

**JRPP PLANNING REPORT  
(Sydney West Region)**

<b>JRPP No:</b>	2011SYW026
<b>DA Number:</b>	1103/2011/JP
<b>Local Government Area</b>	THE HILLS SHIRE COUNCIL
<b>Proposed Development:</b>	DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF 5 APARTMENT BUILDINGS 9-11 STOREYS CONTAINING 450 UNITS AND BASEMENT CAR PARKING CONTAINING 662 CAR PARKING SPACES
<b>Street Address:</b>	LOTS 9 & 10 DP 8508, LOTS 1-8 DP 30115, LOT 1 DP 1108644, LOTS 23-25 DP 21386, LOT 7 DP 9614, LOT 1 DP 135608, LOT 9 DP 655986, LOTS 1 & 2 DP 1028075, LOTS 6-8 DP 26412 AND LOTS A-C DP 29919, NOS. 247-261 & 277-281 PENNANT HILLS ROAD AND NOS. 14-30 SHIRLEY STREET, CARLINGFORD
<b>Applicant/Owner</b>	RAINBOWFORCE PTY LTD
<b>Number of Submissions:</b>	TWENTY-TWO (22)
<b>Recommendation:</b>	DEFERRED COMMENCEMENT APPROVAL
<b>Report by:</b>	GREG SAMARDZIC SENIOR TOWN PLANNER

**RECOMMENDATION**

That the Development Application be approved subject to the following conditions including a deferred commencement condition to require the applicant to obtain a drainage easement over Nos. 27-29 Lloyds Avenue.

**DEFERRED COMMENCEMENT**

**1. Deferred Commencement – Registration of Drainage Easement**

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

1. The creation of one or more drainage easements over the downstream properties, 27-29 Lloyds Avenue, as follows:
  - a) If the existing public stormwater pipeline which traverses the site and Nos. 27-29 Lloyds Avenue is to be wholly relocated into the Pennant Hills Road and Shirley Street road reserve, then a 1.5m wide (minimum) inter-allotment drainage easement must be provided within Nos. 27-29 Lloyds Avenue.
  - b) If the existing public stormwater pipeline which traverses the site and Nos. 27-29 Lloyds Avenue is to be partially relocated into the Pennant Hills Road road reserve, then a 1.5m wide (minimum) inter-allotment drainage

easement and a 3m wide (minimum) public drainage easement must be provided within Nos. 27-29 Lloyds Avenue.

Refer to points (ii) and (iii) under the condition entitled "Engineering Works and Design" included later in this consent for more details regarding the necessary stormwater upgrade works.

- 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 (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. 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

The amendments in red include: -

- Deletion of areas proposed to be dedicated to Council which are outside of the site zoned Open Space 6(a) as shown on the Dedication Plan (Plan No. DA 47);
- The landscape design of the open space embellishment (CPLOS1) is deleted from Plan No. 0311.LA.07 which will be subject to a separate design and approval process as per the adopted VPA; and
- The landscape design for No.14 Shirley Street (Lot 1 DP1028175) is deleted from Plan No. 0311.LA.08 as this land is to be dedicated to Council with funding and design of the reserve to be undertaken by Council pursuant to Contributions Plan No.14 – Carlingford Precinct.

## REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
DA00	Cover Sheet	1	A	23.12.10
DA03	Site Plan	1	A	23.12.10
DA04	Ground Level 1	1	C	31.10.11
DA06	Roof Level	1	A	23.12.10
DA07	External Concept Plan	1	B	27.07.11
DA08	Basement Level 4 Blocks A+B+C	1	B	27.07.11
DA09	Basement Level 3 Blocks A+B+C	1	B	27.07.11
DA10	Basement Level 2 Blocks A+B+C	1	B	27.07.11
DA11	Basement Level 1 Blocks A+B+C	1	B	27.07.11
DA12	Level 1 Block A	1	B	27.07.11
DA13	Levels 2 to 6	1	A	23.12.10
DA14	Levels 7 to 9	1	A	23.12.10
DA15	Level 1 Blocks B+C	1	B	27.07.11
DA16	Level 2 Blocks B+C	1	B	27.07.11

DA17	Levels 3 to 11 Blocks B+C	1	A	23.12.10
DA18	Basement Level 6 Blocks D+E	1	B	27.07.11
DA19	Basement Level 5 Blocks D+E	1	B	27.07.11
DA20	Basement Level 4 Blocks D+E	1	B	27.07.11
DA21	Basement Level 3 Blocks D+E	1	B	27.07.11
DA22	Basement Level 2 Blocks D+E	1	B	27.07.11
DA23	Basement Level 1 Blocks D+E	1	B	27.07.11
DA24	Level 1 Block D	1	C	22.11.11
DA25	Levels 2 to 9 Block D	1	A	23.12.10
DA26	Levels 10 to 11 Block D	1	A	23.12.10
DA27	Level 1 Block E	1	A	23.12.10
DA28	Level 2 Block E	1	A	23.12.10
DA29	Level 3 Block E	1	B	27.07.11
DA30	Typical Levels 4+5 Block E	1	A	23.12.10
DA31	Levels 6 to 9 Block E	1	A	23.12.10
DA32	Levels 10 to 11 Block E	1	A	23.12.10
DA33	Level 12 Block E	1	A	23.12.10
DA34	Level 13 Block E	1	A	23.12.10
DA35	Site Elevations 1-4	1	A	23.12.10
DA36	Site Elevations 5-7	1	A	23.12.10
DA37	Site Elevations 8- 10	1	A	23.12.10
DA38	Site Elevations 11- 13	1	B	27.07.11
DA39	Site Elevations 14- 16	1	A	23.12.10
DA40	Site Sections	1	A	23.12.10
DA41	Fence + Mail + Driveway Details	1	A	23.12.10
DA47	Public Open Space Dedication Plan	1	A	23.12.10
DA51	Site Sections	1	A	25.07.11
-	Schedule of Finishes: Block A	1	-	-
-	Schedule of Finishes: Block B	1	-	-
-	Schedule of Finishes: Block C	1	-	-
-	Schedule of Finishes: Block D	1	-	-
-	Schedule of Finishes: Block E	1	-	-
0311.LA.01	Key Plan	1	B	06.01.11

0311.LA.02	Landscape Plan BLOCK A	1	B	06.01.11
0311.LA.03	Landscape Plan BLOCK B	1	B	06.01.11
0311.LA.04	Landscape Plan BLOCK C	1	B	06.01.11
0311.LA.05	Landscape Plan BLOCK D	1	B	06.01.11
0311.LA.06	Landscape Plan BLOCK E	1	B	06.01.11
0311.LA.07	Landscape Plan CENTRAL OPENSOURCE	1	B	06.01.11
0311.LA.08	Landscape Plan WESTERN OPENSOURCE	1	B	06.01.11
0311.LA.09	Plant Schedule, Landscape Details & Specification	1	B	06.01.11

## **2. Undergrounding of 132kV Double Circuit Powerlines**

Submission to Council of documentary evidence that a Design Contract with Energy Australia has been executed for the undergrounding of the existing 132kV Double Circuit Powerlines substantially in accordance with the 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).

## **3. Planning Agreement**

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement offered by Rainbowforce 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.

## **4. Privacy**

Glass balustrades to balconies of the lowest 4 balcony levels of Blocks A-C are to contain obscure/opaque screening to limit the potential for direct overlooking of the property at Nos. 2-6 Shirley Street.

## **5. External Finishes**

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

## **6. Provision of Parking Spaces**

The development is required to be provided with 662 off-street car parking spaces to include one-hundred and eight-three (183) visitor spaces. These car parking spaces shall be available for off street parking at all times.

#### **7. 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.

#### **8. Accessibility and Adaptability**

The Access/Compliance Report dated 10 December 2010 must be adhered to at all stages. The development is to be designed according to the reports.

#### **9. 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.

#### **10. 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.

#### **11. 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.

#### **12. 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.

#### **13. Tree Removal**

Approval is granted for the removal of trees numbered 1-19, 21-27, , 34, 35, 56-59, 65-76, 78-85, 87, 88, 91-103, 106-116, 119-121, 123-131, 142, 145, 147-171, 173, and 178-197 as per Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011.

#### **14. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

An additional fifteen (15) Corymbia eximia (Yellow Bloodwood) are to be planted within the public open space at the northwest of the site.

#### **15. Tree/s to be retained**

To maintain the treed environment of the Shire, trees numbered 20, 28-30, 32, 33, 36-55, 60-64, 77, 86, 89, 90, 104, 105, 117, 118, 122, 132-141, 143, 144, 146, 172, 174-177 and 198-202 as per Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011 are to be retained.

#### **16. Adherence to Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by 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.

#### **17. 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:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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.

#### **18. Commencement of Domestic Waste Services**

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

#### **19. Domestic Waste Management – eight (8) or more Units**

Construction of the garbage and recycling bin storage area(s) 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 55 x 660L bulk garbage bin(s) and 75 x 240L recycling bins.

#### **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 Environment Operations Act, 1997.

#### **21. 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, as defined by the Protection of the Environment Operations Act, 1997.

#### **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. 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.

### **24. 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.

### **25. Washing of Vehicles**

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

### **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. 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.

### **29. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by VIPAC Engineers & Scientists Ltd, referenced as 20C-10-0264-TRP-462550-0, dated 17

December 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

1. An acoustic assessment is to be conducted at Construction Certificate stage to determine whether the plant and equipment (in particular basement car park ventilation) selection are in compliance with The Hills Shire Council DCP and DECCW Industrial Noise Policy. In particular the following points will need to be addressed.
  - a. The location of mechanical services equipment is to be away from noise sensitive receivers;
  - b. Whether the installation of low noise condenser units is implemented;
  - c. Achievement of no direct 'line of sight' path between the nearest resident and all the major mechanical equipment or exhaust fans; and
  - d. Installation of barriers and acoustic enclosures should the above measures not be adequate.
2. Windows are to have acoustic glazing as per the glazing schedule for the site located in section 5.2 and Appendix D: Glazing Schedule.
3. The basement car park is to comply with Australian Standard 2107:2000 – Recommended Design Sound Levels and Reverberation Times for Building Interiors.
4. Compliance testing is to occur once the project has reached completion stage. Noise measurements are to occur during the representative periods; day-time and night-time. The noise level measurements are to occur inside the sensitive spaces such as the bedrooms and the living rooms.

### **30. Secure Properties and Maintain Vegetation**

The houses that are currently located on the proposed development site are to be made secure so that public cannot access the houses or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and/or unhealthy environment.

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

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

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;
- d) Intended maintenance responsibility, Council, landowner etc;
- e) Inspection method and estimated frequency;
- f) Adopted design cleaning/ maintenance frequency;
- g) Estimate life-cycle costs;
- h) Site access details, including confirmation of legal access, access limitations etc;
- i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;



- k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l) A work method statement;

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.

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

### **32. Road Opening Permit**

Should the development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate construction approval issued by Council under the Roads Act 1993, as required elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required or not.

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

A separate application must be submitted for any proposed strata titled subdivision of the approved development. The strata subdivision of the approved buildings cannot be carried out as complying development as the parking spaces were not allocated to individual tenancies at the development application stage, as required by Part 6.2 of the Codes SEPP.

### **34. Separate Application for Subdivision**

A separate application must be submitted to excise the open space zoned land from the remainder of the development site. Only the land zoned open space is to be excised, with the final boundary location subject to Council's approval.

### **35. 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.

### **36. 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.

### **37. 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.

### **38. 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.

### **39. 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.

### **40. 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

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/>

Both internal access roads and all three driveways, as shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno, must be built to Council's heavy duty standard (minimum).

Both internal access roads are private roads, not public roads, for their full length.

The western access road must be 8m wide (minimum) at the property boundary splayed to 10m wide at the kerb in Shirley Street. A layback must be provided, instead of the splayed kerb return shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno; so that this access road presents as a private road instead of an extension to the public road network.

The eastern access road must be 6m wide (minimum) at the property boundary splayed to 8m wide at the kerb in Shirley Street. A layback must be provided so that this access road presents as a private road instead of an extension to the public road network.

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 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**

1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Pennant Hills Road frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

2.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Shirley Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

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

#### **iv. Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the Shirley Street and Pennant Hills 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.

#### **v. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

#### **41. 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.

#### **42. 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.

#### **43. 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. 350346M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

#### **44. Compliance with RailCorp/NSW Transport Requirements**

Compliance with the operational conditions of RailCorp/NSW Transport attached as Appendix "A" to this consent and dated 9 March 2011.

#### **45. Compliance with Roads & Maritime Services Requirements**

The proposed development is to be undertaken in accordance with the following:-

- The subject property is affected by a road proposal. Any new buildings or structures are erected clear of the land required for road widening.
- The developer shall submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer shall meet the full cost of the assessment by the RTA. The report would need to address the following key issues:
  - a. The impact of excavation/rock anchors on the stability of the Pennant Hills Road and detailing how the carriageway would be monitored for settlement.
  - b. The impact of the excavation on the structural stability of the Pennant Hills Road.
  - c. Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph: 8837 0246 or Graham Yip on Ph: 8837 0245) for details.
- All works associated with the subject development shall be carried out at no cost to the RTA.

#### **46. Compliance with Requirements of NSW Police**

The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 21 May 2009 and 21 July 2009 comprising the following:-

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting the entry and exit points from the buildings, the swimming pool, gymnasium, car park and access/exit driveways. At the same time throughout the site transition lighting is required to reduce vision impairment.
- Use of CCTV coverage to monitor common areas, such as the gym and lobby etc and the access/exit driveways and underground car parks.
- Vegetation to be kept trimmed at all times.
- The use of security shutters placed at the vehicular entrance to the residential parking areas and separate shutters restricting access to each of the basement levels.

- Use of intercom system to restrict both pedestrian and vehicular access to the building.
- The underground car parking areas to be painted white to assist in reflecting light.
- Fencing at least 5 foot in height be installed as a security measure to restrict access to the community facilities especially pool areas.
- Use of anti-graffiti building materials.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.
- Better quality of construction between garages, improved strength to garage doors and better quality locking mechanism.
- Allowance to be made to permit residents/developer to install an alarm system in garages/storage areas connected to the relevant unit. The developer either installs the alarm system throughout the site or provides cabling or wireless connectivity between the unit and the garages/storage areas.

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

### **47. 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.

### **47A. 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).

### **48. Compliance with Carlingford Public Domain Plan**

A detailed Public Domain Plan must be prepared by a suitably qualified professional in accordance with the Carlingford Precinct Public Domain Plan and must be lodged with and approved by Council prior to any new building work.

#### **49. Provision of Electrical Services**

Submission of a notification of arrangement certificate confirming that satisfactory arrangements have been made for the under-grounding of existing electrical services and associated infrastructure or provision of under-ground electrical services. Street lighting is required in accordance with Council's Public Domain Plan for the Carlingford Precinct and a hinged lighting column is required where adjoining pedestrian links. The certificate must refer to the issued Development Consent No. 1103/2011/JP.

#### **50. Provision of Telecommunication Services**

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming that satisfactory arrangements have been made for the undergrounding or provision of underground telecommunications, including telecommunications cables and associated infrastructure. The certificate must refer to the issued Development Consent No. 1103/2011/JP.

#### **51. Design Verification**

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

#### **52. Fencing – Boundary**

Boundary fencing is to provide an effective height of 1.8 metres and be of lapped and capped timber. All fencing shall be provided at the expense of the applicant. Replacement of existing fencing shall only be with concurrence of the adjoining property owners.

#### **53. Provision of Fire Hydrants**

Provide fire hydrant booster locations as required by AS2419.1 and approved by NSW Fire & Rescue prior to the issue of the Construction Certificate. The Principal Certifying Authority is to ascertain that the required fire hydrants have been provided on site in particular for fire fighting access to Nos. 2-6 Shirley Street (to include provision of a gate at the boundary between Nos. 2-6 Shirley Street and the development site) before accepting any certification of the fire hydrant system.

#### **54. No Deviation from Development Consent**

The Principal Certifying Authority shall not authorise any variations to the development consent and the approved plans. If variations are required, a Section 96 modification shall be lodged and approved by council prior to the issue of the Construction Certificate or prior to the implementation of the variations during construction.

#### **55. 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.

#### **56. 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

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

All the works listed below are "building works". There are no "subdivision works" included as part of this development. These "building works" can be separated into three categories:

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

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

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

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

#### **i. Road Closure/ Kerb and Gutter and Footpath Verge Formation**

Janell Crescent must be closed and its intersection with Pennant Hills Road removed and replaced with kerb and gutter, including all associated drainage, road pavement, concrete footpath, verge formation, service adjustments and ancillary work required to make the construction effective.

The carriageway width, footpath verge width and kerb alignment must match that existing on either side.

#### **ii. Public Stormwater Drainage**

The existing stormwater pipeline between Pennant Hills Road and Shirley Street that traverses the subject site and 27-29 Lloyds Road must be replaced and realigned.

The design solution shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno must be amended. There are two acceptable design solutions to the reconstruction and realignment of this pipeline, as follows:

1. The existing 450mm diameter pipeline must be replaced with a new 750mm diameter pipeline within Pennant Hills Road and Shirley Street extending from the existing kerb inlet pit fronting 255 Pennant Hills Road to the existing kerb inlet pit fronting 2-6 Shirley Street. The new pipeline must be located underneath the kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

This option removes the public stormwater connection through 27-29 Lloyds Road removing the need for the 3m wide public easement required to be created within that property earlier in this consent.

2. The existing 450mm diameter pipeline must be replaced with a new 750mm diameter pipeline partly within Pennant Hills Road, the subject site and 27-29 Lloyds Road. The new pipeline must extend along (and within) Pennant Hills Road under the existing kerb alignment between the existing kerb inlet pit fronting 255 Pennant Hills Road to the site's southern boundary, adjacent to 27-29 Lloyds Road, where a new kerb inlet pit must be constructed. From here, the pipeline must extend north along the site's western boundary, generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno, to the existing 450mm diameter pipeline. The new 750mm pipeline must then extend through 27-29 Lloyds Road to the existing kerb inlet pit fronting 2-6 Shirley Street along the alignment of the existing 450mm diameter pipeline.

This option will necessitate the creation of a 3m wide (minimum) public easement within 27-29 Lloyds Road generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 prepared by Cardno, as required earlier in this consent.

### **iii. Inter-allotment Stormwater Drainage**

Two separate piped inter-allotment drainage pipelines must be constructed within the site and 27-29 Lloyds Road, generally as shown on Drawing 89022822-007 Revision 4 dated 22 November 2011 and Drawing 89022822-006 Revision 2 dated 14 September 2011 prepared by Cardno.

The 450mm diameter pipeline within 27-29 Lloyds Road must either extend to the proposed 650mm diameter pipeline within the 3m wide public easement located within that property, or extend all the way to the existing kerb inlet pit fronting 255 Pennant Hills Road, depending on which design option is adopted under point (ii) above. This will also dictate the location and extent of the 1.5m wide (minimum) inter-allotment drainage easement required to be created over 27-29 Lloyds Road as required earlier in this consent.

All inter-allotment drainage must be designed and sized for a 1 in 10 year ARI storm event catering for the entire area of each benefited lot, with an assumed impervious surface of 80%.

### **iv. 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/>

Both internal access roads and all three driveways, as shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno, must be built to Council's heavy duty standard (minimum).

Both internal access roads are private roads, not public roads, for their full length.



The western access road must be 8m wide (minimum) at the property boundary splayed to 10m wide at the kerb in Shirley Street. A layback must be provided, instead of the splayed kerb return shown on Drawing 89022822-003 Revision 1 dated 5 January 2011 prepared by Cardno; so that this access road presents as a private road instead of an extension to the public road network. The cul-de-sac turning head provided at the end of this road must have a minimum diameter of 19m, measured from the face of kerb on both sides.

The eastern access road must be 6m wide (minimum) at the property boundary splayed to 8m wide at the kerb in Shirley Street. A layback must be provided so that this access road presents as a private road instead of an extension to the public road network.

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

**v. Concrete Footpath Paving**

1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Pennant Hills Road frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

2.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Shirley Street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail, the Carlingford public domain plan and the above documents.

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

**vi. Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the Shirley Street and Pennant Hills 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.

**vii. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event generally in accordance with the plans and details prepared by Cardno submitted with the development application.

**ix. Services**

Any existing services, including those in Janell Crescent, that need to be removed or relocated as part of the development must be removed or relocated in consultation with the relevant service authority. These servicing works must be shown on the submitted engineering drawings.

**x. Water Sensitive Urban Design Elements**

Water sensitive urban design elements are to be located generally in accordance with the plans and information prepared by Cardno and submitted with the development application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity

modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants.
- 85% reduction in the annual average load of total suspended solids.
- 65% reduction in the annual average load of total phosphorous.
- 45% reduction in the annual average load of total nitrogen.

All model parameters and data outputs are to be provided 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/tools-resources/index.html>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

#### **57. 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 statement prepared by HKMA Engineers dated 9 August 2011 submitted with the development application. 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.

#### **58. Concept Engineering Design Approval**

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

#### **59. 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.

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

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

- a) Allotment boundaries;
- b) 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; and
- j) A maintenance program for the erosion and sediment controls.

#### **61. Onsite Stormwater Detention – Upper Parramatta River Catchment Area**

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 Cardno is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

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.

#### **62. 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.

#### **63. 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.

#### **64. 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.

#### **65. Stormwater Discharge Acceptance**

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

#### **66. 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.

#### **67. 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 \$139,380.00 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 plus an additional 50m on either side and the width of the road measured from face of kerb on both sides, as detailed below:

Road:	Frontage:	Width:	Bond
<i>Shirley Street</i>	<i>288m (338m)</i>	<i>7m</i>	<i>\$70,980.00</i>
<i>Pennant Hills Road</i>	<i>140m (190m)</i>	<i>12m</i>	<i>\$68,400.00</i>

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.

#### **68. Security Bond – External Works**

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

The bond 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.

#### **69. 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 1103/2011/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.

#### **70. Landscape Bond**

To ensure the public amenity of the Shire a landscape bond in the amount of \$50,000.00 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.

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

#### **71. Notification**

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

#### **72. Principal Certifying Authority**

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

#### **73. 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.

#### **74. 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.

#### **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. 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.

#### **78. NSW Roads and Maritime Services Design Approval**

Prior to any works commencing, the design and construction of the works in Pennant Hills Road must be approved by the NSW Roads and Maritime Services. Four copies of the NSW Roads and Maritime Services' stamped approved construction plans and a covering letter from the NSW Roads and Maritime Services advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

#### **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. Erosion and Sedimentation Controls**

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.

#### **82. 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).

#### **83. 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.

**84. 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.

**85. Dilapidation Survey**

Prior to work commencing the structural engineer shall carry out a dilapidation survey of the adjoining dwellings and submit a copy of the survey both to Council and the property owner.

**86. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970-2009 Protection of Trees on Development Sites and as detailed in Arboricultural Impact Assessment prepared by Redgum Horticultural and dated 15 October 2011.

**DURING CONSTRUCTION****87. Documentation On Site**

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report.
- Waste Management Plan.
- Erosion and Sedimentation Control Plan.
- Traffic Control Plan.

**88. 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.

**89. 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.

**90. Pool Discharge Water**

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

**91. Pool not to be Filled Until Occupation**

The pool is not to be filled with water until the development is occupied.

## **92. Pool not to be Filled Until Fencing Erected**

Pool not to be filled with water until a safety fence inspection has been carried out and approval given by the Principal Certifying Authority.

## **93. 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.

## **94. Temporary Fencing of Pools**

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the required swimming pool fence has been installed.

## **95. Swimming Pool Safety Fencing**

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2007. A fact sheet titled *Swimming Pool Fencing Requirements* is available from [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

## **96. Resuscitation Warning Notice**

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

## **97. 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.

## **98. 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.

#### **99. Mechanical / Equipment Noise Measurements**

As per the report prepared by VIPAC referenced as 20C-10-0264-TRP-462550-0 and dated 17 December 2010, an acoustic assessment is to be conducted once the plant and equipment selection has been finalised. If the report highlights that there is non-compliance with the criteria specified (Council DCP and DECCW Industrial Noise Policy) appropriate noise mitigation measures are to be implemented as per the recommendations of the acoustic assessment.

#### **100. Control of Early Morning Noise from Trucks**

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

#### **101. Control of Noise from Trucks**

The numbers of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

### **PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE**

#### **102. 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.

#### **103. Undergrounding of 132kV Double Circuit Powerlines**

Submission to Council of documentary evidence from Energy Australia that the requirements of the Construction Contract to underground the existing 132kV Double Circuit Powerlines have been satisfied.

#### **104. Compliance with Carlingford Public Domain Plan**

Submission of a certificate from Council confirming that Prior to the issue of the Occupation Certificate, documentary evidence from Council shall be provided stating that a site inspection of all landscaping works by Councils Landscape Projects Officer has been undertaken.

#### **105. Installation of 'No Parking' Restrictions**

Prior to the issue of the Occupation Certificate and subject to final endorsement by the Local Traffic Committee the applicant is to install approximately 450m of full time 'No Parking; restrictions on the development side of Shirley Street for the full frontage of the development. All signage is to be at the expense of the applicant.

#### **106. 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](http://www.sydneywater.com.au) and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

#### **107. Internal Pavement Construction Certification (Waste Services)**

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

#### **108. Inspection of Bin Bay Storage Area(s)**

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

#### **109. 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 external 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" or ".pdf" 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.

#### **110. Performance/ Maintenance Security Bond**

A performance/ maintenance bond of 5% of the total cost of the external 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.

#### **111. 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.

#### **112. 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).

#### **113. 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.

**114. 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.

**115. Compliance with NSW Roads and Maritime Services Requirements**

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in Pennant Hills Road have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

**116. 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.

**117. 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.

**118. 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. Standard wording is available on Council's website and must be used.

**i. Restriction – OSD Modification**

A restriction 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 to ensure the ongoing maintenance of the constructed onsite stormwater detention system at the expense of the property owner.

**iii. Restriction – WSUD Modification**

A restriction restricting development over or the varying of any finished levels and layout of the constructed water sensitive urban design elements.

**iv. Positive Covenant – WSUD Maintenance**

A positive covenant to ensure the ongoing maintenance of the constructed water sensitive urban design elements at the expense of the property owner.

**v. Positive Covenant – Stormwater Pump Maintenance**

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

**vi. Restriction – Vehicular Access**

A restriction must be created restricting access to Pennant Hills Road from the subject site.

**vii. Restriction – Bedroom Numbers**

A restriction must be created on the title of each unit limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must

also state that no internal alterations are permitted that result in the creation of additional bedrooms.

**viii. Positive Covenant – Pedestrian Access**

A positive covenant is to be created to allow public pedestrian access to the public local open space areas on the site. The positive covenant is to include the full length of the eastern and western driveways.

**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.

**119. OSD System Certification**

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

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

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

**120. Completion of Water Sensitive Urban Design Elements**

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

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

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

**121. 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).

**122. 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.

### **123. Design Verification Certificate**

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

### **124. Post-Construction Public Infrastructure Dilapidation Report**

Prior to the issuing of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

### **125. Final Dilapidation Survey**

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at adjoining properties referred and submit a copy of the survey both to Council and the property owner.

### **126. Landscaping Prior to Issue of Occupation Certificate**

The landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDGP Part D, Section 3 – Landscaping and the approved plan.

### **127. 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.

## **THE USE OF THE SITE**

### **128. Swimming Pool**

The proposed swimming pool is to be maintained in accordance with The New South Wales Department of Health Public Swimming Pool and Spa Pool Guidelines, 1996.

### **129. 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*.

### **130. Final Acoustic Report**

On completion of the development 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. The report shall also certify that the design of the traffic noise affected portions of the building complies with the EPA's – Environmental criteria for road traffic noise. **A copy of this certification and the acoustic assessment shall be submitted to council prior to the Occupation Certificate**

**131. 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.