

JOINT REGIONAL PLANNING PANEL Sydney West Region

JRPP No.	2013SYW116
DA Number	810/2014/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	CONSTRUCTION OF THREE X SIX STOREY RESIDENTIAL FLAT BUILDINGS CONTAINING 88 UNITS
Street Address	LOTS 2-9 DP 223523, NOS. 2- 16 YOUNG ROAD, CARLINGFORD
Applicant/Owner	YIFANG AUSTRALIA PTY LTD
Number of Submissions	Six (6)
Regional Development Criteria (Schedule 4A of the Act)	General development with a CIV of over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i): <ul style="list-style-type: none"> - State Environmental Planning Policy – Design Quality of Residential Flat Development - State Environmental Planning Policy (State and Regional Development) 2011 - The Hills Local Environment Plan 2012 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - DCP 2012 Part D Section 12 – Carlingford Precinct - DCP 2012 Part C Section 1 – Parking - DCP 2012 Part C Section 3 – Landscaping - Draft DCP 2012 Part B Section 5 – Residential Flat Buildings • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Six submissions
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	DEVELOPMENT ASSESSMENT CO-ORDINATOR CLARO PATAG

EXECUTIVE SUMMARY

The Development Application is for the demolition of eight existing dwellings and associated structures and construction of three x six storey residential flat buildings containing 88 residential flat units (comprising 9 x 1 bedroom, 74 x 2 bedroom and 5 x 3 bedroom units) above two and a half levels of basement car parking containing 205 parking spaces. The development is proposed to be constructed in two stages, i.e. Stage 1 comprising Block A and Stage 2 comprising Blocks B and C (refer Attachment 3).

The subject site is located on the northern end of the Carlingford Precinct and directly adjoins Young Road Reserve to the south. The site falls from the north eastern corner to the western boundary by approximately 5 metres.

The proposed development has been assessed against the relevant standards of The Hills Development Control Plan 2012 Part D Section 12- Carlingford Precinct and variations to unit size, setback and solar access have been identified. The variations are addressed in the body of the report and are considered satisfactory.

The proposal was exhibited and notified to adjoining and surrounding property owners six submissions were received. The issues raised relate to traffic, parking, tree removal, loss of views and sunlight and construction noise. These issues are addressed in the report and do not warrant refusal of the application.

In the absence of the JRPP process, this matter would be reported to Council's Development Assessment Unit.

The Development Application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	1) Soesanto Waskito 2) Ngoc Xuan Hoang & Thuy Ngoc Nguyen 3) Soesanto Waskito & Siat Joeng Sjamsudin 4) James Tai-Chiu Yu, Bernard Chun Hung Fan & Grace Ying Fun Fan 5) Carford Holdings Pty Limited 6) Min Yip & Lan Pun 7) William Rg Huang & Katherine Hui Lu-Huang & 8) Chris Tak Shing Lau & Yuk Yee Gloria Kong	1. <u>LEP 2012 – Satisfactory.</u> 2. <u>SEPP No. 65 – Design Quality of Residential Flat Development – Complies.</u> 3. <u>SEPP (State and Regional Development) 2011 – Complies.</u> 4. <u>DCP 2012 Part D Section 12 – Carlingford Precinct – Variations proposed, see report.</u> 5. <u>DCP 2012 Part B Section 5 – Residential Flat Buildings – Complies.</u> 6. <u>DCP 2012 Part C, Section 1 – Parking – Complies.</u> 7. <u>DCP 2012 Part C, Section 3 – Landscaping – Complies.</u> 8. <u>Multi-Unit Housing – Urban Design Guidelines – Complies.</u> 9. <u>Residential Flat Design Code –</u>
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			Satisfactory.
Zoning:	R4 High Density Residential	10. 11.	Section 79C (EP&A Act) – Complies. Section 94 Contribution: Stage 1 - \$204,735.40 Stage 2 - \$818,384.51
Area:	5,821m ²		
Existing Development:	Dwelling houses		

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days	1.	Capital Investment Value is in excess of \$20 million.
2. Notice Adj Owners:	Yes, 14 days		
3. Number Advised:	256		
4. Submissions Received:	Six		

HISTORY

19/12/2013	Subject Development Application lodged.
06/01/2014	Letter sent to the applicant requesting additional information regarding letterbox location and unit numbering.
13/01/2014 to 29/01/2014	Subject Development Application publicly exhibited for comments.
15/01/2014	Further letter sent to the applicant requesting additional engineering information in relation to stormwater drainage, encroachment of the northern building on the public drainage system, on-site detention design, revised MUSIC modelling, and vehicular access and car parking.
20/01/2014	Further letter sent to the applicant raising concerns regarding access for garbage collection.
28/01/2014	Additional information in response to garbage collection access submitted by the applicant.
04/02/2014	Letter sent to the applicant providing comments in response to the additional garbage collection access information submitted.
06/02/2014	Briefing conducted with the Joint Regional Planning Panel.
11/02/2014	Initial response to engineering issues outlined in Council's letter dated 15/01/2014 received from the applicant.
12/02/2014	Additional waste management and unit numbering information submitted by the applicant.
19/02/2014	Meeting held with applicant to discuss the outstanding engineering issues raised in Council's letter dated 15/01/2014.
24/02/2014	Additional engineering information in response to Council's letter dated 15/01/2014 submitted by the applicant.
05/03/2014	Letter sent to the applicant advising that the additional

engineering information submitted on 24/02/2014 was insufficient and the engineering issues raised previously remain outstanding.

24/03/2014	Request for a copy of the stormwater catchment plan for Young Street received from the applicant's drainage consultant.
10/04/2014	Additional engineering information submitted by the applicant.
21/05/2014	Amended architectural plans received from the applicant.
04/06/2014	Letter sent to the applicant advising that the submitted engineering information in relation to stormwater drainage, the location of the driveway along the northern boundary and vehicular access and parking are unsatisfactory.
25/06/2014	Meeting held with applicant's planning and engineering consultants to discuss outstanding engineering issues outlined in Council's letter dated 4 June 2014.
08/07/2014	Additional engineering information submitted by the applicant.
30/07/2014	Letter sent to the applicant advising that the on-going issue of encroachment over the required 3m wide drainage easement remains unresolved, and advising of the non-compliance of the northern and southern driveway levels.
06/08/2014	Meeting held with the applicant and consultants to discuss outstanding engineering issues relating to stormwater drainage, flooding and driveway gradients.
08/08/2014	Additional engineering information submitted by the applicant in response to the issues raised in the meeting held on 06/08/2014.
18/08/2014	Amended flood report received from the applicant.
18/08/2014	Letter sent to the applicant requesting further amendments to the stormwater drainage plans and driveway profiles.
21/08/2014	Email received from the applicant responding to the issues raised in Council's letter dated 18/08/2014.

PROPOSAL

The proposal is for the demolition of eight existing dwellings and associated structures on site, the removal of a number of trees throughout the site and the construction of (in 2 stages) three detached, 6-storey residential flat buildings containing 88 units over 2.5 levels of basement parking containing 205 car spaces. The proposed unit mix is as follows:

Block A – Stage 1

- 4 x 1 bedroom + media rooms;
- 24 x 2 bedroom;
- 2 x 3 bedroom
- Total 30 units

Block B – Stage 2

- 3 x 1 bedroom + media rooms;
- 25 x 2 bedroom;
- 2 x 3 bedroom
- Total 30 units

Block C – Stage 2

- 2 x 1 bedroom + media rooms
- 25 x 2 bedroom;
- 1 x 3 bedroom
- Total 28 units

The development is proposed to be provided with two separate vehicular access points off Young Road, i.e. Block A via a combined concrete driveway at the northern end of the site, while Blocks B and C via a combined 6m driveway at the southern end of the site.

The three buildings are located in an east-west orientation. The units closest to the street will have direct views over the public domain, while some units in Block C will have direct views over the Young Road Reserve which abuts the subject site.

Each building is provided with separate pedestrian access points and will be serviced from the basement by a lift.

ISSUES FOR CONSIDERATION

1. Compliance with The Hills Local Environment Plan 2012

(i) Permissibility and Zone Objectives

The subject site is zoned R4 High Density Residential under THLEP 2012 and the proposed residential flat buildings are permissible with consent in the zone.

The following objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

Comment:

The vision for the Carlingford Precinct is to encourage transit oriented development that creates a sense of place for the incoming population through increased housing choice, better public realm and open spaces and local services that supply the convenience needs of the community.

It is considered that the subject proposal satisfies the objectives of the zone as it does not adversely affect adjoining or surrounding allotments while providing a functioning higher density development that is envisaged for the precinct which is evidenced by the construction of similar residential flat developments in the vicinity.

(ii) Numerical Standards

THLEP 2012 prescribes a maximum floor space ratio (FSR) of 1.49: 1, a minimum site area of 4,000m² for residential flat buildings and a maximum building height of 21 metres on the subject site. The proposed FSR is 1.48: 1, maximum building height is 20.75m and

the site area is 5,821m². The proposal therefore satisfies these numerical standards in the LEP.

2. Compliance with DCP 2012 Part D Section 12 – Carlingford Precinct

The proposal has been assessed against the requirements of DCP 2012 Part D Section 12 – Carlingford Precinct and the following variations have been identified.

DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
4.6.2(e) Residential Flat Building – Apartment Size	<p>Minimum areas for the Northern Precinct (north of Post Office Street):</p> <p>1 bedroom - 75m² 2 bedroom - 110m² 3 bedroom - 135m²</p> <p>Draft DCP Amendments <i>The above standards are proposed to be deleted and the following controls are proposed to be included in the Draft The Hills DCP 2012 Part B Section 5 – Residential Flat Buildings which will be prescribed for all new residential flat buildings regardless of their locations:</i></p>	<p><i>1 bedroom unit sizes range between 72.7m² to 77.7m², where 8 out of the total 9 units (or 89%) are compliant with the minimum 75m² standard and 1 unit (or 11%) is non-compliant.</i></p> <p><i>2 bedroom unit sizes range between 80m² to 125.6m², where 8 of the total 74 units (or 11%) are compliant with the minimum 110m² standard and 66 units (or 89%) are non-compliant.</i></p> <p><i>3 bedroom unit sizes range between 124m² to 143.6m², where 4 of the total 5 units (or 80%) are compliant with the minimum 135m² standard and 1 unit is non-compliant (or 20%).</i></p>	<p><i>No. Only 20 (or 23%) of the total 88 units achieve compliance with the minimum unit size standards. The proposal, however achieves compliance with the Residential Flat Design Code and is considered satisfactory. See comment below.</i></p>

DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE																										
	<p>Apartment Mix (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments. (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.</p> <p>Residential Flat Development (30 or more units) (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <table><tr><th>Apartment Size Category</th><th>Apartment Size</th></tr><tr><td colspan="2">Type 1</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 or more bedrooms</td><td>95m²</td></tr><tr><td colspan="2">Type 2</td></tr><tr><td>1 bedroom</td><td>65m²</td></tr><tr><td>2 bedroom</td><td>90m²</td></tr><tr><td>3 or more bedrooms</td><td>120m²</td></tr><tr><td colspan="2">Type 3</td></tr><tr><td>1 bedroom</td><td>75m²</td></tr><tr><td>2 bedroom</td><td>110m²</td></tr><tr><td>3 or more bedrooms</td><td>135m²</td></tr></table> <p>(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>(f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.</p> <p>(g) All remaining apartments are to comply with the Type 3 apartment sizes (min. 40%).</p>	Apartment Size Category	Apartment Size	Type 1		1 bedroom	50m ²	2 bedroom	70m ²	3 or more bedrooms	95m ²	Type 2		1 bedroom	65m ²	2 bedroom	90m ²	3 or more bedrooms	120m ²	Type 3		1 bedroom	75m ²	2 bedroom	110m ²	3 or more bedrooms	135m ²	<p>One bedroom units comprise 10% of the dwelling yield.</p> <p>Three bedroom units comprise 6% of the dwelling yield.</p> <p>Type 1 apartments (all 2 bedrooms) – 57%</p> <p>Type 2 apartments (comprising 1 x 1 bedroom, 16 x 2 bedroom and 1 x 3 bedroom units) - 20%</p> <p>Type 3 apartments (comprising 8 x 1 bedroom, 8 x 2 bedroom and 4 x 3</p>	<p>Yes</p> <p>No, see comment below</p> <p>No, see comment below.</p>
Apartment Size Category	Apartment Size																												
Type 1																													
1 bedroom	50m ²																												
2 bedroom	70m ²																												
3 or more bedrooms	95m ²																												
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DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
		<i>bedroom units</i>) - 23%	
4.7.2(a) Setbacks	Front setback to Young Road – 6m	Front setback to Young Road is 6m – 6.3m (measured to balcony edges).	Yes
4.7.4(f)	In general, no part of a building or above ground structure may encroach into a setback zone. Exceptions are access to underground parking structures.	Courtyards for the ground floor units encroach into the front setback to Young Road.	No, see comment below.
4.7.4(g)	A 450mm articulation zone is permitted for non-floor space building elements such as fins, louvers, shading devices and balconies.	Three glass roof features above the main entry doors to the buildings encroach into the 6m setback zone by 0.775m to 1.075m.	No, see comment below.
4.13 Solar Access	Living rooms and private open spaces for at least 70 percent of apartments to receive a minimum of four hours direct sunlight between 9 am and 3 pm on 21 June.	<p>The orientation of the buildings on the site in an east-west orientation does not readily lend itself to achieve 4 hours of direct sunlight into living room and balconies/courtyards.</p> <p>- 29 units (33%) orientated north will receive over 3 to 4 hours from 10am to 2pm.</p> <p>- 25 units (28%) orientated east will receive over 2 to 3 hours in the morning from 9am to 12noon.</p> <p>- 34 units (39%) orientated west will receive over 3 hours from 12noon to 3pm.</p>	No, see comment below.

a) Apartment Sizes

Section 4.6.2(e) of DCP 2012 Part D Section 12- Carlingford Precinct states the following in relation to required apartment sizes:

(e) The following are minimum areas for the Northern Precinct (north of Post Office Street):

- 1 bedroom apartment 75m²
- 2 bedroom apartment 110m²
- 3 bedroom apartment 135m²

The proposed apartment sizes are within the following ranges:

- 1 bedroom apartment: 72.7m² - 77.7m²
- 2 bedroom apartment: 80m² - 125.6m²
- 3 bedroom apartment: 124m² - 143.6m²

Only twenty of the proposed units (or 23% of all units) achieve compliance with the DCP minimum apartment areas specified.

It is noted that a report was considered by Council on 8 July 2014 outlining intended amendments to Council's relevant Development Control Plans (including DCP 2012 Part D Section 12- Carlingford Precinct) in relation to unit floor areas. Council resolved as follows:

"The Draft The Hills Development Control Plan 2012 (Part B Section 5 – Residential Flat Buildings, Part D Section 6 – Rouse Hill Regional Centre, Part D Section 8 – Norwest Residential Precinct, Part D Section 12 – Carlingford Precinct, Part D Section 14 – Target Site Corner Windsor Road and Seven Hills Road, Baulkham Hills) be publicly exhibited."

The recommended controls are as follows:

Apartment Size Category	Apartment Size	Source
Type 1		Affordable Housing(SEPP 65)
1 bedroom	50m ²	
2 bedroom	70m ²	
3 bedroom	95m ²	
Type 2		Mid-Point
1 bedroom	65m ²	
2 bedroom	90m ²	
3 bedroom	120m ²	
Type 3		The Hills DCP 2012
1 bedroom	75m ²	
2 bedroom	110m ²	
3 bedroom	135m ²	

- Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- All remaining apartments are to comply with the Type 3 apartment sizes.
- No more than 25% of the dwelling yield is to comprise either studio or one (1) bedroom apartments; and
- No less than 10% of the dwelling yield is to comprise apartments with three (3) or more bedrooms.

As resolved by Council, the draft amendments to Council's Development Control Plan 2012 and Review of the Residential Flat Building Controls were publicly exhibited between 29 July 2014 to 29 August 2014. At the time of writing this report, a post-exhibition report was scheduled to be considered by Council at its ordinary meeting on 9 September 2014.

An assessment of the proposal against the draft controls finds that 50 of the 88 units (57%) which are all 2 bedrooms fall under the Type 1 category, 18 units (which comprise 1 x 1 bedroom, 16 x 2 bedroom and 1 x 3 bedroom units) or 20% of the total yield fall under the Type 2 category and 20 units (which comprise 8 x 1 bedroom, 8 x 2 bedroom and 4 x 3 bedroom units) or 23% of the total yield fall under the Type 3 category.

The above assessment indicates that the proposal would not be able to meet the Type 1 and Type 3 acceptable limits but would satisfy the Type 2 optimum range. Notwithstanding these draft controls, it is considered that the extent of non-compliance is satisfactory when assessed on merit and having regard to the unit types recommended on Page 69 of the Residential Flat Design Code (refer to Attachment 16 for the RFDC Table of Compliance).

The apartment unit size control prescribed in the Carlingford Precinct DCP is based on the following objectives:

- (i) To provide a diversity of residential flat building/ apartment types, which cater for different household requirements now and in the future; and*
- (ii) To maintain equitable access to new housing by cultural and socio-economic groups.*

The applicant has addressed the proposed variation as follows:

- The proposal provides variety in housing stock, in that the units vary in sizes, types, and configurations, including some with study or media rooms;*
- The smallest unit (1 bedroom) is at ground level, which is 72.7m² while the largest unit (3 bedroom) is 143.6m². All units in the development significantly exceed the minimum standard set by the RFDC of 50m² (1 bed), 70m² (2 bed) and 95m² (3 bed);*
- The ground floor units (as part of choice and variety in housing stock) are identified as garden apartments in that they are afforded generous sized terraces and private landscaped courtyards that are located directly off living areas;*
- The proposed units provide housing affordability and choice including adaptable apartments. Offering housing stock for young professionals, couples, aged and frail residents, existing residents in the neighbourhood wanting to stay in the area but down size to suit their health and well-fare status;*
- The proposed units have a high level of amenity with the units located close to the Carlingford business district, Carlingford Railway Station, Epping Railway Station and other forms of public transport such as buses along Pennant Hills Road, the M2 Freeway is located in close proximity of the site, large areas of open space, schools, churches and childcare;*
- The proposed units achieve the objectives of the DCP in that the proposed units will bring with it a diverse population that will enhance the desired future character of this precinct through the provision of quality, affordable units that meet the needs of future residents and enhance social and economic outcomes for businesses and amenities in this area;*
- The architectural plans demonstrate through furniture layouts that the proposed units represent well organised, open, functional and high quality living areas for future residents;*

Comment:

The applicant's justification in this instance is considered to satisfy the provisions under clause 30A of SEPP No. 65- Design Quality of Residential Flat Development, which provides the following:

- “(1) A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:*

*(a) **ceiling height:** if the proposed ceiling heights for the building are equal to, or greater than, the minimum recommended ceiling heights set out in Part 3 of the Residential Flat Design Code,*

*(b) **apartment area:** if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code."*

The proposed unit sizes are considered satisfactory for the following reasons:

- The applicant has provided a table addressing the unit typologies outlined on Page No. 69 of the Residential Flat Design Code (RFDC). The table demonstrates that the proposed development meets the unit size areas recommended on Page 69 (refer Attachment 15 for the full table).
- Assessment of the proposed units against the draft amendments to Council's residential flat unit size controls indicates that the development would exceed the Type 1 apartment size category by 23 units (or 85% departure) and would be deficient by 15 units or 43% for the Type 3 category, but it would comply with the Type 2 category range. Despite this non-compliance with the draft controls, it is considered that the mix of units proposed in this development will provide a diversity of unit types which would cater for the existing and future demand for this type of housing accommodation in the Shire.
- The proposed apartment sizes will provide a good level of amenity for future residents and satisfy the intent and objectives of the apartment area standards of the DCP.

Accordingly, the proposed variation to the unit floor areas is supported in this regard.

b) Setback

i) Glass Roof Features

Above the main entry doors to Blocks A, B and C, a provision is made for a glass roof feature that projects into the front building setback by 0.775m to 1.075m. These features vary the 450mm articulation zone permitted for non-floor space building elements as provided in Section 4.7.4(g) of the DCP.

The applicant has provided the following justification to this minor variation:

"This small roof feature is an ornamental structure that provides a way-finding feature for residents and their visitors entering each building. It adds visual interest to each buildings design, which can only enhance the streetscape, providing a shade/awning feature to demonstrate to visitors where the main point of entry to each building is.

We note that Clause 4.7.4 "Development Controls" clause (g) allows shading devices to encroach up to 450mm into the front setback, whereby the encroachment is an additional 0.625m beyond the permissible control.

We are of the view that the proposed roof feature, while marginally extends beyond the 450mm DCP control, each glass structure provides no additional bulk or scale to each building and can only provide a positive architectural statement to each building."

Comment:

It is considered that the encroachment of this building element is very minimal, which is supported by the following objectives for building entry (Section 4.20.1) of the Carlingford Precinct DCP:

1. To create entrances which provide a desirable residential identity for the development;
2. To orient the visitor;
3. To contribute positively to the streetscape and building facade design; and
4. To provide entrances that are legible, safe, accessible and well lit.

Accordingly, it is considered that the encroachment is minor in the circumstances of the case and is supported in this instance.

ii) Private Courtyards in Front Setback

The provisions of Section 4.7.4(f) require that no part of a building or above ground structure may encroach into a setback zone. Exceptions are access to underground parking structures. The proposal complies with this requirement except for the private courtyards to the ground floor units facing Young Road which are located within the front setback.

The applicant has provided the following justification to this setback variation:

"Buildings, A, B and C are setback 6.3m, 6m and 6m to each building's front balconies, which is compliant with the front building setback control for Young Road.

The ground floor units are afforded courtyards within the front setback. These courtyards are fenced and are to be suitably landscaped through the use of a setback varying in depth by between 3m (Building A) and 2.8m Buildings B & C), allowing generous landscaping to be provided along the interface with Council's footpath.

Each courtyard is generous in size, regular in shape and orientated to maximise morning to mid afternoon sunlight. These courtyards serve as an extension of each unit's living area.

The strip of landscaping running parallel with the street is setback between 2.8m and 3m to each courtyard's front fence. This amount of landscaping still achieves privacy through the provision of dense landscaping (refer landscape plan).

Further, the provision of landscaping is further enhanced by the provision of 800mm deep planter boxes on the inside of the front courtyard fence.

Clause 4.11.2. (c), (d) and (e) of the Carlingford Precinct DCP suggests that the minimum amount of private open space for a ground floor apartment should be 25m² with a dimension of 4m. The proposed ground floor courtyards vary between 45m² and 79m², well above the DCP control. Allowing tables and chairs to be placed within each unit's courtyard, which should be well used by future residents of each ground floor unit.

The following clauses also regulate the provision of private open space within this precinct:

Clause 4.23 "Ground Floor Apartments" provides objectives to promote the use of private open space at ground level.

The objectives are:

1. To contribute to the desired streetscape of the range of localities in the precinct and to create active safe streets; and
2. To increase housing and lifestyle choices available in residential flat buildings.

4.23.2 Development Controls

1. Optimise the number of ground floor apartments with separate entries;
2. Provide ground floor apartments with access to private open space, preferably as a terrace or garden

Comment:

The proposed courtyards at ground level for all three (3) buildings fully satisfy the above objectives and numeric controls for ground floor apartments, in particular the use of the front setback areas to promote a quality living environment for future residents. The front setback area is proposed to be suitably landscaped with native trees which mature to a height of 8m to 20m and shrubs which mature to a height of 0.75m to 5m (refer Attachment 15 for landscape plans).

The variation is considered acceptable and supported in this regard.

c) Solar Access

Section 4.13 of the Carlingford Precinct DCP requires that living rooms and private open spaces for at least 70 percent of apartments are to receive a minimum of four hours direct sunlight between 9 am and 3 pm on 21 June. The orientation of the buildings on the site in a general east-west direction does not lend itself to achieve 4 hours direct sunlight into living rooms and balconies/courtyards. As shown in the table above, 29 units (33%) orientated north will receive over 3 to 4 hours from 10am to 2pm, 25 units (28%) orientated east will receive over 2 to 3 hours in the morning from 9am to 12noon, and 34 units (39%) orientated west will receive over 3 hours from 12 noon to 3pm.

The objectives of the solar access standard are:

(i) To ensure that solar access is provided to all habitable rooms and encouraged in all other areas of residential flat development;

(ii) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours; and

(iii) To provide residents with the ability to adjust the quantity of daylight to suit their needs.

Comment:

The Residential Flat Design Code makes allowances for new high density unit development in dense urban environments and recommends that 2 hours of sunlight to 70% of units is acceptable during midwinter. The proposal complies with the RFDC control which is demonstrated in the solar access matrix table shown in Attachment 16.

Each unit has its main living area facing either east or west and as such, maximising access to natural light into each unit's living area. The proposal satisfies the objectives of the standard in this regard.

3. Compliance with SEPP No. 65- Design Quality of Residential Flat Buildings and Residential Flat Design Code (RFDC)

The required Design Verification Statement was prepared by Robert Del Pizzo of Architex, a qualified and registered architect.

This statement has addressed the 10 matters for consideration under SEPP 65, which are as follows:

i) Principle 1: Context

Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character

as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment:

The subject site is located in an area zoned R4 High Density Residential to facilitate high density residential flat buildings. The proposed residential flat buildings would integrate with the 'desired future character' of the area that is responding to the growing need for high density residential dwellings in proximity to major centres. The site is in close proximity to Pennant Hills Road.

The 'desired future character' of the site is defined by DCP 2012 Part D Section 12-Carlingford Precinct. The proposed development will integrate with the 'desired future character' of the area that is responding to the growing need for higher density residential development in this part of the Shire.

The proposed development provides setbacks to the street, to the rear and to the side appropriate to its context. Adequate solar access is available in mid-winter which provides a high level of amenity for all the units.

ii) Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

The scale and height of the proposed development is appropriate within the context of the 'desired future character' of the area. The proposal is of similar scale with the newly constructed residential flat buildings in the immediate vicinity.

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

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

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

iii) Principle 3 - Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The proposed built form is broken into three separate buildings with adequate building separation. Setbacks to the boundaries are maintained to achieve a satisfactory building separation with surrounding residential development.

The proposed built form is of a mass and scale which maintains considerable solar access to the proposed common open space, ground floor private open space and adjoining properties.

The buildings are well articulated and achieve a high level of natural ventilation, optimise solar access and provide opportunities for casual surveillance of common open spaces as well as the street.

The side and rear setbacks provide sufficient open space for the retention of vegetation and deep soil zones around the periphery.

Each unit has its main living area facing either east or west and as such, maximising access to natural light into each unit's living area.

iv) Principle 4 - Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment:

The proposed development does not exceed the floor space ratio limit for the site and therefore complies with the density control.

v) Principle 5 - Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment:

The Development Application is accompanied by a BASIX Certificate. There are no single aspect units facing south. All single aspect units have a generous northern aspect and are wide apartments with adequate daylight penetration.

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

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

vi) Principle 6 - Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment:

The landscape plan submitted ensures that the landscaping treatments will integrate with and enhance the setting of the building. The open spaces will be intensively landscaped with native Australian trees and shrubs to provide a low-maintenance environment to the rear of the building and integrating the overall appearance of the development generally into the site.

vii) Principle 7 - Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment:

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

Visual privacy measures are incorporated to provide for private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access.

The building design has been developed to provide for the amenity of the occupants as well as the public domain. Key elements such as access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities have been incorporated into the design of the building. The development also accommodates for the elderly and disabled members of the community, provides lifts from the basement car park to the residential units and disabled access to common open space areas.

viii) Principle 8 - Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for

desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment:

The proposal has been designed to incorporate principles of Crime Prevention Through Environmental Design, with these design measures supplemented by future security management strategies.

The design of the apartments and their internal layout have addressed potential safety problems such as potential entrapment and hiding places.

The design responds to crime reduction and prevention issues through the use of the four principles for Crime Prevention Through Environmental Design, i.e. surveillance, access control, territorial reinforcement and space management.

The following features and measures are included in the design of the development:

- Each block is afforded a clear entry statement off Young Road. This design ensures there is no ambiguity in finding the correct point of entry to each building.
- Access into the lobby of each building is through a security coded door lock or swipe card entry. Access to each level will only be available to residents, meaning visitors will not be allowed access to the building without the permission of a resident who is already in the building.
- All access ways will be well lit during the evening to provide residents and users of the site's pedestrian links with a sense of security.
- Boundaries between private and public spaces will be clearly defined.
- The common open space areas will have high quality and attractive landscaping elements which will ensure its constant use and in turn enforce the principle of territorial reinforcement.
- The central common open space between buildings will be provided with shrubs, small trees and low level lighting which will provide a secure, active environment.

ix) Principle 9 - Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Comment:

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

x) Principle 10 - Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment:

The bulk and height of the development is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development.

The design of the building utilises a tiered style with a base of textured wall and glazing to identify the ground floor level. The upper floor levels on the other hand utilise a fragmented and articulated form with deep balconies and strong façade elements to provide a contemporary style with strong horizontal emphasis.

The character and aesthetics of the new buildings is sympathetic to the adjacent built environment.

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

The material, colours and textures of the proposed development will integrate with the desired character of the locality.

4. Issues Raised in Submissions

The Development Application was notified and advertised for a period of 14 days in accordance with Council's policy and six submissions were received. The issues raised in the submissions are addressed as follows:

ISSUE/OBJECTION	COMMENT	OUTCOME
The root system and base of one of the existing trees within the adjoining reserve straddles both the park and subject site. This tree provides considerable privacy and shade to the units opposite and also it provides shade for children playing in the park. Could this tree be preserved and not removed?	Council's Tree Management Officer has advised that this tree should not be affected as long as tree protection zone and supervision by project arborist is undertaken as recommended in the arborist report submitted with the Development Application.	Issue addressed. Condition recommended, refer Condition 16.
There are many children living in the surrounding units and there will be additional children living in the proposed development, could the facilities in the park be improved so that the park becomes a proper children's playground. This expense could be met by the developer. The park in its present form has virtually no facilities and it is a great shame that it cannot be utilised by the children living in high rise units.	Council's Forward Planning Team has advised that \$105,000 is planned for expenditure on Young Reserve in the 2016/17 financial year. The proposed works would include the replacement of the existing play equipment. This information is included within Council's Capital Works Program.	Issue addressed.
Young Road is a narrow	The proposal complies with the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
street and the traffic is heavy. Parking is prohibited on one side of the street to allow for safer traffic flow. Could Council give consideration to increase the distance of the proposed development back from the street which would allow for a wider road and improve traffic safety.	required front setback to Young Road. There are no plans in the Carlingford Precinct DCP to widen Young Road.	
Increasing the distance between the units on both sides of Young Road would help to detract from the perception of existing residents that the area bounded by Young Road, Post Office Street, Moseley Street, and Jenkins Road is going to turn into a concrete jungle.	The proposal complies with the required 6m setback to Young Road. The 6m setback to Young Road and other roads within the precinct with the same setback control is to allow for the higher buildings to relate closely to the street and form the basis of a more regular streetscape/built form relationship.	Issue addressed.
The development will block the beautiful view of the Blue Mountains to the west and sunset on sunny days. The 6 level units will affect the objector's lifestyle and devalue the objector's property and other properties in Cassandra Place. No objection is raised if the development is reduced to 2 or 3 levels.	The objector's property is located in an area which is also envisaged in time to be developed for high density housing to meet Council's strategic vision for this precinct. Reducing the height of the proposed development to 2-3 levels would not only undermine Council's strategic planning controls for the Carlingford Precinct but it would also have a domino effect if such reduction is applied to the developable lands to the west. There is no evidence provided to substantiate such a claim of property devaluation nor is this a planning matter.	Issue addressed.
Increased traffic and congestion on Young Road - given that Young Road is parallel to Pennant Hills Road, many cars use Young Road as a shortcut/thoroughfare to Jenkins Road and North Rocks Road. Adding more residents means more cars on the road. When cars are	As noted above, there are no plans to widen Young Road, however road improvements and traffic management measures will be provided progressively within the precinct as part of the Structure Plan for the Carlingford Precinct which includes the integration of outcomes to improve access and circulation. In particular, new roundabouts	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>parked on both sides of Young Road, the road is not wide enough for cars to drive past. When two cars approach at the same time, one always needs to give way to the other. If the proposed development is to go ahead, the road needs to be widened. This matter needs to be addressed even without a development proposal.</p>	<p>are proposed to be installed at the intersections of Young Road/Moseley Street and Young Road/Post Office Street in accordance with the recommendations outlined in the Carlingford Precinct Plan Traffic Report to improve local traffic management.</p>	
<p>Concerns raised regarding noise during construction. The objector's apartment unit faces Young Road and already getting a lot of noise from cars travelling along Young Road. As mentioned above, cars passing on Young Road whilst cars are parked on both sides need to slow down and let one side pass - this will increase traffic and increase the likelihood of accidents. If construction goes ahead, what are the plans for parking/no stopping signs on Young Road? Existing residents and their visitors still need the option to park on the street.</p> <p>The objector chose to buy an apartment in Young Road due to its location, that it has a small community park across the road, with mostly 2-storey houses which allows for natural sunlight in their apartment and that the number of cars currently are manageable.</p>	<p>Conditions are recommended regarding construction noise and submission of a construction traffic management plan.</p> <p>This northern end of the Carlingford Precinct is envisaged to comprise lower scale residential flat buildings interspersed with existing multi-unit developments. The built form of development will reflect a transition of scale between the larger residential flat buildings concentrated around the train station in the south of the precinct and the smaller scale residential flat buildings in the land north of Post Office Street. This proposal will generate an additional 33 peak hour trips which is consistent with the Carlingford Precinct DCP projections for the site.</p>	<p>Issue addressed. Conditions recommended, refer Conditions 6(iii), 58, 69, 70, 71 and 72.</p>
<p>The objector's apartment is located on the front-side of Young Road and would suffer from the loss of visibility and natural lighting if this 6-storey development is to go ahead. They chose to buy this apartment because of its current surrounding conditions, its openness and</p>	<p>The area over time would be developed for high density housing to meet Council's strategic vision for Carlingford Precinct.</p> <p>The proposed development does not exceed the maximum allowable height restrictions as envisaged in the Carlingford</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>natural brightness. To take these features away will not only make them suffer but will depreciate the value of their property. Concern is raised that they will be required to use more electricity-powered lighting and would be more inclined to close their blinds. The last thing we want is to be staring into someone else's balcony. Everything is perfect the way it is, there is no need for any change.</p>	<p>Precinct DCP. As noted above viewing rights have been considered as part of the strategic planning for the precinct.</p> <p>There is no evidence provided to substantiate such claim of depreciation of property values.</p>	
<p>Concerns raised regarding increase in pedestrian and parking incidents. Motorists do not observe the 50 speed limit when travelling down Young Road. With the increased number of people and cars this proposed development will bring, something needs to be put in place to control the speed and number of cars on this road. Putting no parking or no stopping signs will not solve the problem. With the public reserve located on the corner of Young Road and Post Office Street, many residents walk their kids and bringing in more cars and residents raises safety concerns. As a safety precaution speed humps may need to be placed to slow cars down in order to make the area safer for the children. There is also a community church and sports field located in Moseley Street making it very difficult for residents on Young Road to turn out onto Pennant Hills Road during peak hour.</p>	<p>Road improvements and traffic management measures will be provided progressively within the precinct as part of the Structure Plan for the Carlingford Precinct which includes the integration of outcomes to improve access and circulation. As noted above, new roundabouts are proposed to be installed at the intersections of Young Road/Moseley Street and Young Road/Post Office Street in accordance with the recommendations outlined in the Carlingford Precinct Plan Traffic Report to improve local traffic management.</p>	<p>Issue addressed.</p>
<p>Objector's residence is located only 4m away from the rear boundary fence, which is too close and concern is raised about invasion of privacy due to</p>	<p>The proposed buildings are adequately set back to the rear boundary. The balconies from first floor to fourth floor are set back 8.03m and the walls to the first 4 floors are set back</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>the close proximity of the proposed building.</p> <p>Proposal will block most of the sunlight that the objector currently enjoys.</p> <p>The 88 units would significantly increase noise and traffic in the area.</p>	<p>10.63m to the rear boundary. The rear setback is increased by 2.2m to 4.2m for the top 2 levels. It is considered that the rear setback provision is more than adequate to maintain the privacy of adjoining properties to the rear (west).</p> <p>Shadow diagrams indicate that the properties to the west will receive at least 4 hours of sunlight during midwinter which complies with the solar access provision for adjoining residential buildings in the DCP.</p> <p>Issues relating to noise and traffic have been taken into consideration in the design of the development and are considered satisfactory.</p>	
<p>The area already has a quite number of high-rise apartments and it has been becoming over populated for the past 5 - 10 years. The new development will only generate more issues such as hygiene, noise, pollution, traffic, etc.</p>	<p>The area is zoned for high density housing and the proposed development responds to the strategic vision for the Carlingford Precinct. Issues relating to health, safety, noise and traffic have been taken into consideration in the design of the development and is considered satisfactory. Relevant conditions are recommended in terms of noise and traffic during construction to ensure the amenity of residents is maintained during the course of construction.</p>	<p>Issue addressed. Conditions recommended, refer Conditions 6(iii), 58, 69, 70, 71 and 72.</p>
<p>There are already 2 residential flat buildings in Young Road with more than 190 units. If this proposed development is approved, there will be too much traffic (i.e. greater than 550 car spaces) in such a short road. And currently there is no traffic light from Post Office Street and Moseley Street to Pennant Hills Road. Traffic is terrible in rush hours.</p>	<p>The proposed development will generate an additional 33 peak hour trips which is consistent with the Carlingford Precinct DCP projections for the site. There will be some road improvements and traffic management measures to be provided progressively within the precinct as part of the Structure Plan for the Carlingford Precinct which include new roundabouts at the intersections of Young Road/Moseley Street and Young Road/Post Office Street. The provision of traffic signals at the Pennant Hills Road/Post Office</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	Street and Pennant Hills Road/Moseley Street intersections was not considered in the DCP. However, Council's Traffic Section has advised that the installation of traffic signals at the intersection of Pennant Hills Road and Moseley Street is included as part of the Section 94 Contributions Plan No. 14 – Carlingford Precinct. The design for the provision of these facilities is listed in the Section 94 Funded Capital Works for the 2017/18 financial year and construction in the 2018/19 financial year.	
There is only one small playground in Young Road, with nine residential flat buildings nearby. There is not enough facilities for kids to go out for outdoor activities. Also, it is quite dangerous for kids to go to that small playground in such a busy traffic condition.	Future residents will be provided with passive and active recreational opportunities through the provision of a communal open space within the site for their enjoyment.	Issue addressed.
There is another development application determined in Donald street, which is only 1 block away. There will be too much construction happening at the same time. Potential noise will be disturbing to residents.	Construction noise will be regulated by way of recommended conditions of development consent.	Issue addressed. Conditions recommended, refer Conditions 69, 70, 71 and 72.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposal subject to conditions.

TRAFFIC MANAGEMENT COMMENTS

Council's Principal Traffic and Transport Coordinator has assessed the proposal, in particular the traffic and parking assessment report submitted with the application and noted the following:

- The proposed development exceeds Council's parking requirements with the provision of 205 off-street parking spaces.
- The access driveways are suitably located and will provide good sight distance in both directions along Young Road.
- The development satisfies the relevant geometric design specifications contained in the Australian Standards for off-street parking and vehicular access.
- The proposal has a potential to generate an estimated peak hour traffic flows in the order of 33 vehicle trips. This level of traffic activity has been taken into

consideration in the future road planning of this area in the Carlingford Precinct Plan Traffic Report.

Council's Principal Traffic and Transport Coordinator also advised that the installation of traffic signals at the intersection of Pennant Hills Road and Moseley Street is included as part of the Section 94 Contributions Plan No. 14 – Carlingford Precinct. The design for the provision of these facilities is listed in the Section 94 Funded Capital Works for the 2017/18 financial year and construction in the 2018/19 financial year.

No objection is raised to the proposal.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

ROADS & MARITIME SERVICES COMMENTS

No objection is raised to the proposal subject to conditions.

NSW POLICE COMMENTS

No objection is raised to the proposal subject to conditions. The Police also suggested some intersection upgrades within the Carlingford Precinct which are also identified in the Carlingford Precinct DCP, i.e.:

- Roundabout at Moseley Street / Young Road
- Roundabout at Post Office Street / Young Road
- Traffic signals at Post Office Street / Jenkins Road
- Traffic signals at Moseley Street and Pennant Hills Road

Council's Traffic Section has advised that the installation of traffic signals at the intersection of Pennant Hills Road and Moseley Street is included as part of the Section 94 Contributions Plan No. 14 – Carlingford Precinct. The design for the provision of these facilities is listed in the Section 94 Funded Capital Works for the 2017/18 financial year and construction in the 2018/19 financial year.

CONCLUSION

The proposal has been assessed having regard to Section 79C of the Environmental Planning & Assessment Act, 1979, State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, Local Environmental Plan 2012 and Development Control Plan 2012 and is considered to be satisfactory.

The proposed development has been assessed against the relevant standards of The Hills Development Control Plan 2012 Part D Section 12- Carlingford Precinct) and variations to unit size, setback and solar access have been identified. The variations are addressed in the body of the report and are considered satisfactory.

Concerns raised in the submissions have been addressed in this report and do not warrant refusal of the subject Development Application.

Accordingly, the Development Application is recommended for approval subject to conditions.

IMPACTS:**Financial**

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

The Hills Future - Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report and are not inconsistent with the outcomes of The Hills Future.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS**1. Development in Accordance with Submitted Plans**

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

REFERENCED PLANS AND DOCUMENTS

Drawing Number	Description	Revision	Date
DA02	Staging Plan	A	08/11/2013
DA03	Basement 3	C	25/02/2014
DA04	Basement 2	B	25/02/2014
DA05	Basement 1	C	25/02/2014
DA06	Ground Floor	C	18/03/2014
DA07	Level 1	C	18/03/2014
DA08	Levels 2 & 3	A	08/11/2013
DA09	Level 4	A	08/11/2013
DA10	Level 5	A	08/11/2013
DA11	Roof Level	A	08/11/2013
DA12	Elevations 1-4	A	08/11/2013
DA13	Elevations 5-8	A	08/11/2013
DA14	Sections	A	08/11/2013
DA15	Typical Layout Block B – Ground Level & Level 1	A	08/11/2013
DA16	Typical Layout Block B – Levels 2, 3 and 4	A	08/11/2013
DA17	Typical Layout and Post Adaptable - Level 5 (Block B) and Levels 2-3 (Block C – Adaptable)	A	08/11/2013
DA20	Mail Box Details	A	11/02/2013
DA21	Unit Numbering	A	08/11/2013
DA22	Unit Numbering	A	08/11/2013
DA23	Block A Driveway and Sections	C	07/08/2014
DA24	Block C Driveway	B	30/06/2014
DA25	Driveway Sections	C	07/08/2014
DA26	Dry Creek Bed	B	30/06/2014
0734.L.01	Landscape Key Plan	B	16/04/2014
0734.L.02	Landscape Plan – Block A	B	16/04/2014

0734.L.03	Landscape Plan – Block B	B	16/04/2014
0734.L.04	Landscape Plan – Block C	B	16/04/2014
0734.L.05	Landscape Details & Specification	B	16/04/2014
-	Untitled Perspective	-	-

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

2. Construction Certificate

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

3. 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.

4. External Finishes

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

5. Provision of Parking Spaces

The development is required to be provided with 205 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

6. Compliance with NSW Roads and Maritime Services Requirements

Compliance with the following requirements of the NSW Roads and Maritime Services outlined in their letter dated 7 February 2014.

- i). All vehicles are to enter and leave the site in a forward direction.
- ii). The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- iii). A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of a Construction Certificate.
- iv). Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Young Road.
- v). All works / regulatory signage associated with the proposed development are to be at no cost to RMS.

7. Compliance with NSW Police Force Requirements

The following conditions are required by the NSW Police Service or as otherwise agreed by the NSW Police and Council in writing:

- i. Physical barriers are to be used where appropriate to secure the property from trespassers.
- ii. The basement car parking area is to be painted white to help reflect light.
- iii. Vegetation along the pathways within the property shall be kept trimmed at all times. Lower tree limbs to be maintained above average head height. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes.
- iv. Lighting should meet minimum Australian Standards. Effective lighting contributes to safety by improving visibility, increasing the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit

driveways. Transition lighting is to be used to reduce vision impairment, i.e. when walking from dark to light places.

- v. CCTV is required to be installed to monitor the common open spaces throughout the development as well as the access/exit driveways of the underground car park and the entrances to the unit blocks. The CCTV cameras installed are required to be able to zoom in on a person of interest without loss of focus. Height indicator stickers are to be placed on the entrance/exit doors to give an indication of an offender's height as they enter or exit, and in turn may assist in the identification of possible offenders.
- vi. All public access points are to be well marked and inviting.
- vii. All areas are to be maintained at all times, including the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness. Many graffiti vandals favour porous building surfaces, as tags are difficult to remove and therefore should be considered when selecting materials for construction.
- viii. Secure roller shutters are to be placed at the vehicular entrance to all residential parking areas. It is suggested that each garage is suitably secured to reduce the incidence of break-ins.
- ix. An allowance be made in the building stage that would permit the residents or developer to install an alarm system in garages that are connected to the relevant unit. The alarm would then alert the residents in a timely manner as to any unauthorised access to their garages so that Police can be called as soon as possible.
- x. A swipe card system to gain access into the lobby of each building is to be extended to all lifts in the complex to restrict access to each floor to only the residents of that floor. A similar system should also be in place to restrict access to all of the private residential areas of the development as most break-ins occur at the side and rear of buildings.
- xi. Magnetic door locking systems are to be installed on fire exits and linked to the Fire Sprinkler alarms to ensure that fire exits are used for emergencies only.
- xii. The final design is to ensure that outer ledges on balconies do not provide anchor points for ropes to limit the potential for unauthorised access.
- xiii. For any fencing proposed, palings are recommended to be placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. Spacing between each paling should be at a width that limits physical access.
- xiv. During the construction phase security sensor lights are to be used and a security company be engaged to monitor the site.

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

The responsibility for property numbering is vested solely in Council.

The property address for this development is: - Units 1-88/2-16 Young Road Carlingford

Approved unit numbering is per plan submitted 12 February 2014 and marked as Drawing DA20 Issue A. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on lift and 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.

One central bank of Australia Post approved letterboxes (88 plus one for Owners Corporation) is to be positioned as per plan submitted 12 February 2014 and marked as Drawing DA20 Issue A.

9. Adherence to Waste Management Plan

All requirements of Waste Management Plan prepared by Architex, dated 27 November 2013 and submitted as part of the Development Application must be implemented during the demolition and construction phases of the development. The information provided can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. A copy of the approved Waste Management Plan and receipts of all waste/recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

10. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any waste material removed from the site must 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 disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. Receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

11. Surplus Excavated Material

The disposal of surplus excavated material, other than to facilities that can lawfully receive such waste, is not permitted without formal approval from Council prior to the commencement of works on site. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Receipts of excavation material tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

12. Commencement of Domestic Waste Service

The building owner or manager must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days prior to occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. The building owner or manager must notify Council by telephoning (02) 9843 0310.

13. Construction of Basement Bin Rooms

All work involving construction of the basement bin rooms shall comply with the requirements of The Hills Shire Council Bin Storage Facility Design Specifications, and in addition to, are required to include a mechanical ventilation system and contain a light switch installed at a height of 1.6m. Storage facility is to be provided for a minimum of:

Block A: Six (6) 660 litre bulk bins and sixteen (16) 240 litre mobile garbage bins.

Block B: Six (6) 600 litre bulk bins and sixteen (16) 240 litre mobile garbage bins.

Block C: Five (5) 660 litre bulk bins and twelve (12) 240 litre mobile garbage bins.

The Hills Shire Council Bin Storage Facility Design Specifications is available for download on the Council website www.thehills.nsw.gov.au

14. Construction of Bulk Bin Standing Areas

All work involving construction of the bulk bin standing areas is to comply with the following requirements: -

- 1) Of adequate dimensions to comfortably accommodate six (6) 660 litre bulk bins for Block A and eleven (11) 660 litre bulk bins for Block B and C.
- 2) The walls must be constructed of brickwork that is a minimum height of 1.5m
- 3) The floor must be constructed of concrete and adequately drained to landscape areas or a legal point of discharge.
- 4) A waste servicing door must be installed, with a minimum clear floor width of 1.5m. The waste servicing door, when fully opened, must be flush with the outside wall and must not block or obstruct the driveway or footway.
- 5) Finishes and colours of the bulk bin standing area are to compliment the design of the development.

NOTE: A direct access path must be provided adjacent to the waste servicing door, which extends out to the public road, including kerb crossing. The path must be a minimum width of 1.5m.

15. Provision of No Parking Signs

Provide 15 metres of No Parking 6:00am to 12:00pm Monday at the recycle bin standing area allocated for Block A and 30 metres at the recycle bin standing area allocated for Block B and C. The location of the signage must be consistent with the plan entitled Mail Box Details (Drawing No. DA20) prepared by Architex and dated 11 February 2013.

16. Tree Removal

Approval is granted for the removal of trees numbered 8-19 & 21-28 in the Arboricultural Impact Assessment prepared by Redgum Horticulture dated 16 December 2013.

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.

17. Replacement Planting Requirements

To maintain the treed environment of the Shire (30) advanced (45 litres) replacement trees from the following list are to be planted elsewhere within the property.

Small mature size:

<i>Banksia integrifolia</i>	Coastal Banksia
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Tristaniopsis laurina</i>	Water Gum
<i>Cupaniopsis anacardioides</i>	Tuckeroo
<i>Eucalyptus tereticornis</i>	Forest Red Gum

18. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 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.

19. 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.

20. Acoustic Requirements

The recommendations of the acoustic assessment and report prepared by Acouras Consultancy referenced as SYD2013-1036-R001B, dated 12/12/2013 and submitted as part of the development application and any accepted amended report and amended recommendations are to be implemented as part of this approval in particular:

1. Assessment and Recommendations
 - a. 3.1 Façade Glazing Requirements
 - b. Building Façade Construction
 - c. Management of Construction Noise

21. Secure Properties and Maintain Vegetation

The houses that are currently located on the proposed development site are to be made secure so that the public cannot access the house 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.

22. Separate Application for Strata Subdivision (Stages 1 & 2)

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

23. Protection of Public Infrastructure (Stages 1 & 2)

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.

24. Structures Adjacent to Piped Drainage Easements (Stages 1 & 2)

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.

25. Street Trees (Stages 1 & 2)

Street trees must be provided for the section of Young Road fronting the development site spaced between 7m and 10m apart. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

A performance/ maintenance bond is required to be submitted to Council once the street trees are planted. The bond will be held for one year and may be extended if replacement street trees are required to be planted. The bond is refundable upon written application to Council. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

26. Road Opening Permit (Stages 1 & 2)

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

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

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:

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

28. Vehicular Access and Parking (Stages 1 & 2)

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. Driveways both northern and southern must be crested atleast 200mm higher than the lip levels of the layback, to ensure the basement carpark protection.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

Note:

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

29. Section 94 Contribution – Carlingford

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

Payments comprise of the following: -

Stage 1

	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>	<i>Purpose: Credit</i>	<i>No. of 1 bedroom units: 4</i>	<i>No. of 2 bedroom units: 25</i>	<i>No. of 3 bedroom units: 1</i>	<i>Sum of Units</i>	<i>No. Of Credits: 8</i>	<i>Total S94</i>
Open Space - Land	\$ 3,888.19	\$ 4,991.22	\$ 5,680.62	\$ 9,375.77	\$ 15,552.76	\$ 124,780.50	\$ 5,680.62	\$ 146,013.88	\$ 75,006.16	\$ 71,007.72
Open Space - Capital	\$ 488.28	\$ 626.80	\$ 713.37	\$ 1,177.41	\$ 1,953.12	\$ 15,670.00	\$ 713.37	\$ 18,336.49	\$ 9,419.28	\$ 8,917.21
Transport - Capital	\$ 2,287.27	\$ 2,936.14	\$ 3,341.69	\$ 5,515.41	\$ 9,149.08	\$ 73,403.50	\$ 3,341.69	\$ 85,894.27	\$ 44,123.28	\$ 41,770.99
Administration	\$ 301.25	\$ 386.72	\$ 440.13	\$ 726.42	\$ 1,205.00	\$ 9,668.00	\$ 440.13	\$ 11,313.13	\$ 5,811.36	\$ 5,501.77
Stormwater Management	\$ 2,745.45	\$ 3,524.30	\$ 4,011.08	\$ 6,620.24	\$ 10,981.80	\$ 88,107.50	\$ 4,011.08	\$ 103,100.38	\$ 52,961.92	\$ 50,138.46
Community Facilities	\$ 1,500.31	\$ 1,925.92	\$ 2,191.93	\$ 3,617.74	\$ 6,001.24	\$ 48,148.00	\$ 2,191.93	\$ 56,341.17	\$ 28,941.92	\$ 27,399.25
Total	\$ 11,210.75	\$ 14,391.10	\$ 16,378.82	\$ 27,032.99	\$ 44,843.00	\$ 359,777.50	\$ 16,378.82	\$ 420,999.32	\$ 216,263.92	\$ 204,735.40

Stage 2

	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>	<i>No. of 1 bedroom units: 7</i>	<i>No. of 2 bedroom units: 48</i>	<i>No. of 3 bedroom units: 3</i>	<i>Sum of Units</i>	<i>Total S94</i>
Open Space - Land	\$ 3,888.19	\$ 4,991.22	\$ 5,680.62	\$ 27,217.33	\$ 239,578.56	\$ 17,041.86	\$ 283,837.75	\$ 283,837.75
Open Space - Capital	\$ 488.28	\$ 626.80	\$ 713.37	\$ 3,417.96	\$ 30,086.40	\$ 2,140.11	\$ 35,644.47	\$ 35,644.47
Transport - Capital	\$ 2,287.27	\$ 2,936.14	\$ 3,341.69	\$ 16,010.89	\$ 140,934.72	\$ 10,025.07	\$ 166,970.68	\$ 166,970.68
Administration	\$ 301.25	\$ 386.72	\$ 440.13	\$ 2,108.75	\$ 18,562.56	\$ 1,320.39	\$ 21,991.70	\$ 21,991.70
Stormwater Management	\$ 2,745.45	\$ 3,524.30	\$ 4,011.08	\$ 19,218.15	\$ 169,166.40	\$ 12,033.24	\$ 200,417.79	\$ 200,417.79
Community Facilities	\$ 1,500.31	\$ 1,925.92	\$ 2,191.93	\$ 10,502.17	\$ 92,444.16	\$ 6,575.79	\$ 109,522.12	\$ 109,522.12
Total	\$ 11,210.75	\$ 14,391.10	\$ 16,378.82	\$ 78,475.25	\$ 690,772.80	\$ 49,136.46	\$ 818,384.51	\$ 818,384.51

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

This condition has been imposed in accordance with Contributions Plan No. 14.

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

30. Further Acoustic Details

Prior to Council issuing the Construction Certificate the applicant is to provide an updated acoustic report which makes an assessment of the mechanical equipment that has been selected to service the development. The mechanical equipment includes but is not limited to any mechanical extraction proposed for the basement car parks and any communal air conditioning units.

The report must demonstrate, to the satisfaction of an Authorised Officer of Council's Environment and Health Team that any mechanical equipment proposed for this development will not cause a nuisance to the future residents of this development and the neighbouring properties.

An Authorised Officer of Council's Environment and Health Team will assess the updated acoustic report and will notify in writing to the applicant whether the updated acoustic report is supported. The construction certificate will not be issued by Council until Environment and Health has provided a written support letter.

31. 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.

32. Works in Existing Easement (Stages 1 & 2)

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.

33. Works on Adjoining Land (Stages 1 & 2)

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.

34. Engineering Works and Design (Stages 1 & 2)

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

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

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

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

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

These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

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

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

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

The following engineering works are required:

i. Inventory Report – Drainage within (Stage 1)

An infrastructure inventory report including a CCTV test over the drainage pipe within the existing easement along the northern boundary of the development site must be prepared and submitted to Council. The report must record the condition of the pipe and associated pits.

The scope of improvement works if necessary reconstruction of the pipe within the site must be discussed with the Manager Subdivision and Development Certification, and to be incorporated with Engineering Construction Certificate application.

ii. Stormwater Management (Stage 1)

In order to ensure that the proposed development does not have adverse impact on the existing flood behaviour in the locality and the development provides adequate flood protection measures based on Council's requirements and best engineering practices on river management and floodplain risk management principles and infrastructure assets, detailed design and construction drawings shall include:

a) Drainage Realignment and Flood Mitigation and Protection Measures

Submission of detailed construction details and representative long section and cross sections prepared in accordance with the Flood Study Report and associated drawings Issue D dated 14 August 2014 prepared by SGC Consultants Pty Ltd.

The details shall incorporate all mitigation and protections measures but not limited to the following as recommended in the report, which includes:

- Provision of a failsafe 7m minimum wide overland flowpath between the building blocks A & B in order to allow conveyance of the overland flow through the development; the flow path should not be obstructed by any structures for a depth of minimum 500mm.
- Construction of a drainage pipe of minimum 525mm diameter along the proposed flow path, and removal of the existing drainage pipe that is proposed to be aligned with the flow path.

- Excavation to achieve flood storage as proposed within the court yard and along the flow path as per the drawing SK01 attached to the flood report.
- Construction of a surcharge pit within the flood storage area at the end of the new pipe to ensure the pressure on the upsized pipe is dispersed within the flood storage.
- Construction of a structurally designed retaining wall associated with the flood storage as recommended in the report for minimum length 60m to maintain a sheet flow towards the downstream properties to maintain the predevelopment flow condition.
- All structures associated with the flow path and mitigation works must be adequately water proofed up to the Flood Planning Level, i.e 1 in 100 year ARI flood level and 500mm free board.
- Construction of additional four(4) kerb inlet pits on Young Road in the vicinity of the overland flow path to reduce the flood level on Young Road, and provision of a reverse grade of footpath verge along the overland flow path to ensure conveyance of overland flow along the designated flow path.
- Conversion of existing kerb inlet pit in the vicinity of proposed northern driveway to a butterfly pit with a heavy duty grate. The pit and the grates must be positioned completely within the driveway access and to kept adequately away from the edge of the layback.
- Kerb inlet pit if required on Young Road aligned with the northern boundary must be designed to the standards of Council's Kerb Inlet Pit. The location of such must be considerate to Council's design standards to maintain minimum distance of 500mm from the edge of the proposed layback.
- Protection of all habitable areas of the building in the vicinity of the flowpath to the Flood Planning Level (i.e provision of minimum 500mm free board above the respective 1 in 100 year ARI flood level) as per the recommendation of the report.
- Provision of driveway crest of at least 200mm above the top of the layback.

b) Maintenance Plan

A maintenance plan detailing the maintenance requirements for the over land flow path, flood storage and mitigation works and associated structures is to be provided.

c) Scour protection.

Erosion protection works are to be provided along the flow path; they must be designed and constructed, as a minimum, in accordance with the 'Managing Urban Stormwater – Soils and Construction, 4th Edition 2004 published by the NSW Government' and other design methodology approved by Council

d) Structural Assessment and Certification

Submission of Structural Certification issued by a suitably accredited structural engineer. The Certificate must confirm all the structures including building, flood mitigation walls etc. are designed in such a manner that the building can withstand the shear forces of flooding as recommended in the flood report.

iii. Driveway Requirements (Stages 1 & 2)

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

- The proposed driveways must be built to Council's heavy duty standard.
- Both northern and southern driveways must be raised with a crest of at least 200mm above the lip level of the layback.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

iv. Disused Layback/ Driveway Removal (Stages 1 & 2)

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

v. Concrete Footpath Paving (Stages 1 & 2)

Reconstruction a 1.2m wide concrete footpath paving, including access ramps at all intersections, must be provided across the entire Young Road frontage of the development site transitioning into the existing footpath adjacent in accordance with the above documents.

vi. Footpath Verge Formation (Stages 1 & 2)

The grading, trimming, topsoiling and turfing of the 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.

35. Construction Management Plan (Stages 1 & 2)

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

36. Onsite Stormwater Detention – Upper Parramatta River Catchment Area (Stages 1 & 2)

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 Drawing SW14107 – S2 Revision C dated 06/08/2014 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The drainage network and construction activities are to be consistent with the Engineering Works required under a separate condition of this consent.
- b) Drainage outlet connection from all three OSD systems must be to the drainage pits within the development site.

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.

37. Stormwater Pump/ Basement Car Park Requirements (Stages 1 & 2)

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

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

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

38. Draft Legal Documents (Stages 1 & 2)

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.

39. Security Bond – Road Pavement and Public Asset Protection (Stages 1 & 2)

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$175,500.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (258m) multiplied by the width of the road (8m).

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

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

40. Security Bond – Engineering Works (Stages 1 & 2)

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

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

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

41. Bank Guarantee Requirements (Stages 1 & 2)

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

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

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

PRIOR TO ANY WORK COMMENCING ON SITE

42. Principal Certifying Authority

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

43. 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.

44. 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.

45. 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.

46. Consultation with Service Authorities

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

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

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

47. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001* Part 8 and AS 2601-2001. All vehicles transporting demolition materials off site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by

a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover Authority, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

48. Discontinuation of Domestic Waste Service

Prior to the commencement of demolition works, the property owner must ensure to arrange the discontinuation of their existing domestic waste service with Council, where the site ceases to be occupied during works. Demolition and or building contractors are not permitted to use Council supplied bins for the disposal of any waste. The property owner or agent acting for the owner or site manager must notify Council by telephoning Council on (02) 9843 0310.

49. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

50. Tree Protection Signage

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

51. Mulching within Tree Protection Zone

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

52. Mulching within Tree Protection Zone

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

53. Trenching within Tree Protection Zone

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

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

54. Notification of Asbestos Removal

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

55. 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.

56. 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).

57. 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.

58. Traffic Control Plan (Stages 1 & 2)

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

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

59. Public Infrastructure Inventory Report (Stages 1 & 2)

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

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

60. Separate OSD Detailed Design Approval (Stages 1 & 2)

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

DURING CONSTRUCTION

61. 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

62. 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.

63. 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 Number 519162M dated 9 December 2013 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.

64. 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.

65. Asbestos Removal

Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists 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, Climate Change and Water (DECCW). All dockets and paper work for the disposal shall be retained and made available to Council upon request.

66. Stockpiles

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

67. Dust Control

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

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

68. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

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

69. Rock Breaking Noise

Upon receipt of a justified complaint/s in relation to noise or vibration pollution emanating from rock breaking as part of the excavation and construction processes, you will be required to cease all rock breaking operations until appropriate alternative methods are established and agreed to by an appropriate Officer of Council or restrictions imposed.

Restrictions may include but are not limited to:

1. Rock breaking being restricted to between the hours of 9am to 3pm, Monday to Friday.
2. Community consultation to determine hours and timeframes for rock breaking operations.
3. Amended construction management plan to replace noisy equipment with quieter equipment.

70. 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).

71. 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.

72. Control of Noise from Trucks

The number 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.

73. Standard of Works (Stages 1 & 2)

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

PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

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

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

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

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

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

75. Compliance with NSW Roads and Maritime Services Requirements

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

76. 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.

77. 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.

78. Provision of Electricity Services

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

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. Final Inspection of Bin Storage Area (Block A)

Prior to an interim Occupation Certificate being issued, a final inspection of the bin storage area (Block A) and any associated area must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

81. Final Inspection of Bin Storage Areas (Block B and C)

Prior to a final Occupation Certificate being issued, a final inspection of the bin storage areas (Block B and C) and any associated area must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

82. Provision of Bin Mover and Trolley System

Prior to an (interim or final) Occupation Certificate being issued, two mechanical bin movers with wheelie bin ramp trolleys are to be provided at the site. This is to ensure compliance with the minimum requirements of the approved waste management and handling requirements for the development. The selected bin movers and wheelie bin ramp trolleys must be capable of moving a 660 litre bulk bin and multiple 240 litre mobile garbage bins.

83. Landscaping Prior to Issue of Occupation Certificate

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

84. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the report prepared by Acouras Consultancy referenced as SYD2013-1036-R001B, dated 12/12/2013 and submitted as part of the development application and any accepted amended report and amended

recommendations (Accepted being by an Authorised Officer of Council's Environment and Health Team).

Certification is to be provided to Council's Environment and Health Team as to the correct installation of components and that the required criteria's have been met prior to the Occupation Certificate being issued by Council.

85. Occupational Hygienist Report for Asbestos Removal

On completion of the asbestos removal works an Occupational Hygienist shall provide an asbestos clearance for the works.

86. Completion of Engineering Works (Stages 1 & 2)

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. Works as Executed Plans (Stages 1 & 2)

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

88. Confirmation of Pipe Locations (Stage 1)

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

89. Stormwater CCTV Recording (Stages 1 & 2)

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

90. Public Asset Creation Summary (Stage 1)

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

91. OSD System Certification (Stages 1 & 2)

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.

92. Flood Certification (Stages 1 & 2)

Flood mitigation and protection measures must be completed in accordance with condition relating to stormwater management under the title Engineering Works & Design and the Flood Study Report Issue D dated 14 August 2014 prepared by SGC Consultants Pty Ltd. to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate.

Stage 1:

The following documentation must be provided upon completion of the required works and be submitted to the PCA prior to a final inspection:

- a) A plan of survey prepared by a registered surveyor that shows the 1:100 year ARI storm flood levels associated with the adjacent drainage system. The plan must

reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm event(s).

Note: Any variation to the approved construction details may require revised flood modelling and certification to ensure no adverse flood impact on the locality including the development and the adjoining properties.

- b) A certificate from a suitably accredited engineer verifying that the flood protection and mitigation works have been completed to the recommendations of the Flood Report and related conditions.
- c) Structural certification from a suitably accredited structural engineer confirming that all structures associated with the development and in the vicinity of flood flow path have been designed and constructed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to 1 in 100 year ARI flood event.

Stage 2:

A certificate from a suitably accredited engineer verifying that stage 2 works have not modified the flood protection and mitigation works completed under stage 1.

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

93. Water Sensitive Urban Design Certification

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

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

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

94. Construction Certification of Bridge Structures

A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the bridge has been built in accordance with the approved design. An itemised list detailing the quantity, length and tendered cost of each bridge component and associated works must also be submitted, along with a maintenance schedule.

95. Pump System Certification (Stages 1 & 2)

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.

96. Performance/ Maintenance Security Bond (Stages 1 & 2)

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/ bonded works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

97. Removal of Sediment and Erosion Control Measures (Stages 1 & 2)

Where the sediment and erosion control measures are required to be retained post construction to allow the site to establish, as directed by Council's Construction Engineer,

a \$5,000.00 bond must be submitted to ensure their eventual removal, along with any collected debris.

98. Public Infrastructure Inventory Report - Post Construction (Stages 1 & 2)

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

99. Consolidation of Allotments (Stage 1)

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.

100. Amendment of Existing Easement (Stage 1)

The proposed realignment of existing easement in the vicinity of the building A must be amended. 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.

101. Notice of Privately Issued Strata Certificate (Stages 1 & 2)

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

102. Creation of Restrictions / Positive Covenants (Stage 1 & 2)

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

i. Restriction – Bedroom Numbers (Stages 1 & 2)

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

ii. Restriction/ Positive Covenant – Onsite Stormwater Detention (Stages 1 & 2)

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

iii. Positive Covenant – Stormwater Pump (Stages 1 & 2)

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

iv. Restriction/ Positive Covenant – Overland Flow Path (Stage 1)

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

v. Restriction/ Positive Covenant – Flood Mitigation Measures (Stage 1)

The subject site must be burdened with a restriction as to user restricting development over or the varying of any levels of the flood storage and walls built as part of the flood mitigation measures.

A positive covenant must be created on the tile to ensure the ongoing maintenance of the constructed structures and landscape associated with the flow path and mitigation structures.

USE OF THE SITE

103. Waste and Recycling Collection

Engagement of a caretaker responsible for the movement of all bins provided to the development to and from their respective bin room and bin standing area. The empty bins are to be returned to the bin rooms within 2 hours of collection, unless otherwise determined by Council.

104. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *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 activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

105. 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 appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

106. 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*.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Staging Plan / Site Plan
4. Basement 1 Plan
5. Basement 2 Plan
6. Basement 3 Plan
7. Ground Floor Plan
8. Level 1 Plan
9. Levels 2 & 3 Plan
10. Level 4 Plan
11. Level 5 Plan
12. Front Elevation
13. Side Elevations
14. Sections
15. Landscape Plans (3 pages)
16. RFDC Table of Compliance (6 pages)

<< Insert ALL attachments below the section break >>