

MINUTES OF THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL MEETING HELD AT THE HILLS SHIRE COUNCIL ON THURSDAY, 11 AUGUST 2011 AT 5:30 PM

PRESENT

Bruce McDonald	Chair
Paul Mitchell	Panel Member
Lindsay Fletcher	Panel Member
Dave Walker	Panel Member
Michael Edgar	Panel Member
Stewart Seale	Panel Member

IN ATTENDANCE

Kristine McKenzie	Principal Executive Planning
Cameron McKenzie	Group Manager, Environment and Planning Services
Paul Osborne	Manager, Development Assessment Services
Claro Patag	Development Assessment Officer
Mark Colburt	Senior Coordinator Environmental Health and Sustainability
Erin Roper	Flora and Fauna Project officer

APOLOGY

1. The meeting commenced at 5.40PM

2. Declarations of Interest

(Items 1, 2 and 3)

Mr Dave Walker, General Manager, Hills council, declared a pecuniary conflict of interest in the 3 Carlingford matters and excused himself from the panel discussion and meeting for these items. The nature of the conflict being his property interest in an apartment complex in Castle Hill that has a financial matter outstanding with companies associated with the companies involved in the Carlingford projects.

(Item 4)

Mr Michael Edgar declared an interest for the following reason:

Mr Edgar has recently been involved in the rezoning of the land applying to development application in his role as the Group Manager. Mr Edgar is currently seeking advice to establish the degree of the potential conflict to interest. After consultation with Bruce McDonald, the Acting Chair, Mr. Edgar determined he would on this occasion step down as a member of the Panel considering this item.

(Item 4)

Mr Stewart Seale declared an interest for the following reason:

Mr Seale has recently been involved in the rezoning of the land applying to the development application in his role as Manager Forward Planning. After consultation with Bruce McDonald, the Acting Chair, Mr. Seale determined he would on this occasion step down as a member of the Panel considering this item. The Panel ran with 4 members.

3. Business Items

ITEM 1 - 2009SYW018 The Hills 562/2010/JP - 18-storey Apartment Development with Retail Component at Ground Floor; 2-8 James Street, Carlingford

ITEM 2 - 2009SYW031 The Hills 895/2010/JP - 18 storey mixed use (residential/retail) development; 2-14 Thallon Street & 7-13 Jenkins Road, Carlingford

ITEM 3 2010SYW001 The Hills 943/2010/JP - 4-18 storey mixed use development; 1-7A Thallon Street, Carlingford

ITEM 4 - 2010SYW083 The Hills Shire Council 704/2011/JP - Proposed Retail Development (Supermarket) and Associated Works; 73-75 Windsor Road, Baulkham Hills

5. Submissions

Sidney Dalsanto	Addressed the panel against the development (Items 1, 2 & 3)
Warwick Gosling	Addressed the panel on behalf of the applicant (Items 1,2 & 3)
Christine Covington	Addressed the panel on behalf of the applicant (Item 4)
Wayne Gersbach	Addressed the panel on behalf of the applicant (Item 4)
Dr Alison Hunt	Addressed the panel against the development (Item 4)
Justin Malkiewicz	Addressed the panel on behalf of the applicant (Item 4)

6. Business Item Recommendations

ITEM 1 - 2009SYW018 The Hills 562/2010/JP - 18-storey Apartment Development with Retail Component at Ground Floor; 2-8 James Street, Carlingford

That the Panel adopt the Council Officer's recommendation to approve the proposal, subject to amended conditions, attached as Appendix 1.

Moved Lindsay Fletcher **seconded** Michael Edgar

ITEM 2 - 2009SYW031 The Hills 895/2010/JP - 18 storey mixed use (residential/retail) development; 2-14 Thallon Street & 7-13 Jenkins Road, Carlingford

That the Panel adopt the Council Officer's recommendation to approve the proposal, subject to amended conditions, attached as Appendix 2. Furthermore, the panel accept and uphold the SEPP 1 objection.

Moved Paul Mitchell **seconded** Lindsay Fletcher

ITEM 3 2010SYW001 The Hills 943/2010/JP - 4-18 storey mixed use development; 1-7A Thallon Street, Carlingford

That the Panel adopt the Council Officer's recommendation to approve the proposal, subject to amended conditions, attached as Appendix 3.

Moved Michael Edgar **seconded** Paul Mitchell

ITEM 4 - 2010SYW083 The Hills Shire Council 704/2011/JP - Proposed Retail Development (Supermarket) and Associated Works; 73-75 Windsor Road, Baulkham Hills

Noting the applicant's offer for the application to be deferred to allow further consideration of the potential to include speciality shops and other modifications which would enhance the centre's compatibility and interaction with planned future nearby development, that the application be deferred.

The modified application be returned with an assessment, recommendation, and suggested conditions of consent to be prepared by Council's planners.

The Panel resolved by a majority 3:1 (for-Bruce McDonald, Paul Mitchell, Lindsay Fletcher; against-Dave Walker) to approve the above motion irrespective of the recommendation.

Moved Paul Mitchell **seconded** Lindsay Fletcher

MOTION CARRIED

The meeting concluded at 7.30PM

Endorsed by

Bruce McDonald
Chair, Sydney West Regional Planning Panel
19 August 2011

APPENDIX 1

RECOMMENDED CONDITIONS OF CONSENT – DA 562/2010/JP

GENERAL MATTERS & ADVICE

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA00	Drawing List, Context Plan, BASIX Commitments	C	30/11/2010
DA02	Basement 03	B	26/03/2010
DA03	Basement 02	B	26/03/2010
DA04	Basement 01	B	26/03/2010
DA05	L1 Floor Plan	B	26/03/2010
DA06	L2 Floor Plan	B	26/03/2010
DA07	L3-4 Typical Floor Plan	A	14/07/2009
DA08	L5-6 Typical Floor Plan	A	14/07/2009
DA09	L7 Floor Plan	A	14/07/2009
DA10	L8-18 Typical Floor Plan	A	14/07/2009
DA11	Roof Plan	A	14/07/2009
DA12	Section A-A	B	12/01/2010
DA13	North Elevation	B	26/03/2010
DA14	West Elevation	A	14/07/2009
DA15	South Elevation	A	14/07/2009
DA16	East Elevation	A	14/07/2009
DA17	Shadow Diagrams: June 21 st : Plans	A	14/07/2009
DA18	Shadow Diagrams: North Elevation of No. 1 Jenkins Rd	A	14/07/2009
DA19	External Finishes	A	14/07/2009

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. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement offered by Carling Developments Pty Ltd and Merc Projects Pty Ltd (a copy of which is attached) in connection with this Development Application (**Planning Agreement**) must be entered into within 14 days after the date of this determination.

The obligations to Council in the Planning Agreement must be performed in accordance with the terms of the Planning Agreement including payment of monetary contributions, provision of works, dedication of land and provision of a bank guarantee, bond or other means of enforcement."

3. Compliance with Carlingford Public Domain Plan

A detailed Public Domain Plan must be prepared by a suitable qualified professional in accordance with the Carlingford Precinct Public Domain Plan and must be lodged with and approved by Council **prior to a Construction Certificate** being issued for any new building work (including internal refurbishments).

4. 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.

5. Provision of Parking Spaces

The provision and maintenance thereafter of 168 off-street car parking spaces and 4 motorcycle spaces.

6. External Finishes & Materials

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

7. No Stopping Restrictions

The applicant shall provide a full time No Stopping restrictions at their expense on the southern side of James Street for the full frontage of Nos. 2-8 James Street.

8. 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.

9. Compliance with the NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached as Appendix "A" to this consent and dated 30/November 2009.

10. Compliance with the NSW Police Requirements

Compliance with the requirements of the NSW Police attached as Appendix "B" to this consent and dated 26 October 2009, in terms of the relevant Crime Prevention through Environmental Design (CPTED) factors such as surveillance, access control and territorial reinforcement with the exception of traffic matters outlined in the letter which are addressed separately as separate conditions in this consent.

11. Compliance with NSW Transport/RailCorp Requirements

Compliance with the requirements of the NSW Transport/RailCorp attached as Appendix "C" to this consent and dated 25 March 2011.

12. Street Trees

Street trees must be provided along the sites James Street and Jenkins Road frontage complying with the Carlingford Precinct Public Domain Plan.

13. Separate Application for Strata Subdivision

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

14. 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.

15. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. 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.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

16. Gutter and Footpath Crossing Application

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

17. Minor Engineering Works

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments
- c) **Carlingford Public Domain Plan as required in Condition No. 3**

Any variance from these documents requires separate approval from Council.

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.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website: <http://www.thehills.nsw.gov.au/>

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

The driveway must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Disused Layback/ Driveway Removal

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

iii. Concrete Footpath Paving/ Cycleway

A concrete footpath paving/ cycleway, including access ramps at all intersections, must be provided across the James Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents.

A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

Where required by Council, the existing concrete footpath paving in Jenkins Street fronting the development site must be repaired or replaced.

The width and alignment of the concrete footpath paving/ cycleway is at the discretion of Council and must comply with the Carlingford DCP.

iv. Footpath Verge Formation

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

18. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

19. Dedication of Splay Corner/ Road Widening

An Occupation Certificate must not be issued until a 4m by 4m splay corner has been created and dedicated at the corner of James Street/ Jenkins Road, at no cost to Council. This will require the submission of a separate development application or Subdivision Certificate application to Council based on the exempt development provisions of the Codes SEPP.

20. Numbering

The responsibility for property numbering is vested solely in Council.

The **property** and **mailing** addresses for this development will be:-

Residential units

Units 1-105/2-8 James Street
CARLINGFORD NSW 2118

Retail Space

Suites 201 -
2-8 James Street
CARLINGFORD NSW 2118

Suite numbers for the retail space is to commence from the number 201 and then sequentially as per number of suites created.

Clear and accurate external directional signage is to be erected on site at driveway entry points, basement parking area, lift area, on all access doors and on buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

21. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes be provided is to be equal to the number of units/suites plus one (1) for the Manager/Strata Manager. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

22. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. 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. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

23. Imported 'waste derived' fill material

1. The only waste derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
 - b. any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
2. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

24. Dust Control

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 work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

25. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

26. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Renzo Tonin & Associates, referenced as TE370-01F01 (REV 2), dated 25 June 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: the recommendations for glazing treatments to specific facades of the building as listed in Table 7 of the report.

29. Protection of Internal Noise Levels

An acoustic statement is required to be submitted prior to the issue of the Construction Certificate ensuring the following is achieved:

- a) The LA_{eq} (15hr) internal noise level with windows and external façade doors closed shall not be greater than 35 dB(A) for sleeping areas and 40 dB(A) for living areas.

30. Tree Removal

Approval is granted for the removal of trees numbered 1- 4, 6-11, 13-15 as per Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 8 July 2009.

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.

31. Planting Requirements

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

32. Tree/s to be retained

To maintain the treed environment of the Shire, trees numbered 5, 12, and 16- 20 as per Arboricultural Impact Assessment are to be retained.

32A. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. 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. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

32B. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste . Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

32C. Domestic Waste Management

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 10 x 1100litre bulk garbage bins and 53 x 240 litre recycling bins.

32D. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

32E. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

32F. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

32G. Waste Management- Commercial/Industrial

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. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area

The waste storage area must be:

- i). provided with a hose tap connected to the water supply;
- ii). paved with impervious floor materials;
- iii). graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv). adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v). fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

33. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted in order to satisfy Clause 4.37 of the Carlingford DCP. The report must consider the geotechnical report prepared by D Katauskas submitted with the application along with the additional advice contained in a letter from D Katauskas dated 24 December 2009. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

34. Onsite Stormwater Detention – Upper Parramatta River Catchment Area/ Water Sensitive Urban Design

1. Onsite Stormwater Detention

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by Eclipse Consulting Engineers Pty Ltd listed below is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The design must be amended so as to accommodate the localised road widening necessary at the intersection of James Street/ Jenkins Road referred to elsewhere in this consent.

Drawing:	Ref:	Revision:	Dated:
General Notes	C01	B	11 May 2010
Roof Drainage Plan	C02	B	11 May 2010
Level 1 Stormwater Drainage Plan	C03	C	17 February 2011
OSD and Drainage Details Sheet	C04	B	11 May 2010
Basement Stormwater Drainage Plan	C05	B	11 May 2010

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

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

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

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

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

2. Water Sensitive Urban Design

Water sensitive urban design elements, consisting in this instance of a landscaped roof terrace, bio-retention swales, rainwater reuse tank, "hydrofilter HF1000 unit" and enviropods in surface inlet pits, are to be located generally in accordance with the plans and information submitted with the application and listed above.

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 NSW Department of Environment, Climate Change and Water 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 with the design.

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

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

35. Basement Car Park and Subsurface Drainage

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

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

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

36. 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.

37. Draft Legal Documents

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

38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$57,240.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (112m) plus an additional 50m on either side (212m) and the width of the road measured from face of kerb on both sides (9m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

39. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

40. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;

- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 562/2010/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

41. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

42. Rooftop Exhausts, air-conditioning and ventilation plant

A qualified acoustic consultant shall be engaged to assess the expected noise from proposed rooftop exhausts, air conditioning and ventilation plant in detail at the design stage, and submit a report to Council including recommendations for noise amelioration treatment where necessary.

42A. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will promptly issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

42B. Details of Recycling Outlets

Prior to issue of the Construction Certificate the name and address details of recycling outlets for the disposal of all recyclable materials and the name and address details of the landfill site for the disposal of non-recyclable waste in respect of the demolition and construction stages of the development must be submitted to and approved by Council.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO ANY WORK COMMENCING ON SITE

43. Compliance with Energy Australia's Requirements

As the presence of the in-service power lines pose a possible safety risk for construction workers and construction activity has the potential to place the security of the electrical network at risk, the following information shall be provided to Energy Australia for consideration and approval prior to any commencement of works on site as outlined in their letter dated 21/01/2011:

- Restrictions on the use of cranes and other such moveable construction plant near power lines;
- The erection of structures within the existing easements and other activities which are prohibited within the easement or near in-service power lines; and

- Safe work method statements for review by Energy Australia prior to site works commencing. Such safety procedures should be included in the Construction Safety and Environmental Management Plan.

44. Management of Building Sites – Builder’s Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

45. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

46. Principal Certifying Authority

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

47. 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.

48. 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).

49. 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.

50. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council’s “Works Specification - Subdivisions/Developments” (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

51. Site Water Management Plan

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

52. Erosion & Sediment Control Plan Kept on Site

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

53. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$20,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to

Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

54. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing and strictly in accordance with details provided in Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 8 July 2009.

55. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

56. 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.

57. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

57A. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the 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 hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

57B. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

DURING CONSTRUCTION

58. 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. 264672M_02 dated 31 October 2010 be complied with.

59. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

60. 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.

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

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

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

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

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

62. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

63. 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.

64. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

65. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Restricting Development – WSUD Modification

A restriction as to user restricting development over or varying of the finished levels and layout of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

iv. Positive Covenant – WSUD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

v. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

66. Consolidation of Allotments

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

67. Pump System Certification

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

68. OSD System Certification

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

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited 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.

69. Water Sensitive Urban Design Certification

The water sensitive urban design elements present on site must be included with the OSD certification. Additionally, a data sheet that includes WAE detail, design costs, construction costs, initial maintenance costs per element and a maintenance schedule must be included.

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.

70. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

71. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

72. Provision of Telecommunications Services

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

73. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

74. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

74A. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

74B. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

75. Lighting

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

76. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the reports recommendations. Any noise attenuation recommendations must be implemented.

77. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

78. Domestic Waste Bins

A caretaker, manager, or other nominated person is to be responsible for the placement of bins on the kerbside for servicing by Council's domestic waste contractor and for the immediate removal of the bins from the kerbside back to the bin storage room after servicing.

APPENDIX 2

RECOMMENDED CONDITIONS OF CONSENT - DA 895/2010/JP (AS AMENDED)

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA02	Site/Roof Plan	A	16/10/2009
DA03	Part A – Basement 03	B	17/05/2010
DA04	Part A – Basement 02	B	17/05/2010
DA05	Part A – Basement 01	D	09/02/2011
DA06	Part A – Level 01 + Easement Plan	E	09/02/2011
DA07	Part A – Level 02	A	16/10/2009
DA08	Part A – Level 03	A	16/10/2009
DA09	Part A – Level 04-07	A	16/10/2009
DA10	Part A – Level 08	A	16/10/2009
DA11	Part A – Level 09	A	16/10/2009
DA12	Part A – Level 10-14	A	16/10/2009
DA13	Part A – Level 15-18	A	16/10/2009
DA14	Part B – Basement 04	D	09/02/2011
DA15	Part B – Basement 02 + 03	D	09/02/2011
DA16	Part B – Basement 01	D	09/02/2011
DA17	Part B – Level 01 + Easement Plan	E	09/02/2011
DA18	Part B – Level 02-08	A	16/10/2009
DA19	Part B – Level 09-18	A	16/10/2009
DA20	Jenkins St. Elevation	C	18/11/2010
DA21	James St. Elevation	A	16/10/2009
DA22	Part A – Thallon St. Elevation	C	18/11/2010
DA23	Part B – Thallon St. Elevation	C	18/11/2010
DA24	Site Section A: Buildings West and East Elevation	A	16/10/2009
DA25	Part A – Site Section B	C	17/12/2010
DA26	Part B – Site Section B	C	17/12/2010
DA27	Site Section C – Buildings South and North Elevation	A	16/10/2009
DA28	Site Section D + E	A	16/10/2009
DA29	Site Section F – Building East + West + North Elevation	C	18/11/2010
DA30	Building North – North Elevation + Site Section H	D	17/12/2010
DA31	Building North: North Elevation	A	16/10/2009
DA32	Shadow Diagram Winter 0900 + 1200	A	16/10/2009
DA33	Shadow Diagram Winter 1500	A	16/10/2009
DA34	Shadow Diagrams 2-8 James St. Elevations Winter	B	30/04/2010
DA35	Shadow Diagrams Elevations Winter East Building	B	30/04/2010
DA36	Finishes Schedule – North Building	A	16/10/2009
DA37	Finishes Schedule – South building	A	16/10/2009

DA38	Finishes Schedule – East Building	A	16/10/2009
DA39	Finishes Schedule – West Building	A	16/10/2009
LS01-DA Sheet 1 of 4	Landscape Plan – Block B and Public Open Space	C	20/09/2010
LS02-DA Sheet 2 of 4	Landscape Plan – Block A	C	20/09/2010
LS03-DA Sheet 3 of 4	Landscape Plan – Block A Level 8 & 10 Roof Garden	C	20/09/2010
LS04-DA Sheet 4 of 4	Landscape Schedules	A	12/11/2009
	Project Proposal - Undergrounding a section of feeders 926 & 927, 132kV sub-transmission line crossing the proposed Carlingford Development Precinct - Ausgrid		04/07/2011

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.

2. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement offered by Carling Developments Pty Ltd and Merc Projects Pty Ltd (a copy of which is attached) in connection with this Development Application (**Planning Agreement**) must be entered into within 14 days after the date of this determination.

The obligations to Council in the Planning Agreement must be performed in accordance with the terms of the Planning Agreement including payment of monetary contributions, provision of works, dedication of land and provision of a bank guarantee, bond or other means of enforcement."

3. Compliance with Carlingford Public Domain Plan

A detailed Public Domain Plan must be prepared by an a suitable qualified professional in accordance with the Carlingford Precinct Public Domain Plan and must be lodged with and approved by Council **prior to a Construction Certificate** being issued for any new building work (including internal refurbishments).

4. 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.

5. Provision of Parking Spaces

The provision and maintenance thereafter of 735 off-street car parking spaces and 12 motorcycle spaces.

6. External Finishes & Materials

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

7. 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.

8. Compliance with the NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached as Appendix "A" to this consent and dated 11 February 2010 with the exception of recommended works-in-kind not covered in the Voluntary Planning Agreement.

9. Compliance with the NSW Police Requirements

Compliance with the requirements of the NSW Police attached as Appendix “B” to this consent and dated 11 March 2010, in terms of the relevant Crime Prevention through Environmental Design (CPTED) factors such as surveillance, access control and territorial reinforcement.

10. Compliance with NSW Transport/RailCorp Requirements

Compliance with the requirements of the NSW Transport/RailCorp attached as Appendix “C” to this consent and dated 28 January 2010.

11. Street Trees

Street trees must be provided along the sites Thallon Street, James Street and Jenkins Road frontage complying with the Carlingford Precinct Public Domain Plan.

12. Separate Application for Strata Subdivision

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

13. 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.

14. 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.

15. Requirements for Council Drainage Easements

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

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

16. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council’s Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. 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.

- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

17. Gutter and Footpath Crossing Application

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

18. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

19. Minor Engineering Works

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments
- c) **Carlingford Public Domain Plan as per Condition No. 3**

Any variance from these documents requires separate approval from Council.

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.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

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

The driveways must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveways must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveways at the property boundary.

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

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways in Thallon Street, Jenkins Road and James Street must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Concrete Footpath Paving/ Cycleway

A concrete footpath paving/ cycleway, including access ramps at all intersections, must be provided across the Thallon Street and James Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents.

A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

Where required by Council, the existing concrete footpath paving in Jenkins Street fronting the development site must be repaired or replaced.

The width and alignment of the concrete footpath paving/ cycleway is at the discretion of Council and must comply with the Carlingford DCP.

iv. Footpath Verge Formation

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

20. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

21. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

22. Dedication of Splay Corner/ Road Widening

An Occupation Certificate must not be issued until a 4m by 4m splay corner has been created and dedicated at the corner of James Street/ Jenkins Road and James Street/ Thallon Street, at no cost to Council. This will require the submission of a separate development application or Subdivision Certificate application to Council based on the exempt development provisions of the Codes SEPP.

23. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. 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. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

25. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

26. Domestic Waste Management

Construction of the garbage and recycling bin storage areas are to be in accordance with the “Bin Storage Facility Design Specifications” as attached to this consent. Storage facility is to be provided as follows:

Basement Garbage Room (Jenkins Road) Part A (Drawing No: DA05 Issue D dated 09/02/2011) 16 x 1100 litre bulk garbage bins and 47 x 240 litre recycling bins.

Basement Garbage Room (Thallon Street) Part A (Drawing No: DA05 Issue D dated 09/02/2011) 14 x 1100 litre bulk garbage bins and 43 x 240 litre recycling bins.

Basement Garbage Room – Part B (Drawing No: DA16 Issue D dated 09/02/11) 16 x 1100 litre bulk garbage bins and 47 x 240 litre recycling bins.

27. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

28. Odour Control

To ensure that adequate provision is made for the treatment of odours, the mechanical exhaust system shall be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises.

29. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

30. Placement of bins for servicing

An appointed caretaker/manager is to be responsible for taking bins from the bin storage rooms in the basements to the ground floor temporary bin storage areas and returning the bins to the basement bin storage rooms after servicing by Council’s waste contractor.

31. Food and Health premises

The use of any of the retail areas as a food premises or premises regulated under the Public Health (Skin Penetration) Regulation 2000, shall require a separate development application for fitout.

32. Tree Removal

Approval is granted for the removal of trees numbered 1-80 as indicated in Arboricultural Impact Assessment Stages A, B & C prepared by Redgum Horticultural Consultants dated 16th April 2009 and trees numbered 1-42 as indicated in Arboricultural Impact Assessment Stage D prepared by Redgum Horticultural Consultants dated 16th April 2009 as they will be affected by the proposed development.

All other trees are to remain and are to be protected during all works.

33. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm pot size and planted 5/m.

34. Numbering

The responsibility for house/unit/tenancy numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire. In this regard you are

required to contact Council's Land Information Section on 9843 0474 to confirm the street number. The street numbers as issued are to be displayed on all buildings resulting from this approval.

35. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

36. 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 and unit numbers for this development are-

- North Building – Units 101-240 / 4 Thallon Street, Carlingford
- East Building – Units 301-429 / 2 Thallon Street, Carlingford
- East Building Retail Spaces 1-3 / 2 Thallon Street, Carlingford
- South Building – Units 501-543 / 2 Thallon Street **OR** 1 James Street Carlingford (location of letterboxes to reflect street address)
- South Building Retail Spaces 4-8 / 2 Thallon Street **OR** 1 James Street Carlingford (location of letterboxes to reflect street address)
- West Building – Units 601-696 / 7 Jenkins Road, Carlingford

Please refer to approved numbering correspondence and plan. These unit numbers, as issued, are to be displayed clearly on all unit 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 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, in the event of an emergency.

Please note that amendments to any plans **MUST** be referred to Council's Land Information section for reassessment of the approved numbers.

NOTE: Any amendments to these plans that may affect the approved numbering **MUST be referred to the Council's Land Information Section for additional assessment.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

37. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction. A detailed design must be submitted to Council for approval before a Construction Certificate is issued. Council may require amendments to the concept design.

38. Engineering Works and Design

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments
- c) **Carlingford Public Domain Plan as per Condition No. 3**

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Stormwater Drainage/ Flooding

The upgrading of the existing public drainage infrastructure shown in Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010 is required. This includes all works within the subject site, 7-13 Jenkins Road and 2-14 Thallon Street, as well as all other upstream and downstream properties and public roads also affected by these works to ensure compliance with the requirements/ conclusions of the above report in full. The works within 2-26 Jenkins Road opposite, 19A Jenkins Road adjacent and Jenkins Road itself must be included. Where the scope of works necessary extends beyond the site boundary, owner's consent must be provided for all other affected properties as part of the Construction Certificate documentation.

The design must consider both the piped and overland flow component of the flooding affectation burdening the site and include sufficient detail demonstrating that compliance with the above requirements has been met. The design must comply with the above documents.

The twin 900mm diameter pipelines proposed on the western side of Jenkins Road shown in Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010 must be replaced with a single, larger pipeline aligned under the kerb in accordance with the above documents.

The final location, width, batter and surface treatment of the overland flow path through the site extending into 19A Jenkins Road adjacent is subject to separate approval from Council at the detailed design stage.

The design and construction approval for these works can only be issued by Council as outlined earlier in this consent.

ii. Stormwater Drainage – Temporary Management

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

39. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted in order to satisfy Clause 4.37 of the Carlingford DCP. The report must consider the geotechnical report submitted with the application along with the additional advice submitted later regarding the same. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

40. Onsite Stormwater Detention – Upper Parramatta River Catchment Area/ Water Sensitive Urban Design

1. Onsite Stormwater Detention

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by ABC Consultants listed below is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The design must be amended so as to accommodate the localised road widening necessary at the intersection of James Street/ Jenkins Road and James Street/ Thallon Street referred to elsewhere in this consent.

Drawing:	Ref:	Revision:	Dated:
General Notes	C02.01	B	25 February 2011
Sediment and Erosion Control Plan	C02.02	B	25 February 2011
Roof/ Level 1/ Catchment Plan	C02.03	B	2 March 2011
Level 2/ Level 18 Stormwater Plan	C02.04	B	25 February 2011
Basement 1/ Basement 4 Stormwater Plan	C02.05	B	2 March 2011
Stormwater Drainage Details	C02.06	B	25 February 2011

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

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

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

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

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

Water sensitive urban design elements, consisting in this instance of a landscaped roof terrace, bio-retention swales, rainwater reuse tank, proprietary gross pollutant trap devices and enviropods in surface inlet pits, are to be located generally in accordance with the plans and information submitted with the application and listed above.

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 NSW Department of Environment, Climate Change and Water 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 with the design.

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

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

41. Basement Car Park and Subsurface Drainage

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

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

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

42. 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.

43. Works on Adjoining Land

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

44. Draft Legal Documents

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

45. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$125,280.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (364m) plus an additional 50m on either side (464m) and the width of the road measured from face of kerb on both sides (9m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

46. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

47. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 895/2010/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

48. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

49. Flood Emergency Response

The detailed design for the upgrading of the existing public drainage infrastructure shown in Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010 must include a separate report that considers the proposals compliance with the provisions of the Upper Parramatta River Catchment Floodplain Risk Management Plan adopted by Council on 14 December 2004. The documentation submitted should include an Emergency Response Flood Plan to enable the safe evacuation of residents and visitors in the event of a significant flood event.

50. 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).

51. Glazing, doors and window seal requirements

The recommendations contained within section 4, *Control of External Noise – Window Glazing* (Renzo Tonin & Associates report TE369-01F02 (Rev 1) Acoustic report for DA, dated 12 October 2009), shall be implemented and demonstrated on plans submitted for the Construction Certificate.

52. Landscape Bond

A landscape bond in the amount \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

52A. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will promptly issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

52B. Undergrounding of 132kV Double Circuit Powerlines

Submission to Council of documentary evidence that a Construction Contract with Energy Australia has been executed for the undergrounding of the existing 132kV Double Circuit Powerlines substantially in accordance with reports entitled:

- (a) "Energy Australia 132kV Double Circuit Undergrounding at Carlingford – Concept Design" by Parsons Brinckenhoff dated February 2010;
- (b) "132 kV Double circuit undergrounding at Carlingford – Concept Design for single circuit Termination Pole and Foundation" by Parsons Brinckenhoff dated 8 June 2010; and
- (c) An untitled document comprising revised cost estimates for Route Option 1 – (using Post Office Street and Jenkins Road – Approximate length 950 metres) and Route Option 2 – (Using the existing transmission line easement – Approximate length 750 metres);

PRIOR TO ANY WORK COMMENCING ON SITE

53. Compliance with Energy Australia's Requirements

As the presence of the in-service power lines pose a possible safety risk for construction workers and construction activity has the potential to place the security of the electrical network at risk, the following information shall be submitted to Energy Australia for consideration and approval prior to any commencement of works on site as outlined in their letter dated 21 January 2011:

- Restrictions on the use of cranes and other such moveable construction plant near power lines;
- The erection of structures within the existing easements and other activities which are prohibited within the easement or near in-service power lines; and
- Safe work method statements for review by Energy Australia prior to site works commencing. Such safety procedures should be included in the Construction Safety and Environmental Management Plan.

54. Management of Building Sites – Builder’s Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

55. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

56. Principal Certifying Authority

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

57. 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.

58. Erosion and Sedimentation Controls

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

59. 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).

60. 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.

61. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council’s “Works Specification - Subdivisions/Developments” (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

62. Site Water Management Plan

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

63. Erosion & Sediment Control Plan Kept on Site

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

64. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

65. 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.

66. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

67. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the 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 hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

68. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

69. Protection of Existing Trees

The trees that are on neighbouring properties are to be protected during all works with 1.8m high chain wire fencing which 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.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

DURING CONSTRUCTION

70. 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. 273472M_03 dated 22 October 2009 be complied with.

71. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

72. 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.

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

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

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

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

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

74. Standard of Works

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

75. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;

- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

76. 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).

PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

77. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

78. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

79. Provision of Telecommunications Services

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

80. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council’s Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in “.dwg” format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

81. Performance/ Maintenance Security Bond

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

82. Confirmation of Pipe Locations

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

83. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

84. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

85. Flooding Extent Plan

A plan of survey prepared by a registered surveyor must be provided that shows the Probable Maximum Flood (PMF) and 1 in 100 year ARI storm event flood levels associated with the adjacent drainage system. The plan must reflect the WAE plans and clearly indicate the extent of inundation.

86. 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.

87. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

88. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Restricting Development – WSUD Modification

A restriction as to user restricting development over or varying of the finished levels and layout of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

iv. Positive Covenant – WSUD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

v. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

89. Consolidation of Allotments

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

90. Pump System Certification

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

91. Amendment to Existing Drainage Easements

The existing drainage easements within the site must be amended generally as shown on the approved easement plans prepared by Aleksandar Design Group Pty Ltd and the following necessary changes:

- a) The final location, extent and width of the overland flow path that traverses the site, and by consequence the easement associated with the same, is subject to a detailed design and feedback from Council at the Construction Certificate stage as outlined earlier in this consent.
- b) The existing inter-allotment drainage easement shown (A) on the plans within the subject site must be deleted.
- c) The existing drainage easement marked (C) shown on the plans must be widened to 3m (minimum) for the section of this easement that is being retained.
- d) The plan must be amended so as to accommodate the localised road widening necessary at the intersection of James Street/ Jenkins Road and James Street/ Thallon Street referred to elsewhere in this consent.

Drawing:	Ref:	Revision:	Dated:
Level 1 and Easement Plan	DA06	E	9 February 2011
Level 1 and Easement Plan Part B	DA17	E	9 February 2011

Where 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.

The location and width of all drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and reflect/ encompass the drainage works required to be carried out as shown on Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010.

92. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The

following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited 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.

93. Water Sensitive Urban Design Certification

The water sensitive urban design elements present on site must be included with the OSD certification. Additionally, a data sheet that includes WAE detail, design costs, construction costs, initial maintenance costs per element and a maintenance schedule must be included.

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.

94. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

95. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

95A. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

95B. Undergrounding of 132kV Double Circuit Powerlines

Prior to the issue of any Occupation Certificate within the meaning of the Environmental Planning and Assessment Act, 1979, submission to Council of documentary evidence from Energy Australia certifying that all works required by of the Construction Contract required by Condition No. 52B have been completed satisfactorily.

USE OF THE SITE

96. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

97. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

APPENDIX 3

RECOMMENDED CONDITIONS OF CONSENT – DA 943/2010/JP

DEFERRED COMMENCEMENT

A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, deferred commencement consent is granted subject to the following:

1. A 'Conservation Management Plan for the Carlingford Produce Store' is to be prepared by a suitably qualified Heritage Architect in accordance with the Heritage Branch guidelines. This is to include a detailed Management Strategy that identifies how the Conservation Management Plan will be implemented.

~~2. Compliance with the following requirements of the NSW Transport/Railcorp:~~

2. The owners of the site of the approved development must enter into an Agreement with RailCorp to address the potential impacts of the approved development on the Parramatta Rail Link identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement shall provide for the following:

- (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in the Operational Conditions B1 to B7 (see Appendix "C" of this consent as referred to in Operative Consent Condition No. 10);
- (ii) allowances for the structural integrity of proposed rail infrastructure in the vicinity of the approved development;
- (iii) allowances in the design, construction and maintenance of the approved development for existing and future rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
- (iv) consultation with RailCorp;
- (v) access by representatives of RailCorp to the site of the approved development and all structures on that site;
- (vi) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;
- (vii) such other matters which RailCorp considers are appropriate to give effect to (i) to (vi) above; and
- (viii) such other matters as the owners and RailCorp may agree.

A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DWG No	Description	REV	DATE
DA03	SITE PLAN	A	01/07/2009
DA04	BASEMENT 5	E	27/01/2011
DA05	BASEMENT 4	E	27/01/2011
DA06	BASEMENT 3	E	27/01/2011
DA07	BASEMENT 2	F	23/02/2011
DA08	BASEMENT 1	E	26/01/2011
DA09	GROUND FLOOR	E	26/01/2011
DA10	LEVEL 1	B	22/07/2011
DA11	LEVEL 2-3	B	22/07/2011
DA12	LEVEL 4-5	B	22/07/2011
DA13	LEVEL 6	B	22/07/2011
DA14	LEVEL 14	B	22/07/2011
DA15	LEVEL 8-16	B	22/07/2011
DA16	LEVEL 17	B	22/07/2011
DA17	ROOF LEVEL	B	22/07/2011
DA18	Building A West Elevations	B	22/07/2011
DA19	Building A East Elevations	B	22/07/2011
DA20	Building A North & South Elevations	B	22/07/2011
DA21	Building A Section AA	B	22/07/2011
DA22	Section A Section BB	B	22/07/2011
DA23	Building B Elevations	B	22/07/2011
DA24	SHADOWS	B	22/07/2011
DA25	SHADOWS	B	22/07/2011
DA26	Waste Mgmt Plan	C	22/07/2011
DA27	Comparison of DA	B	22/07/2011
DA28	Adaptable Unit Layout	B	22/07/2011
DA29	Bulk Excavation Plan	B	22/07/2011
DA30	Civic Centre Connection	C	22/07/2011
DA31	Transmission Lines Plan	B	22/07/2011
DA32	Easement Plan	D	22/07/2011
SD-01	Shadows Impact	B	22/07/2011
SD-02	Shadows Impact	B	22/07/2011
0208.L.01	Landscaping Key Plan	B	31/08/2009
0208.L.02	Landscaping Plan Area 1	B	31/08/2009
0208.L.03	Landscaping Plan Area 2	B	31/08/2009
0208.L.04	Landscaping Plan Level 6	B	31/08/2009
	Project Proposal - Undergrounding a section of feeders 926 & 927, 132kV sub-transmission line crossing the proposed Carlingford Development Precinct - Ausgrid		04/07/2011

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. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement offered by Stamford House 88 (a copy of which is attached) in connection

with this Development Application (**Planning Agreement**) must be entered into within 14 days after the date of this determination.

The obligations to Council in the Planning Agreement must be performed in accordance with the terms of the Planning Agreement including payment of monetary contributions, provision of works, dedication of land and provision of a bank guarantee, bond or other means of enforcement.

3. Compliance with Carlingford Public Domain Plan

A detailed Public Domain Plan must be prepared by an a suitable qualified professional in accordance with the Carlingford Precinct Public Domain Plan and must be lodged with and approved by Council **prior to a Construction Certificate** being issued for any new building work (including internal refurbishments).

4. 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.

5. Provision of Parking Spaces

The provision and maintenance thereafter of 304 off-street car parking spaces.

6. External Finishes & Materials

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

7. 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.

8. Compliance with the NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached as Appendix "A" to this consent and dated 23 February 2010.

9. Compliance with the NSW Police Requirements

Compliance with the requirements of the NSW Police attached as Appendix "B" to this consent and dated 18 January 2010, in terms of the relevant Crime Prevention through Environmental Design (CPTED) factors such as surveillance, access control and territorial reinforcement with the exception of traffic matters outlined in the letter which are addressed separately as separate conditions in this consent.

10. Compliance with NSW Transport/RailCorp Requirements

Compliance with the operational conditions (B1-B27) of the NSW Transport/RailCorp attached as Appendix "C" to this consent and dated 13 April 2011.

11. Conservation Management Plan

Works to the Carlingford Produce Store shall be undertaken in accordance with the recommendations of the approved Conservation Management Plan and Management Strategy.

12. Tree Removal

Approval is granted for the removal of trees numbered 1-5, 9-18a, 20-27, 29-42, 44-49, 52, 53, 55, 57-60, 67-74, 79-92, and 96 affected by the proposed development.

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.

13. Planting Requirements

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

14. Tree/s to be retained

To maintain the treed environment of the Shire, trees numbered 6, 7, 19, 28, 43, 50, 51, 54, 56, 61-66, 75-78a, 93-95, 99-103 as per Arboricultural Impact Assessment Report prepared

by "Redgum Arboriculture and Horticulture Consultants" dated 12 August 2009 are to be retained.

15. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. 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. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

16. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

17. Domestic Waste Management

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided as follows:

Garbage Room No. 4 Basement 1 (Block A)

8 x 240 litre garbage bins and 4 x 240 litre recycling bins

Garbage Room No. 3 Basement 1 (Block A)

12 x 240 litre garbage bins and 5 x 240 litre recycling bins

Bin Holding Area No. 1 Ground Floor (Block A)

24 x 240 litre garbage bins and 11 x 240 litre recycling bins

Bin Holding Area No. 2 Ground Floor (Block B)

8 x 240 litre garbage bins and 8 x 240 litre recycling bins

18. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

19. Odour Control

To ensure that adequate provision is made for the treatment of odours, the mechanical exhaust system shall be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises.

20. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

21. Waste Management- Commercial/Industrial

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. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area

The waste storage area must be:

- i). provided with a hose tap connected to the water supply;
- ii). paved with impervious floor materials;
- iii). graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv). adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v). fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

22. Garbage Compaction System

A compaction ratio of no greater than 2:1 is required for the chute system in order to alleviate possible OH&S problems, mechanical damage and difficulties with servicing and emptying of bins.

23. Street Trees

Street trees must be provided along the sites Thallon Street frontage complying with the Carlingford Precinct Public Domain Plan.

24. Separate Application for Strata Subdivision

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

25. 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.

26. 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.

27. Requirements for Council Drainage Easements

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

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

28. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. 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.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

29. Gutter and Footpath Crossing Application

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

30. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

31. Minor Engineering Works

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments
- c) Carlingford Public Domain Plan as per Condition No. 3

Any variance from these documents requires separate approval from Council.

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.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

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

The driveway must be 6m wide at the boundary splayed to 7m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Disused Layback/ Driveway Removal

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

iii. Concrete Footpath Paving/ Cycleway

A concrete footpath paving/ cycleway, including access ramps at all intersections, must be provided across the Thallon Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents.

A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

The width and alignment of the concrete footpath paving/ cycleway is at the discretion of Council and must comply with the Carlingford DCP.

iv. Footpath Verge Formation

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

32. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

33. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

34. Numbering

The responsibility for house/unit/tenancy numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire. In this regard you are required to contact Council's Land Information Section on 9843 0474 to confirm the street number. The street numbers as issued are to be displayed on all buildings resulting from this approval.

34A. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The unit numbers for this development are as per submitted plans DA07 – DA14 **WITH THE EXCEPTION** that the residential unit numbers commence from unit 101 (see below).

- Eastern Building Retail Space - 1 & 2 / 1 Thallon Street, Carlingford
- Eastern Building Residential apartments - Units 101-267 / 1 Thallon Street Carlingford
- Northern Building - Units 301-314 / 3 Thallon Street Carlingford

Please refer to approved numbering correspondence and plan. These unit numbers, as issued, are to be displayed clearly on all unit 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 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, in the event of an emergency.

NOTE: Any amendments to these plans that may affect the approved numbering MUST be referred to the Council's Land Information Section for additional assessment.

35. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

36. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. 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. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

37. Dust Control

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 work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

38. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard – Design, construction and fit-out of food premises AS 4674-2004 and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 654 646 or by visiting the website: www.standards.com.au

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: info@foodstandards.gov.au or by visiting the website: www.foodstandards.gov.au

39. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the

Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

40. Construction Noise

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

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

41. Operation of Pool/Spa

The operation of the pool/spa is to comply with the requirements of the:-

- a. Public Health Act 1991,
- b. Public Health (Swimming Pools and Spa Pools) Regulation 2000,
- c. NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 and the Australian Standard AS 3633 – Private Swimming Pools – Water quality.

42. Stockpiles

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

43. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

44. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by VIPAC Engineers & Scientists Ltd, referenced as Report No. 20C-09-0174-TPR-750200-1, dated 28th August 2009 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- The Glazing requirements of Section 5.1
- The requirements for protecting against vibration from trains in Section 5.4.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

45. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practicing Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

46. Recycling Outlet Details

Green waste, clean excavated material and concrete must be recycled or reused, not sent to landfill. Prior to issue of the Construction Certificate the name and address details of recycling outlets for the disposal of green waste, bricks and excavated material during the demolition and construction stages of the development must be submitted to and approved by Council.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

47. Dilapidation Survey

A dilapidation survey shall be completed by an experienced and qualified Structural Engineer for the adjacent heritage item known as Carlingford Stock Feeds, with a view to identifying the current state of the structure, materials and finishes and identifying items of the above which may be prone to damage or decay during the construction period. The survey shall include recommendations for the protection of those areas and areas of the site. A copy of the survey is to be submitted both to Council and the property owner.

48. Photographic Record

A photographic record is to be made of the Carlingford Stock Feeds and is to be submitted to the satisfaction of Council's Heritage Staff prior to the commencement of works in accordance with: -

- "Photographic Recording of Heritage Items Using Film or Digital Capture" (Heritage Office, 2006); and
- "How to prepare archival records of heritage items" (Department of Planning and Heritage Council of NSW, 1998).

The record is to include as a minimum:

- i. A location plan (including place and date of photographic record);
- ii. Site plan to scale;
- iii. Floor plan to scale;
- iv. Colour, and black and white digital photographs, clearly labelled and cross referenced to base plans.

Images are to show views of all elevations, internal spaces and the surrounding setting.

49. Interpretative Signage

A permanent interpretive signage panel (or panels) is to be erected at an appropriate location on the site that is accessible to the public. The panel/s is to include historic information and photographs and provide information on the historical evolution of the site. The content of the panels is to be prepared with assistance from a conservation architect, and the local historical society.

50. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$20,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

51. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction. A detailed design must be submitted to Council for approval before a Construction Certificate is issued. Council may require amendments to the concept design.

52. Engineering Works and Design

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

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments
- c) Carlingford Public Domain Plan as per Condition No. 3

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Stormwater Drainage/ Flooding

The upgrading of the existing public drainage infrastructure shown in Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010 is required. This includes all works within the subject site, 1-7A Thallon Street, as well as all other upstream and downstream properties and public roads also affected by these works to

ensure compliance with the requirements/ conclusions of the above report in full. The 375mm diameter pipeline along the sites eastern boundary must be included. Where the scope of works necessary extends beyond the site boundary, owner's consent must be provided for all other affected properties as part of the Construction Certificate documentation.

The design must consider both the piped and overland flow component of the flooding affectation burdening the site and include sufficient detail demonstrating that compliance with the above requirements has been met. The design must comply with the above documents.

The design and construction approval for these works can only be issued by Council as outlined earlier in this consent.

ii. Stormwater Drainage – Temporary Management

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

53. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted in order to satisfy Clause 4.37 of the Carlingford DCP. The report must consider the geotechnical report submitted with the application along with the additional advice submitted later regarding the same. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

54. Onsite Stormwater Detention – Upper Parramatta River Catchment Area/ Water Sensitive Urban Design

1. Onsite Stormwater Detention

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by ALW Design listed below is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan:

Drawing:	Ref:	Revision:	Dated:
Stormwater Details	SW9127-S1	B	25 February 2011
Site Stormwater Management Layout	SW9127-S2	B	25 February 2011
Lower Basement Concept Drainage Layout	SW9127-S3	B	25 February 2011

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

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

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

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

- A completed application form;
- Four copies of the design plans and specifications;

iii. Payment of the applicable application and inspection fees.

2. Water Sensitive Urban Design

Water sensitive urban design elements, consisting in this instance of bio-retention swales, rainwater reuse tanks, gross pollutant traps and enviropods in surface inlet pits, are to be located generally in accordance with the plans and information submitted with the application and listed above.

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 NSW Department of Environment, Climate Change and Water 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 with the design.

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

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

55. Basement Car Park and Subsurface Drainage

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

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

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

56. 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.

57. 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.

58. Draft Legal Documents

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

59. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$56,430.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (109m) plus an additional 50m on either side (209m) and the width of the road measured from face of kerb on both sides (9m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, 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 remaining costs.

60. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

61. Bank Guarantee Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 943/2010/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

62. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

63. Flood Emergency Response

The detailed design for the upgrading of the existing public drainage infrastructure shown in Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010 must include a separate report that considers the proposals compliance with

the provisions of the Upper Parramatta River Catchment Floodplain Risk Management Plan adopted by Council on 14 December 2004. The documentation submitted should include an Emergency Response Flood Plan to enable the safe evacuation of residents and visitors in the event of a significant flood event.

64. Additional Acoustic Assessment

As recommended in the acoustic report prepared by Vipac Engineers & Scientists Ltd, referenced as Report No. 20C-09-0174-TRP-750200-1, an acoustic assessment and report shall be provided to the certifying authority on the plant and equipment which had not be chosen at the time of the initial acoustic report. The additional acoustic report shall examine noise from plant and equipment and especially the ventilation system and exhaust from the car-park.

64A. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will promptly issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

64B. Undergrounding of 132kV Double Circuit Powerlines

Submission to Council of documentary evidence that a Construction Contract with Energy Australia has been executed for the undergrounding of the existing 132kV Double Circuit Powerlines substantially in accordance with reports entitled:

- (a) "Energy Australia 132kV Double Circuit Undergrounding at Carlingford – Concept Design" by Parsons Brinckenhoff dated February 2010;
- (b) "132 kV Double circuit undergrounding at Carlingford – Concept Design for single circuit Termination Pole and Foundation" by Parsons Brinckenhoff dated 8 June 2010; and
- (c) An untitled document comprising revised cost estimates for Route Option 1 – (using Post Office Street and Jenkins Road – Approximate length 950 metres) and Route Option 2 – (Using the existing transmission line easement – Approximate length 750 metres).

PRIOR TO WORKS COMMENCING ON THE SITE

65. Compliance with Energy Australia's Requirements

As the presence of the in-service power lines pose a possible safety risk for construction workers and construction activity has the potential to place the security of the electrical network at risk, the following information shall be provided to Energy Australia for consideration and approval prior to any commencement of works on site:

- Restrictions on the use of cranes and other such moveable construction plant near power lines;
- The erection of structures within the existing easements and other activities which are prohibited within the easement or near in-service power lines; and
- Safe work method statements for review by Energy Australia prior to site works commencing. Such safety procedures should be included in the Construction Safety and Environmental Management Plan.

66. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a

privately certified development, the name and contact number of the Principal Certifying Authority.

67. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

68. Principal Certifying Authority

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

69. 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.

70. 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).

71. 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.

72. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

73. Site Water Management Plan

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

74. Erosion & Sediment Control Plan Kept on Site

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

75. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the 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 hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

76. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

77. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing which 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.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

78. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

79. 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.

80. Pre-Construction Public Infrastructure Dilapidation 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. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

81. Notification of Asbestos Removal

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

DURING CONSTRUCTION

82. 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 Nos. 263832M & 263984M be complied with.

83. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment

Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

84. 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.

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

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

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

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

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

86. Standard of Works

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

87. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

88. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

89. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

90. Provision of Telecommunications Services

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

91. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

92. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

93. Performance/ Maintenance Security Bond

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

94. Confirmation of Pipe Locations

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

95. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

96. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

97. Flooding Extent Plan

A plan of survey prepared by a registered surveyor must be provided that shows the Probable Maximum Flood (PMF) and 1 in 100 year ARI storm event flood levels associated with the adjacent drainage system. The plan must reflect the WAE plans and clearly indicate the extent of inundation.

98. 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.

99. Post Construction Public Infrastructure Dilapidation Report

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 in the direct vicinity of the development site and the means of rectification for the approval of Council.

100. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Restricting Development – WSUD Modification

A restriction as to user restricting development over or varying of the finished levels and layout of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

iv. Positive Covenant – WSUD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components.

v. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

101. Consolidation of Allotments

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

102. Pump System Certification

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

103. Amendment to Existing Drainage Easement

The existing drainage easement must be amended generally as shown on the approved easement plan prepared by Architex Drawing DA07 Revision F dated 23 February 2011 before an Occupation Certificate is issued. Where 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.

The location and width of all drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and reflect/ encompass the drainage works required to be carried out as shown on Figure 6 from the Local Flood Study prepared by Cardno Ref YN210061 Revision 4 dated 23 December 2010.

104. OSD System Certification

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

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited 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.

105. Water Sensitive Urban Design Certification

The water sensitive urban design elements present on site must be included with the OSD certification. Additionally, a data sheet that includes WAE detail, design costs, construction costs, initial maintenance costs per element and a maintenance schedule must be included.

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.

106. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) The Building Code of Australia,
 - b) AS 1668 Part 1 & 2 – 1991,
 - c) The Public Health Act – 1991
 - d) Public Health (Microbial Control) Regulation 2000,
 - e) Work Cover Authority,
 - f) AS 3666 –1989 Air Handling and water system of building microbial control
- Part 1 - Design installation and commissioning
Part 2 - Operation and maintenance
Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council prior to commissioning.

107. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

108. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles. The garbage service will not commence and bins will have to be taken to the public road for collection, if the Indemnity Agreement has not been received.

109. Owner Details for Bin Trolley

Prior to issue of the Occupation Certificate the name, address and contact details for the ownership of the bin trolley are to be provided to Council.

110. Planning Agreement Obligations

Submission of a certificate from Council confirming that:

- (a) all payments under the Planning Agreement have been paid;
- (b) all other obligations under the Planning Agreement have been satisfied; and
- (c) the developer is not in breach of its obligations under the Planning Agreement.

Council will issue this certificate at the request of the applicant or, if the certificate cannot be issued, provide a notice identifying the outstanding payments, obligations or breach.

111. Undergrounding of 132kV Double Circuit Powerlines

Prior to the issue of any occupation certificate within the meaning of the Environmental Planning and Assessment Act, 1979, submission to Council of documentary evidence from Energy Australia certifying that all works required by of the Construction Contract required by Condition No. 64B have been completed satisfactorily.

THE USE OF THE SITE

112. Lighting

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

113. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECC) Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997.

114. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

115. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.