is to provide certification by a suitably qualified landscape architect that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.
  - The party responsible for maintenance of common property in the Development is to maintain the landscaping with particular attention being given to the maintenance of perimeter landscaping, and in the absence of satisfactory maintenance, the party responsible for maintenance of common property in the Development authorises Norwest Association Limited and its agents to enter the property to carry out such maintenance works and draw down at the cost of the party responsible for maintenance of such common property as required.
  - The Applicant is required to reinstate any works, infrastructure, paving or landscaping adjoining to the boundary of the Property disturbed during the construction phase.
4. The addition of the following condition:

#### **12a. Liveable Housing Units**

The following liveable housing units are required to comply the Platinum Level of Liveable Housing Guidelines:

- 1309
- 1510
- 1610
- 1707
- 1708
- 1709
- 1806
- 1813
- 1814
- 1906

5. Condition 74 be deleted and replaced with:

**74. 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. 658108M\_06 are to 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.

**ATTACHMENTS**

1. Locality Plan
2. Aerial Map
3. Zoning Map
4. Floor Space Ratio Map
5. Height of Buildings Map
6. Approved Site Plan
7. Approved Level 13 Floor Plan
8. Proposed Level 13 Floor Plan
9. Approved Levels 14-16 Floor Plan
10. Proposed Level 14 Floor Plan
11. Proposed Levels 15-16 Floor Plan
12. Approved Level 17 Floor Plan
13. Proposed Level 17 Floor Plan
14. Approved Level 18 Floor Plan
15. Proposed Level 18 Floor Plan
16. Approved Level 19 Floor Plan
17. Proposed Level 19 Floor Plan
18. Approved South Elevation
19. Proposed South Elevation
20. Original Development Consent 1395/2016/JP

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

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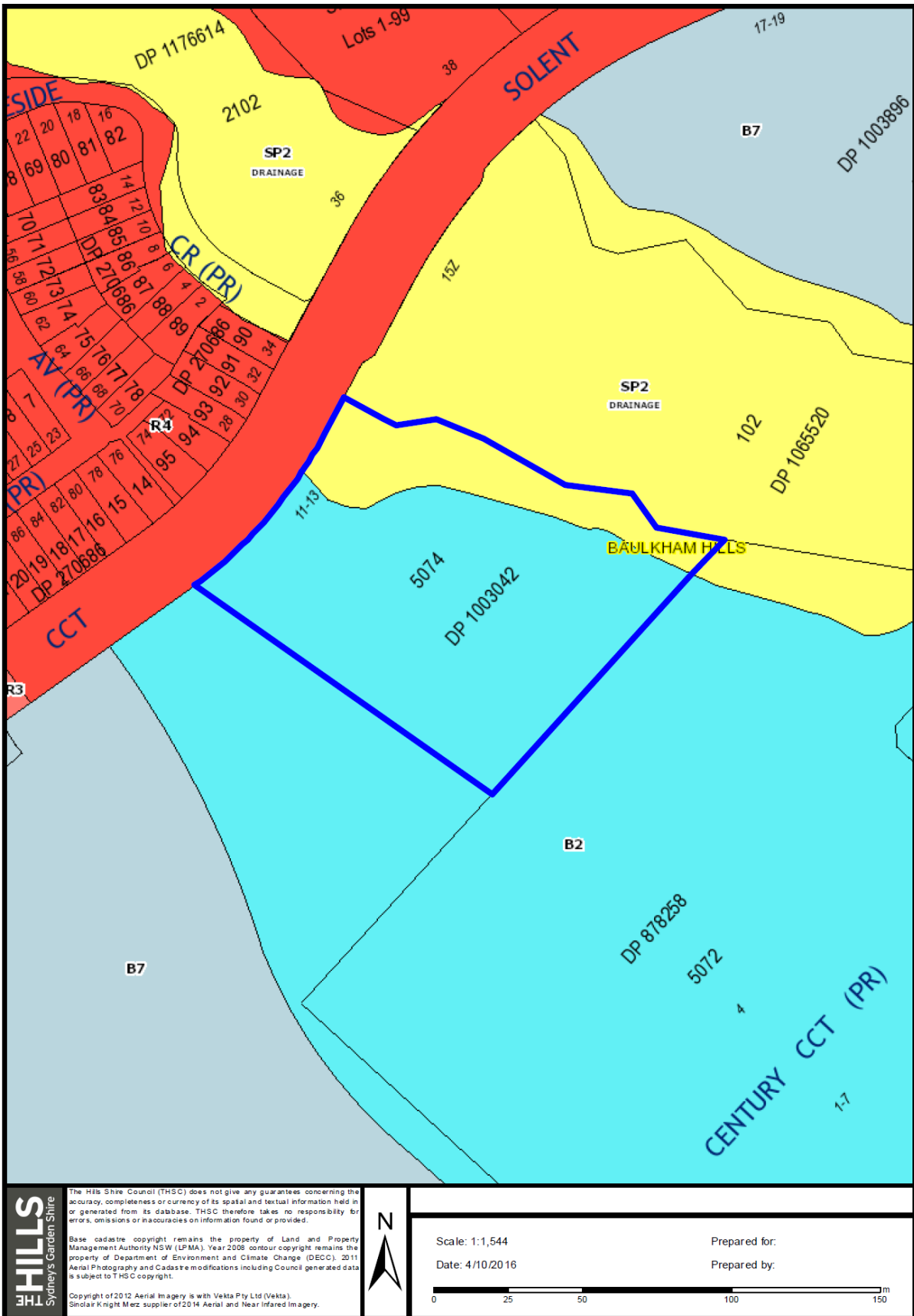


Date: 4/10/2016

Prepared by:

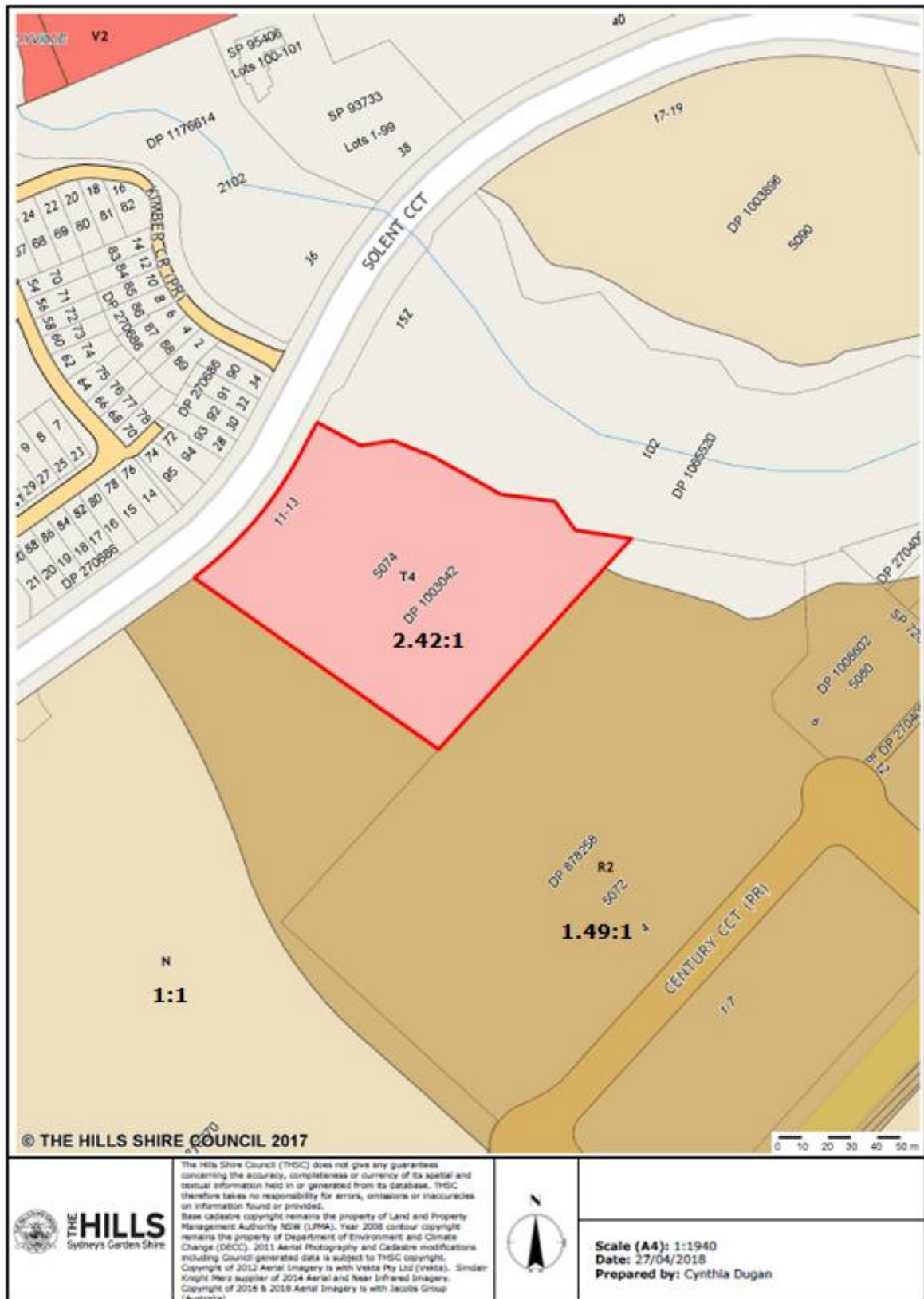


## ATTACHMENT 3 – ZONING MAP

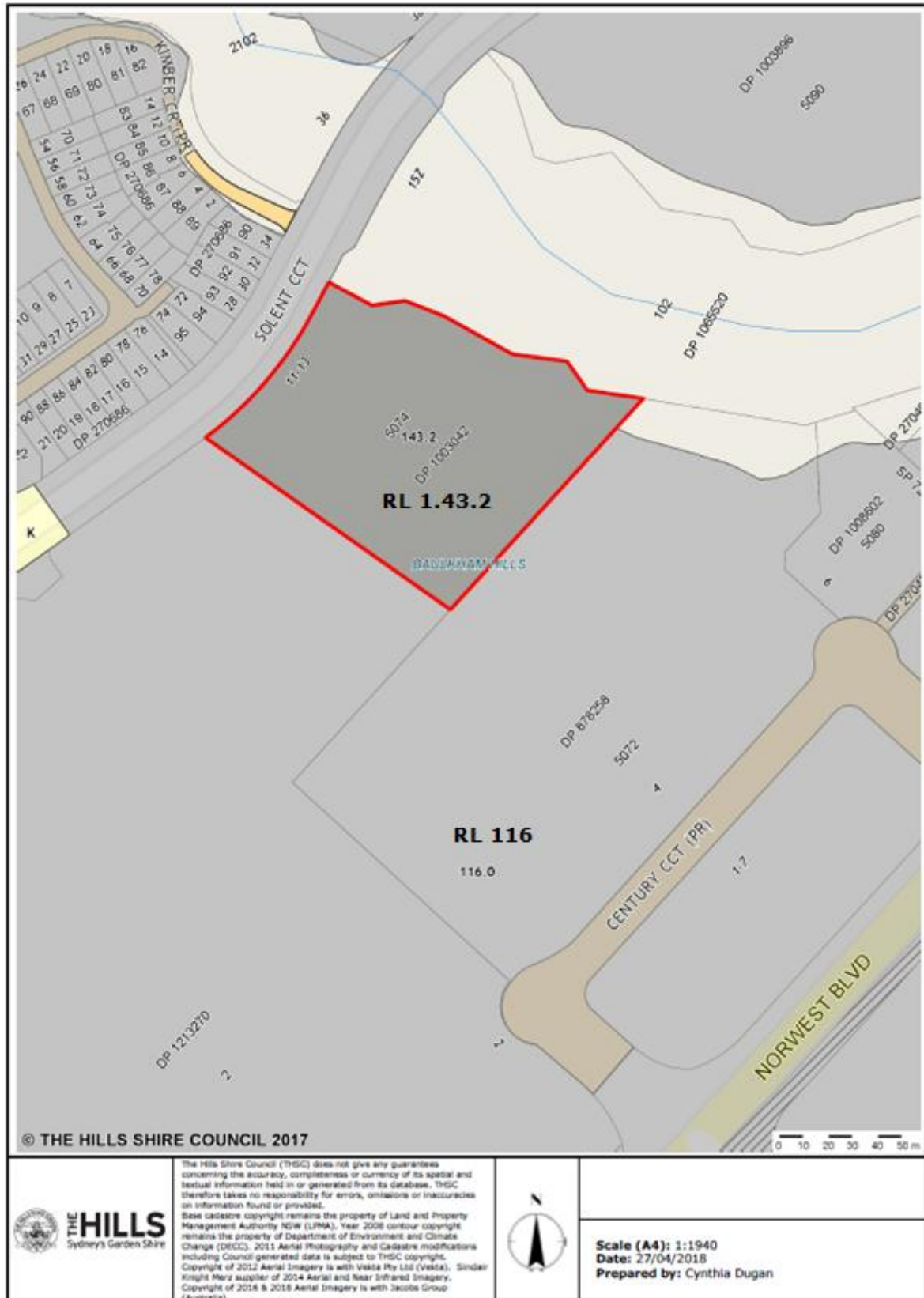




## ATTACHMENT 4 – FLOOR SPACE RATIO

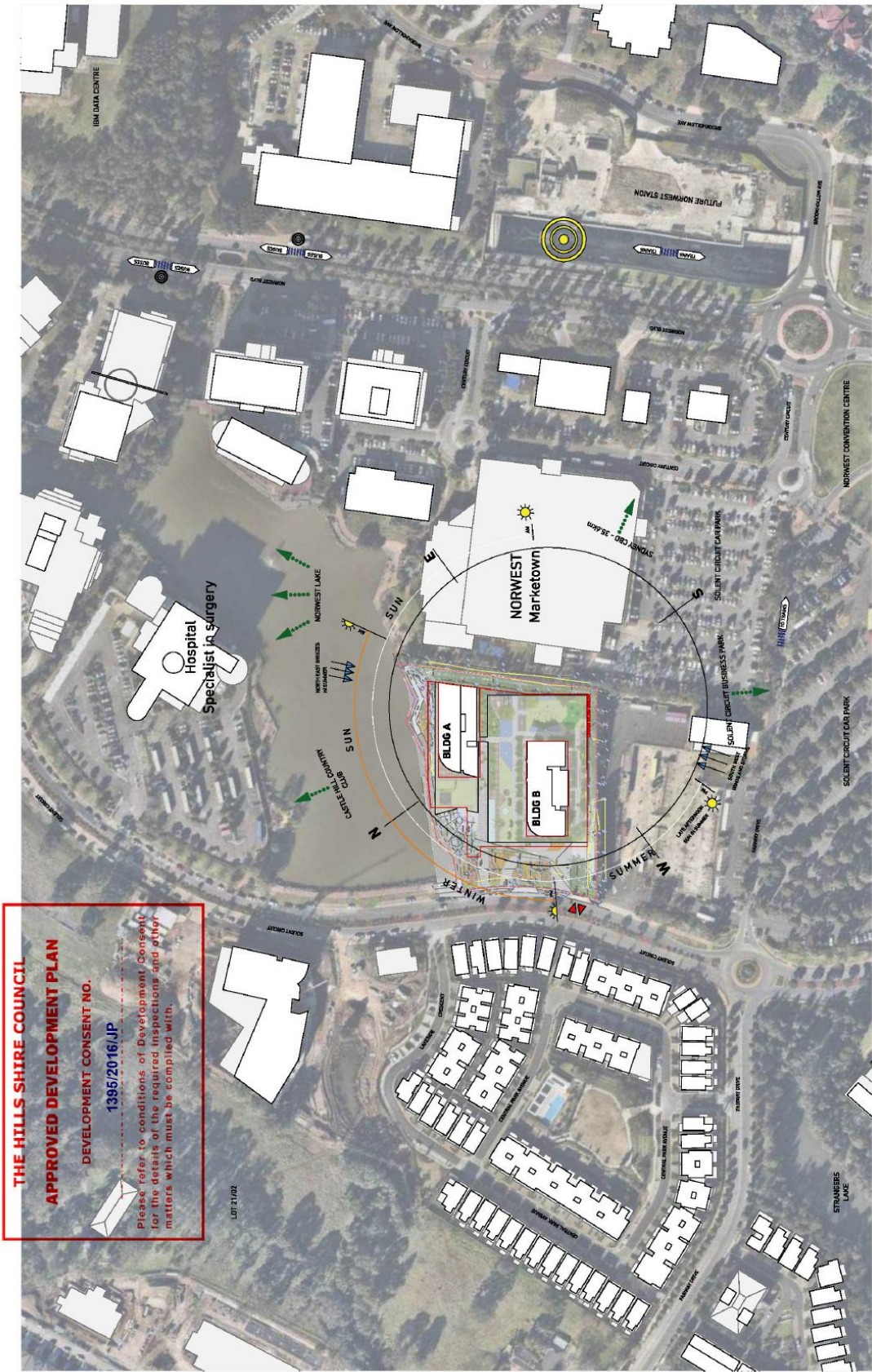


## ATTACHMENT 5 – HEIGHT OF BUILDINGS MAP





## ATTACHMENT 6 – APPROVED SITE PLAN



# ATTACHMENT 7 – APPROVED LEVEL 13 FLOOR PLAN







# ATTACHMENT 9 – APPROVED LEVELS 14 – 16 FLOOR PLAN

THE HILLS SHERE COUNCIL  
**APPROVED DEVELOPMENT PLAN**  
 DEVELOPMENT CONSENT NO.  
 15812316/JVA  
 Please refer to conditions of Development Consent  
 for the details of any additional requirements for this  
 development and for the relevant rules.



[illegible]

# ATTACHMENT 11 – PROPOSED LEVELS 15 - 16 FLOOR PLAN





# ATTACHMENT 12 – APPROVED LEVEL 17 FLOOR PLAN

THE HILLS SHIRE COUNCIL  
APPROVED DEVELOPMENT PLAN  
DEVELOPMENT CONSENT NO.  
1506-0316-JPA  
This is a copy of the approved development plan for the purpose of the proposed development and shall not be used for any other purpose without the written consent of the Council.









Class 2 Building  
Multi hall

Registration Number	6328011423
Matriculation No.	6461222048
Admission Name	Adnan Dhaniraj
Admission Number	27089
Admission Signature	

Approved by  
 MAM Tamil Nadu Government  
**BASIC**  
 Board for the Advancement of Information Technology in Computer Education

# ATTACHMENT 15 – PROPOSED LEVEL 18 FLOOR PLAN



# ATTACHMENT 16 – APPROVED LEVEL 19 FLOOR PLAN

## THE HILLS SHIRE COUNCIL

### APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

1395/2016/JP/A

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



NORWEST ASSOCIATION LIMITED  
APPROVED DEVELOPMENT PLAN  
SUBJECT TO THE CONDITIONS OF  
APPROVAL NO. DA 802  
DATED 21 August 2017  
SIGNED: [Signature]  
Director  
This Approval is not a Development Consent  
under the Environmental Planning & Assessment  
Act 1973. The approved development  
will still require a Development Consent  
from The Hills Shire Council.



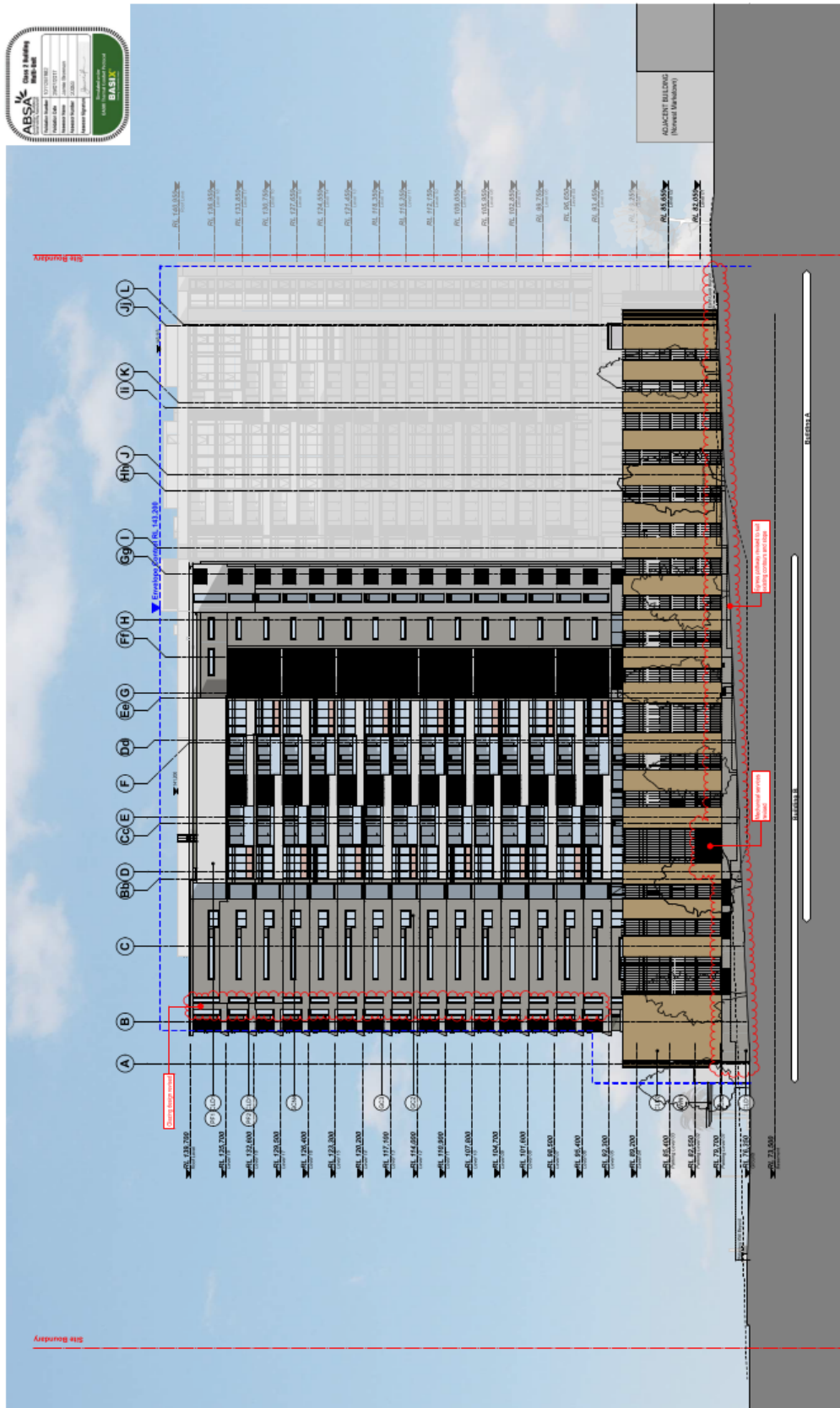
ATTACHMENT 17 – PROPOSED LEVEL 19 FLOOR PLAN





[illegible]

# ATTACHMENT 19 – PROPOSED SOUTH ELEVATION



<p>Project Name: <b>St. John's Anglican Church</b></p> <p>Project No: <b>11113</b></p> <p>Project Date: <b>11/11/13</b></p> <p>Project Location: <b>11113</b></p> <p>Project Status: <b>P</b></p>	<p>Client: <b>St. John's Anglican Church</b></p> <p>Client Address: <b>11113</b></p> <p>Client Phone: <b>11113</b></p> <p>Client Email: <b>11113</b></p> <p>Client Website: <b>11113</b></p>	<p>Architect: <b>Turner Construction</b></p> <p>Architect Address: <b>11113</b></p> <p>Architect Phone: <b>11113</b></p> <p>Architect Email: <b>11113</b></p> <p>Architect Website: <b>11113</b></p>	<p>Engineer: <b>Turner Construction</b></p> <p>Engineer Address: <b>11113</b></p> <p>Engineer Phone: <b>11113</b></p> <p>Engineer Email: <b>11113</b></p> <p>Engineer Website: <b>11113</b></p>	<p>Contractor: <b>Turner Construction</b></p> <p>Contractor Address: <b>11113</b></p> <p>Contractor Phone: <b>11113</b></p> <p>Contractor Email: <b>11113</b></p> <p>Contractor Website: <b>11113</b></p>	<p>Inspector: <b>Turner Construction</b></p> <p>Inspector Address: <b>11113</b></p> <p>Inspector Phone: <b>11113</b></p> <p>Inspector Email: <b>11113</b></p> <p>Inspector Website: <b>11113</b></p>	<p>Owner: <b>Turner Construction</b></p> <p>Owner Address: <b>11113</b></p> <p>Owner Phone: <b>11113</b></p> <p>Owner Email: <b>11113</b></p> <p>Owner Website: <b>11113</b></p>	<p>Project Manager: <b>Turner Construction</b></p> <p>Project Manager Address: <b>11113</b></p> <p>Project Manager Phone: <b>11113</b></p> <p>Project Manager Email: <b>11113</b></p> <p>Project Manager Website: <b>11113</b></p>
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TURNER

84.55 AMENDMENTS  
BROWN CLOUSED

## ATTACHMENT 20 – ORIGINAL DEVELOPMENT CONSENT DA 1395/2016/JP

 THE HILLS Sydney's Garden Shire	<b>THE HILLS SHIRE COUNCIL</b> 3 Columbia Court, Baulkham Hills NSW 2153 PO Box 7064, Baulkham Hills BC NSW 2153	ATTACHMENT 20 - ORIGINAL DEVELOPMENT CONSENT DA 1395/2016/JP
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27 October 2016

Capital Bluestone  
Level 7, 71 Macquarie St  
SYDNEY NSW 2000

Ref No.:1395/2016/JP  
Joint Regional Planning Panel (Sydney West Region): 20 October 2016

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 NSW Government Joint Regional Planning Panel (Sydney West Region) of the Development Application referred to herein.

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

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

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

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

**Right of 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** Capital Bluestone

**OWNER:** Hills Christian Life Centre Ltd and Norwest Association Ltd

**PROPERTY:** Lot 5074 DP 1003042, Lot 102 DP 1065520  
11-13 Solent Circuit, BAULKHAM HILLS NSW 2153, LAKE, Norwest Boulevard, BELLA VISTA NSW 2153

**DEVELOPMENT:** The Development Application is for the Demolition of Existing Structures and the Construction of Two Mixed Use Buildings.

**ENDORSED DATE OF CONSENT:** 20 October 2016

## CONDITIONS OF CONSENT

### GENERAL MATTERS

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

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

#### REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA-100-001	Site Plan prepared by Turner	J	03/08/2016
DA-110-009	Basement Plan prepared by Turner	J	08/08/2016
DA-110-010	Ground Level Plan prepared by Turner	K	19/09/2016
DA-110-011	Level 01 Plan prepared by Turner	K	16/09/2016
DA-110-012	Level 02 Plan prepared by Turner – Amended in red.	K	19/09/2016
DA-110-013	Level 03 Parking/Level 02 Office prepared by Turner – Amended in red.	K	19/09/2016
DA-110-014	Level 03 Plan prepared by Turner– Amended in red.	K	19/09/2016
DA-110-015	Level 04 Plan prepared by Turner	K	19/09/2016
DA-110-016	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-017	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-018	GA Plans prepared by Turner	N/A	19/09/2016
DA-110-019	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-020	Typical Residential Levels prepared by Turner	K	19/09/2016
DA-110-021	Service Level prepared by Turner	J	08/08/2016



DA-110-022	Roof Level prepared by Turner	J	08/08/2016
DA-250-001	North Elevation prepared by Turner	K	15/09/2016
DA-250-002	South Elevation prepared by Turner	K	15/09/2016
DA-250-003	East Elevation prepared by Turner – Amended in red.	K	15/09/2016
DA-250-004	West Elevation prepared by Turner	K	15/09/2016
DA-250-005	Building A South Elevation prepared by Turner	K	15/09/2016
DA-250-006	Building B North Elevation prepared by Turner	K	15/09/2016
DA-350-001	Section 01 Plan prepared by Turner	K	15/09/2016
DA-910-001	910 Finishes prepared by Turner	N/A	N/A
SK02	Planting Philosophy prepared by Scape Design	G	N/A
SK03	Ground Floor Plan prepared by Scape design	T	N/A
SK04	Podium Level Plan prepared by Scape Design	Q	N/A
SK05	Pool Level Design prepared by Scape Design	H	N/A

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. 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.

## **3. 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.

## **4. Compliance with NSW Department of Primary Industries – Water**

Compliance with the requirements of the NSW Department of Primary Industries – Water throughout all stages of the subdivision as outlined in their letter dated 5 May 2016 Ref 10 ERM2016/0217 attached to this consent as Appendix A.

## **5. Compliance with NSW Police Requirements**

Compliance with the requirements of the NSW Police as outlined in their letter dated 18 April 2016 Ref D/2016/162565 as follows:

### **Surveillance**

- During the construction phase security sensor lights be used and security guards are to monitor the site.
- Paint the basement white to reflect light.
- CCTV is required to be installed at entry/exit points to the carpark, within the basement carparking and common areas. Height stickers are also required on entry/exit doors.
- Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

#### Lighting and Technical Supervision

- Lighting is to be utilised within the site in accordance with Australian Standards.

#### Environmental Maintenance

- Materials chosen are to have regard to the potential for graffiti.

#### Access Control

- Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- The ground floor units are required to have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- Signage is to be erected to ensure that people are aware they are entering private property. The signage is also required to include details of what security treatment has been implemented.
- Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.
- Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

#### **6. Compliance with Norwest Association Requirements**

The development is required to comply with the requirements of Norwest Association as follows:

- The Applicant is to maintain safe pedestrian access at all times during construction of the Development within the Easement for Public Access between Solent Circuit and Lot 5072 in DP878258 (Norwest Marketown).
- All building services, plant and equipment are to be screened from view from any public street or place and comply with the requirements of Council.
- External seating for restaurant patrons is to be restricted so as to maintain a safe passageway of not less than 2 metres in width along the frontage of the restaurants and not less than 5 metres in width along the boardwalk adjacent to the restaurants for unencumbered pedestrian flow.
- An automated irrigation system is to be provided and used in all landscaped areas.
- On completion of the landscaping works, the Applicant is to provide certification by a suitably qualified landscape architect that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.
- The party responsible for maintenance of common property in the Development is to maintain the landscaping with particular attention being given to the maintenance of perimeter landscaping, and in the absence of satisfactory maintenance, the party responsible for maintenance of common property in the Development authorises Norwest Association Limited and its agents to enter the property to carry out such maintenance works and draw down at the cost of the party responsible for maintenance of such common property as required.
- The Applicant is required to reinstate any works, infrastructure, paving or landscaping adjoining to the boundary of the Property disturbed during the construction phase.

#### **7. Provision of Parking Spaces**

The development is required to be provided with 646 off-street car parking spaces with a composition of 387 residential spaces and 259 commercial car parking spaces. These car parking spaces shall be available for off street parking at all times.

#### **8. Dual Use Parking Spaces and Compliance with Carpark Management Report**

The 176 car parking spaces located on the basement level car park and dedicated to parking for the office component on Levels 1-3 are to be freely available after 6:30pm to midnight on weeknights and on weekends for restaurant and retail patrons. This

arrangement is to be carried out in accordance with the traffic report by TDG and the carpark management report prepared by InterPark.

#### **9. Separate application for signs**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

#### **10. Separate Development Application for Occupations**

A separate development application is required for the occupation of the ground floor commercial tenancies. This application is required to provide assessment against:

- The Hills Local Environmental Plan 2012; and
- The Hills Development Control Plan 2012.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage
- Parking Provision and,
- Acoustic Impacts

#### **11. Privacy Treatment**

The following privacy measures are to be adopted:

- A privacy screen is to be erected for the full height of the balconies on the eastern elevation for units 405, 506-1606, 1704 and 1804 as shown in red amendments on the approved plans referenced in Condition No. 1.
- Opaque or obscure glazing is to be incorporated for the full height of the eastern elevation of the balconies servicing units 111, 211 and 311 as shown in red amendments on the approved plans referenced in Condition No. 1.
- Highlight windows with a minimum sill height of 1.5 metres or opaque glazing to a height of 1.5 metres from finished floor level is to be erected for the full length of the eastern elevation of Unit 311 as shown in red amendments on the approved plans referenced in Condition No. 1.

Amended plans detailing the above measures are to be submitted to the satisfaction of Council's Manager Development Assessment prior to the issue of the Construction Certificate.

#### **12. Compliance with Access Review**

The recommendations contained within Access Review prepared by Morris Goding Accessibility Consultants and dated 25 February 2016 are to be incorporated into the design of the development.

#### **13. Compliance with Pedestrian Wind Environment Statement**

The recommendations contained within the Pedestrian Wind Environment Statement prepared by Windtech and dated 9 February 2016 and supplementary statement dated 10 August 2016 are to be incorporated into the design of the development.

#### **14. Litter Control**

A sufficient number of litter bins must be provided on the premises for litter disposal.

#### **15. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments**

The responsibility for property numbering is vested solely in Council.

The property address for this development is: **11 Solent Circuit Baulkham Hills 2153**

Unit Numbering is as per plans submitted – Revision K  
Basement Levels- Carpark

Levels	Building A	Building B
Ground	Commencing at G01	Carpark
1 <sup>st</sup>	101-112	Carpark
2 <sup>nd</sup>	201-212	213 & Carpark
3 <sup>rd</sup>	301-312	313-319
4 <sup>th</sup>	401-407	408-416
5 <sup>th</sup>	501-508	509-517
6 <sup>th</sup>	601-608	609-617
7 <sup>th</sup>	701-708	709-717
8 <sup>th</sup>	801-808	809-817
9 <sup>th</sup>	901-908	909-917
10 <sup>th</sup>	1001-1008	1009-1017
11 <sup>th</sup>	1101-1108	1109-1117
12 <sup>th</sup>	1201-1208	1209-1217
13 <sup>th</sup>	1301-1308	1309-1316
14 <sup>th</sup>	1401-1408	1409-1416
15 <sup>th</sup>	1501-1508	1509-1516
16 <sup>th</sup>	1601-1608	1609-1616
17 <sup>th</sup>	1701-1706	1707-1714
18 <sup>th</sup>	1801-1806	1807-1810

Unit numbering cannot be repeated throughout the development

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lift/lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

#### **16. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy Pty Ltd, referenced as 20150907.1/2001A/R2/BW, dated 20 January 2016 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6.1 Table 7 Glazing Construction Requirements.
- Section 6.2 Roof/Ceiling Construction
- Section 6.3 External Walls
- Section 7.3 Recommendations

#### **17. Contamination Assessment Recommendations**

The recommendations of the Preliminary Contamination Assessment prepared by Douglas Partners, dated 30 September 2016 and submitted as part of the Development Application are to be implemented as part of this approval.

#### **18. Control of early morning noise from trucks**

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

#### **19. Planning Agreement**

The obligations in the Planning Agreement between The Hills Shire Council and Hills Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd, dated July 2015, signed 11 August 2015 (**Planning Agreement**), must be performed in accordance with the terms of the Planning Agreement including, but no limited to, the payment of monetary contributions identified in Schedule 1 of the Planning Agreement.

#### **20. Adherence to Operational Waste Management Plan**

All requirements of the Operational Waste Management Plan submitted as part of the Development Application must be implemented during construction (design of facilities) and operation of the development, except where amended by other conditions of consent.

#### **21. Adherence to Construction and Demolition Waste Management Plan**

All requirements of the Construction and Demolition Waste Management Plan submitted as part of the development application must be implemented during construction of the development, except where amended by other conditions of consent. 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.

#### **22. Management of Construction and 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. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. 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.

#### **23. Disposal of Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written 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.

#### **24. Commencement of Domestic Waste Service**

The property owner or agent acting for the owner must arrange the commencement of a domestic waste service with Council. This applies to the collection of waste and recycling from the residential units. The service must be arranged prior to occupancy of the development and no sooner than two weeks prior to occupancy. All servicing instructions from Council must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

#### **25. Commencement of Commercial Waste Service**

The property owner must ensure that there is a contract with a licensed contractor for the removal of all waste generated on site. This applies to the collection of waste and recycling from commercial and retail units. Written evidence of valid and current collection contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

## **26. Construction of Separate Waste Storage Areas**

The buildings must incorporate separate waste storage areas constructed in accordance with the specifications below, to facilitate the separation of commercial waste and recycling from residential waste and recycling. The residential garbage holding room must have minimum storage provision for 15 x 1100L garbage bins and 25 x 660L recycling bins. All waste storage areas must be designed and constructed in accordance with the following requirements:

1. The areas must be of adequate size to comfortably store and manoeuvre the minimum required number of bins.
2. The layout of the areas must ensure that each bin is easily accessible and maneuverable in and out of the area with minimal or no manual handling of other bins.
3. The walls of the areas must be constructed of brickwork.
4. The floor of the areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The areas must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
6. The areas must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door should be outside of the truck loading bay area.
7. All doors of the areas, when fully opened, must be flush with the **outside wall** and must not block or obstruct vehicle access or footways. All doors must be able to be fixed in position when fully opened.
8. The areas must be adequately ventilated (mechanically). Ventilation should not be connected to the same ventilation system supplying air to the units.
9. The areas must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the areas, it is not to conflict with the space designated for the placement of bins.
10. The areas must be provided with an internal light (artificial).
11. The maximum grade acceptable for moving bins for collection purposes is 7% (5% for 660L and 1100L bins). Under no circumstance are these grades to be exceeded. They are to allow safe maneuvering and servicing of the full bins by waste collection operators.
12. The areas must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
13. Finishes and colours of the areas must complement the design of the development

## **27. Residential Garbage Chute System**

A dual chute system enabling chute disposal of both garbage and recycling must be provided in each building with openings on every residential floor. The chutes must terminate in a waste storage room. Garbage must discharge into 1100L bins placed on a linear track conveyor fitted with a compactor set at 2:1 compaction. Recycling must discharge into 660L bins placed on a linear track conveyor with no compaction. No changes are permitted without the previous written approval of Council.

## **28. Residential Bulky Goods Area**

A separate room or caged area must be allocated in close proximity to the waste loading area for the interim storage and management of unwanted bulky goods. The minimum



floor area shall be 20 cubic metres. A similar space should also be allocated for retail and commercial units.

#### **29. Tree Removal**

Approval is granted for the removal of forty (40) trees as shown in on the Existing Tree Plan prepared by Scape Design and recommended in the Arboricultural Impact Assessment prepared by Urban Tree Management, dated 07/12/12.

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.

#### **30. Planting Requirements**

Tree species *Archontophoenix alexandrae* (Alexander Palm) is on Council's exempt trees list. As such they are to be substituted with an alternative appropriate palm or tree fern species that isn't on Council's list of exempt tree species.

#### **31. Retention of Trees**

All trees not specifically identified for removal on the Existing Tree Plan prepared by Scape Design are to be retained and protected in accordance to Council's **Protection of Existing Trees** condition.

#### **32. Parking Spaces – Access/ Dual Use**

The residential and residential visitor spaces are located on levels one to three. The commercial spaces are located in the basement and the ground floor commercial spaces (retail/ restaurants) are located on the ground floor. With respect to this arrangement the following specific requirements apply in addition to the information provided with the traffic report by TDG and the carpark management report prepared by InterPark and submitted with the development application:

- The security point obstructing access to the basement from the ground floor needs to be open from 6:30pm onwards so that the basement is open/ available for the exclusive use of the ground floor commercial uses (retail/ restaurants).
- Access from the ground floor to the residential visitor spaces on level one must be available at all times. The design, configuration and use of the security point at the top of the ramp leading to level one from the ground floor needs to provide for this.

#### **33. Subdivision Certificate Preliminary Review**

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

#### **34. Process for Council Endorsement of Legal Documentation**

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

#### **35. Water Sensitive Urban Design Handover Process**

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

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;

- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

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

### **36. 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.

### **37. Approved Subdivision Plan**

The stratum subdivision of the approved building into three lots is included as part of this consent. The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by JBW Drawing 124913/DA-STRATUMSUBD Sheets 1 to 8 dated 11/02/2016 subject to the following amendments/ requirements:

- The subdivision plan must be amended to reflect the approved architectural plans, noting that an amended subdivision plan did not accompany the amended architectural plans.
- Lot 1 relates to the ground floor commercial uses (retail/ restaurant) and the parking spaces associated with those uses on the ground floor.
- Lot 2 relates to the remainder of the commercial areas and the associated parking spaces in the basement level.
- Lot 3 relates to the residential areas and the associated parking spaces on levels one, two and three.
- The actual split between the parking spaces and their lots needs to be detailed on the final plan.
- The final plan needs to make allowance for the fact the basement parking level that forms part of lot two is to be made available for use by the ground floor commercial uses (retail/ restaurant), as required by this consent.
- A building (or strata) management statement must accompany the final plan.

### **38. Separate Application for Strata Subdivision**

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required. With respect to the latter, this consent does not allocate parking spaces to each individual dwelling/ residential unit/ commercial tenancy. This requires separate approval as per SEPP (Exempt and Complying Development Codes) 2008.



### **39. 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.

### **40. 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.

Specifically, there are two existing easements across the front of the property shown on the approved subdivision plan and submitted survey plan that need to be considered.

### **41. 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:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- 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.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **42. 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.

### **43. Minor Engineering Works**

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

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

#### **a) Driveway Requirements**

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

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

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

**b) Disused Layback/ Driveway Removal**

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

**c) Concrete Footpath/ Paving**

The existing 2.5 wide paved footpath (or a similar alternative treatment approved in writing by Council's Manager – Subdivision and Development Certification) in Solent Circuit fronting the site, including access ramps at all intersections, must be maintained during construction and replaced or altered where the finished levels adjacent are varied as part of the approved works.

**d) Site Stormwater Drainage**

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

**44. 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.

**45. Finished Floor Level – Flooding**

The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than RL 76.3 AHD.

**46. External Finishes**

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

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**47. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation

- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

#### **48. Additional Acoustic Assessment**

As the plant and equipment selections were not available at the time of the development approval an additional acoustic assessment is required to be submitted to the certifying authority. The assessment is to consider noise impacts and noise attenuation for the plant and equipment including the ventilation system for the building and underground car parks, pool pumps and potential locations and noise attenuation methods for future commercial kitchen exhausts. The assessment is to be based on the recommendations and the Plant Noise Objectives of the initial acoustic report prepared by Acoustic Logic Consultancy Pty Ltd.

#### **49. 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 gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

#### **50. Security Bond Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

#### **51. Sediment and Erosion Control Plan**

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

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;

- Sediment control practices; and
- A maintenance program.

#### **52. 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.

#### **53. 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.

#### **54. 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 \$198,900.00 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 (180m) multiplied by the width of the road carriageway (accounting for the landscaped median) (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.

#### **55. Engineering Works and Design**

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

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.
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:

**a) Onsite Stormwater Detention – Norwest Business Park**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters accounting for the detention function provided for the existing lake/ basin adjacent to the subject site.

The stormwater concept plan prepared by van der Meer Consulting dated 27/07/2016 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- The design needs to be updated to reflect the amended/ stamped approved architectural plans.
- The volume of the OSD tank must be 35m<sup>3</sup> minimum.
- The volume of the rainwater reuse tank is 20,000 litres minimum.
- The orifice needs to be sized so that the full volume cited above is in use during the design 1:100 year storm.
- All works are to be clear of the existing drainage easements shown on the approved concept plan.
- The design must include the non-return valve to stop the basement from flooding.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council.

**b) Water Sensitive Urban Design Elements**

Water sensitive urban design elements, consisting of a rainwater reuse tank, pit inserts (except within street drainage pits) and seven SPEL filters (or an approved equivalent) within the OSD tank, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the 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. The modelling 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.

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:

- 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/>

## **PRIOR TO WORK COMMENCING ON THE SITE**

### **56. Site Water Management Plan**

A Site Water Management Plan is to be prepared. The plan shall be in accordance with "*Managing Urban Stormwater - Soils and Construction*" (*Blue Book*) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

The plan is to address the management, treatment and disposal of water which may collect in uncovered excavations. Water polluted with greater than 50mg/L of suspended solids must not be discharged to the stormwater system or any body of water.

### **57. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au). Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

### **58. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

### **59. Traffic Control Plan**

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before 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.

**60. Separate OSD Detailed Design Approval**

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

**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:

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

**62. Sydney Water Building Plan Approval**

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

**63. Consultation with Service Authorities**

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

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

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

**64. Principal Certifying Authority**

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

**65. Approved Temporary Closet**

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

**66. 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).

**67. 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.

## **DURING CONSTRUCTION**

### **68. Hours of Work**

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

Monday to Saturday - 7.00am to 6.00pm;

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.

### **69. Further contamination assessment**

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

### **70. 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's Manager- Environment and Health 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's Manager – Environment and Health for review prior to works recommencing on site.

### **71. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*. A construction noise management plan shall be developed and made available in the event of complaints of excessive noise.

### **72. 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.

### **73. Survey Report**

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

### **74. 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. 658108M\_03 are to 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.

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

Section 109E(3)(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.**

**76. Landscaping Works**

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

**PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

**77. Compliance with NSW Department of Primary Industries – Water Requirements**

A letter from the NSW Department of Primary Industries – Water must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

**78. Planning Agreement**

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the obligations in the Planning Agreement between The Hills Shire Council and Hills Christian Life Centre Limited and Capital Corporation (Waterside) Pty Ltd must be performed in accordance with the terms of the Planning Agreement. This includes, but is not limited to, the payment of monetary contributions in accordance with the Planning Agreement, valued at \$3,130,000.00 (indexed in accordance with the Planning Agreement) for the first 240 units, as well as an additional amount of \$13,041.67 (indexed in accordance with the Planning Agreement) for the additional 27 units proposed in excess of 240 units.

**79. 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.

**80. 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 undertaken by Council. This is to ensure compliance with design specifications specified in other conditions of this consent and that necessary arrangements are in place for waste collection by Council. Please telephone Council on (02) 9843 0310 to arrange this inspection.

**NOTE:** The garbage chute systems must be fully operational at the time of the inspection.

**81. Agreement for Onsite Waste Collection**

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and returned 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.

**82. Landscaping Prior to Issue of Occupation Certificate**

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

**83. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

**84. Provision of Electrical Services**

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

**85. Provision of Telecommunication Services**

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

**86. Subdivision Certificate Application**

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

**87. Amendment of Existing Easement**

The existing easement for public access must be amended to reflect the approved building extent. As Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

**88. Building Adjacent to Proposed Boundary**

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

**89. Building Services**

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

**90. Final Plan and Section 88B Instrument**

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

**a) Easement – Right of Access/ Easement for Services**

A right of access/ easement for services must be created over the three stratum lots to address access through separate lots and to provide for the shared use of infrastructure (such as parking) as required by this consent. These types of matters must be addressed via a combination of the final plan, the implied easements created via stratum subdivision and the building (or strata) management plan.

**b) Restriction – Flood Planning Level**

All three lots must be burdened with a restriction that refers to the flood information submitted with the development application using the “flood planning level” terms included in the standard recitals.

**c) Restriction – Bedroom Numbers**

Lot 3 must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

**d) Covenant – Onsite Waste Collection**

All three lots must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

**e) Restriction/ Covenant – Onsite Stormwater Detention**

All three lots must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

**f) Restriction/ Covenant – Water Sensitive Urban Design**

All three lots must be burdened with a restriction and 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.

**g) Covenant – Parking Spaces – Access/ Dual Use**

All three lots must be burdened with a positive covenant relating to the shared use of parking spaces throughout the development along with access to the same, as per the information provided with the traffic report by TDG and the carpark management report prepared by InterPark and submitted with the development application and the condition titled “Parking Spaces – Access/ Dual Use” included earlier.

**91. 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.

**92. 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.

**93. 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:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- 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.

**94. 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:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- 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.

**THE USE OF THE SITE**

**95. 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 Control of Obtrusive Effects of Outdoor Lighting*.

**96. Operational hours for Property and Garden Maintenance**

The use of power tools for the maintenance of the grounds and buildings is restricted to within 7am and 8pm Monday to Saturday and 8am and 8pm Sunday and Public Holidays.

**97. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

**98. Waste and Recycling Collection**

All waste generated onsite must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

**99. Maintenance of Landscaping Works**

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.



**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 James McBride on 9843 0251.

Yours faithfully



Paul Osborne

**MANAGER-DEVELOPMENT ASSESSMENT**

## APPENDIX A



Department of  
Primary Industries  
Water

Contact: Gina Potter  
Phone: 02 8838 7566  
Fax: 02 8838 7554  
Email: [Gina.Potter@dpi.nsw.gov.au](mailto:Gina.Potter@dpi.nsw.gov.au)  
Our ref: 10 ERM2016/0217  
Your ref: DA206/1395/JP

The General Manager  
The Hills Shire Council  
PO Box 75  
Castle Hill NSW 1765

Attention: James McBride

5 May 2016

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA206/1395/JP**

**Description of proposed activity: Demolition & construction of mixed use buildings  
16 & 19 storeys residential units and ground floor retail & 3 levels of  
commercial**

**Site location: 11-13 Solent Circuit Baulkham Hills**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WMA Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

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

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au)

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- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office or Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Gina Potter**  
**Water Regulation Officer**  
**Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast**  
**NSW Department of Primary Industries – DPI Water**

## General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	11-13 Solent Circuit Baulkham Hills	
DA Number:	DA206/1395/JP	
LGA:	The Hills Shire Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA206/1395/JP and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>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 DPI 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.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan</p> <p>(ii) Soil and Water Management Plan</p>	
4	N/A	
5	<p>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 DPI Water.</p>	
6	N/A	
7	<p>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 DPI Water.</p>	
8	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.</p>	
9-13	N/A	
14	<p>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 DPI Water.</p>	
15-16	N/A	
17	<p>The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI 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.</p>	

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

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e  
water.enquiries@dpi.nsw.gov.au  
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Number	Condition	File No:
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
19-27	N/A	
Groundwater		
28	The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.	
END OF CONDITIONS		

## 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 before any building work authorised to be carried out by the consent commences.
- (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. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS**

(refer to Clause 98B Notification of Home Building Act 1989 requirements)

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

### **C. 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.

#### **D. 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.

#### **E. SUPPORT FOR NEIGHBOURING STRUCTURES AND SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- (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 (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must at the persons own expense:
  - (a) seek advice from a professional structural engineer, and
  - (b) preserve and protect the building, work 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.
- (4) The condition referred to above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

#### **F. 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.

#### **G. 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 109R 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).

#### **H. 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.

#### **I. 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

#### **J. STREET NUMBER**

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

#### **K. 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) A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the Principal Certifying Authority upon request prior to works commencing.  
Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm>- Sydney Water Tap in, or telephone 13 20 92.
- (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.

#### **L. 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.

#### **M. 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).

**N. 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.

**O. 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.**