

DRAFT CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red include: -

- Brick wall along driveway to be deleted.
- All residential units are to be allocated a minimum of one parking space.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
A1010	Site Plan	-	A	1/2/2016
A1101	Demolition Plan	-	A	1/2/2016
A1200	Basement Plan	-	C	21/6/2016
A1201	Lower Ground Floor Plan	-	E	27/7/2016
A1202	Ground Floor Plan	-	E	27/7/2016
A1203	Typical Level 1-2 Floor Plan	-	C	27/7/2016
A1204	Level 3 Floor Plan	-	C	27/7/2016
A1205	Roof Plan	-	C	27/7/2016
A1500	North and South Elevation	-	B	13/4/2016
A1501	East and West Elevation	-	C	21/6/2016
A1600	Material Schedule	-	B	1/2/2016
A1601	Material Schedule	-	B	1/2/2016
A1054	Affordable Housing	-	B	13/4/2016
A1053	Units Storage Diagram	-	B	27/7/2016
A1700	Sections	-	C	21/6/2016
A1800	Ramp Detail		C	21/6/2016

A1801	Bin Area Detail	-	A	13/4/2016
A1802	Fence Detail	-	A	13/4/2016
LPDA 16-321	Landscape Plan – Ground/Lower Ground	1	E	28/7/2016
LPDA 16 - 321	Landscape Plan – Level 3	2	D	17/5/2016

The above condition is amended under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979 as follows: -

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
A0100	Site Plan	-	B	16/11/2017
A1053	Storage Diagram	-	B	16/11/2017
A1200	Basement Plan 01	-	B	16/11/2017
A1201	Lower Ground Floor Plan	-	B	16/11/2017
A1202	Ground Floor Plan	-	B	16/11/2017
A1203	Typical Level 1-2 Floor Plan	-	B	16/11/2017
A1204	Level 3 Floor Plan	-	B	16/11/2017
A1205	Roof Plan	-	B	16/11/2017
A1500	North and South Elevation	-	B	16/11/2017
A1501	East and West Elevation	-	C	16/11/2017
A1600	Material Schedule	-	B	16/11/2017
A1601	Material Schedule	-	B	16/11/2017
A1054	Affordable Housing	-	B	16/11/2017
A1053	Units Storage Diagram	-	B	16/11/2017
A1700	Sections	-	C	16/11/2017
A1800	Ramp Detail		C	16/11/2017
A1801	Bin Area Detail	-	A	16/11/2017

A1802	Fence Detail	-	A	16/11/2017
LPDA 16-321	Landscape Plan – Ground/Lower Ground	1	E	16/11/2017
LPDA 16 - 321	Landscape Plan – Level 3	2	D	16/11/2017

2. Compliance with SEPP (Affordable Housing) 2009

The following units are required to be dedicated to affordable rental housing:

- Lower Ground Level - LG01, LG02, LG03, LG04, LG05 & LG06
- Ground level - G01, G02, G03, G04, G06, G07, G09 & G12
- Level 1 – 101, 102, 103, 104, 105, 106, 107, 108, 109,110,111 & 112

The affordable housing component of the approved development is required to comply with the following requirements pursuant to SEPP (Affordable Housing) 2009 –

- (a) The household / occupants have a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) The household occupants are eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.
- (c) For 10 years from the date of the issue of the occupation certificate:
 - i. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider.

This condition is amended under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979.

3. External Finishes

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

4. Provision of Parking Spaces

The development is required to be provided with 51 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

This condition is amended under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979.

5. 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.

6. 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.

7. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

8. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property.

A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste

contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

9. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team.

10. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is: - 30 Donald Street Carlingford

Approved unit numbering is as per Architectural Plans submitted marked as Project number 81.15 Issue 'A' Date 1/02/2016. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

11. Acoustic Requirements

The recommendations of the *Noise Assessment – Development Application Phase; proposed residential development* 28-32 Donald Street, Carlingford, prepared by Acoustic Consulting Engineers Pty Ltd referenced as 150698-01L-DD, dated Monday 14 December 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

12. Control of early morning noise from trucks

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

13. 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.

14. Secure Properties and Maintain Vegetation

The houses that are currently located on the 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.

15. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

16. Street Trees

Street trees must be provided along Donald Street and Tanderra Avenue in the verge, between the footpath and the road. Trees are to be surrounded with a 75mm deep mulch zone for an area with a minimum radius of 450mm from the tree trunk of the tree. Timber edging is to define this mulch zone.

These trees are to be spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species, pot size and location of street trees is to be in accordance with *The Hills Development Control Plan 2012- Part C Section 3*. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

Where existing street trees are being retained driveways are to be located a minimum of 3m from the trees.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

17. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking

- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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The following must be provided:

- a) One way traffic movement must be maintained within the development (basement carpark). 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.
- b) All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- c) 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.
- d) All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- e)

18. Road Opening Permit

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

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

19. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

20. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.

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- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
 - Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
 - All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
 - A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
 - The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

21. Tree Removal

Approval is granted for the removal of four (4) trees within the private property of the site as shown on the Landscape Plan – Ground/Lower Ground prepared by Concept Landscape Architects, dated 17.05.16.

Street trees fronting the subject site may be removed if required for new footpaths or for driveway access clearance. If street trees are removed new street trees are to be installed in accordance with Council's **Street Trees** condition.

All other trees, especially those on adjacent properties, are to remain and are to be protected during all works.

22. Retention of Trees

All trees not specifically identified on the approved Landscape Plans for removal, including all trees on adjacent lots, are to be retained and protected in accordance with Council's **Protection of Existing Trees** condition.

23. Planting Requirements

For planting on slab and planter boxes allow for adequate planting depth. Minimum soil depths required are 1.2m for large trees, 800 for small trees, 600mm for shrubs, 450-300mm for groundcovers, 200mm for turf. Note: this is the soil depth alone and not the overall depth of the planter.

24. Entry Path Treatment

Walls adjacent to pedestrian entry paths off Donald Street are not to be 1.8m high brick walls. If full height walls are required they are to be consistent with the property

boundary treatment (Innowood screen on glazed brick) and set back 800mm to allow planting in front.

25. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

26. Commencement of Domestic Waste Service

The building owner or agent acting for the owner must arrange the commencement of a domestic waste service with Council. The service must be arranged prior to occupancy of the development and no sooner than two weeks before this time. All requirements of Council's domestic waste collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

27. Construction of Bin Storage Room

The bin storage room must be designed and constructed in accordance with the following requirements:

1. The bin storage room must be of adequate size to comfortably store and manoeuvre a minimum of 25 x 240L garbage bins, 25 x 240L recycling bins and 2 x 240L garden organics bins.
2. The layout of the bin storage room must ensure that each bin is easily accessible and maneuverable in and out of the bin storage room with minimal or no manual handling of other bins.
3. The walls of the bin storage room must be constructed of brickwork that is a minimum height of 1.5m.
4. The floor of the bin storage room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The bin storage room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by caretakers and or collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
6. The bin storage room must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. In some situations, the resident access door can double up as the waste servicing door provided that it meets the purpose of both doors.

7. All doors of the bin storage room, when fully opened, must be flush with the **outside wall** and must not block or obstruct the driveway or footway. All doors must be able to be fixed in position when fully opened.
8. The bin storage room must be adequately ventilated (mechanically). Ventilated bin storage rooms should not be connected to the same ventilation system supplying air to the units.
9. The bin storage room must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the bin storage room, it is not to conflict with the space designated for the placement of bins.
10. The bin storage room must be provided with an internal light (artificial)
11. The bin storage room must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Body Corporate.
12. Finishes and colours of the bin storage room are to complement the design of the development.

28. Construction of Temporary Bin Pickup Area

The temporary bin pickup area must be designed and constructed in accordance with the following requirements:

1. The temporary bin pickup area must be of adequate size to comfortably store and manoeuvre a minimum of 50 x 240L bins. The layout of the area must ensure that each bin is reasonably accessible by collectors.
2. The walls of the temporary bin pickup area must be constructed of brickwork that is a minimum height of 1.5m (for bin screening purposes).
3. The floor of the temporary bin pickup area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer or landscape areas. Note that the temporary bin pickup area must be roofed if drained to sewer.
4. The temporary bin pickup area must have a clear wall opening, with a minimum clear floor width of 1.5m. The opening must be located to allow the most direct access to the bins by waste collection contractors. Note a rear loading waste collection vehicle is likely applicable. A sliding door or similar door may be installed in the clear wall opening provided that the use of the door does not interfere with the area designated for placement of bins or truck maneuvering and loading.
5. The temporary bin pickup area must be adequately ventilated (naturally or mechanically). Ventilated temporary bin pickup areas should not be connected to the same ventilation system supplying air to the units.
6. The temporary bin pickup area must be provided with an internal light (artificial).
7. Finishes and colours of the temporary bin pickup area are to complement the design of the development.

29. Provision of Bulky Goods Area

A separate room or caged area must be provided in the basement for the interim storage and management of unwanted bulky items. The minimum floor area for this area shall be 4 cubic metres.

30. Access and Loading for Waste Collection

Minimum vehicle access and loading must be designed and constructed in accordance with AS2890.2-2002 for the standard 8.8m long MRV. All manoeuvring areas of waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Waste collection vehicles must be able to enter and exit the site in a forward direction with minimal or no need for reversing to collect waste. Reversing is restricted to a single reverse entry movement into a loading bay.

31. Safety and Crime Prevention**Surveillance**

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

Lighting and Technical Supervision

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

Environmental Maintenance

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

Access Control

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

32. 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:-

	<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: 5</i>	<i>No. of 2 bedroom units: 35</i>	<i>No. of 3 bedroom units: 8</i>	<i>No. Of Credits: 4</i>	<i>Total S94</i>
Open Space - Land	\$ 3,888.19	\$ 4,991.22	\$ 5,680.62	\$ 9,375.77	\$ 19,440.95	\$ 174,692.70	\$ 45,444.96	\$ 37,503.08	\$ 202,075.53
Open Space - Capital	\$ 488.28	\$ 626.80	\$ 713.37	\$ 1,177.41	\$ 2,441.40	\$ 21,938.00	\$ 5,706.96	\$ 4,709.64	\$ 25,376.72
Transport - Capital	\$ 2,287.57	\$ 2,936.14	\$ 3,341.69	\$ 5,515.41	\$ 11,436.35	\$ 102,764.90	\$ 26,733.52	\$ 22,061.64	\$ 118,873.13
Administration	\$ 301.25	\$ 386.72	\$ 440.13	\$ 726.42	\$ 1,506.25	\$ 13,535.20	\$ 3,521.04	\$ 2,905.68	\$ 15,656.81
Stormwater Management	\$ 2,745.45	\$ 3,524.30	\$ 4,011.08	\$ 6,620.24	\$ 13,727.25	\$ 123,350.50	\$ 32,088.64	\$ 26,480.96	\$ 142,685.43
Community Facilities	\$ 1,500.31	\$ 1,925.92	\$ 2,191.93	\$ 3,617.74	\$ 7,501.55	\$ 67,407.20	\$ 17,535.44	\$ 14,470.96	\$ 77,973.23
Total	\$ 11,210.75	\$ 14,391.10	\$ 16,378.82	\$ 27,032.99	\$ 56,053.75	\$ 503,688.50	\$ 131,030.56	\$ 108,131.96	\$ 582,640.85

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9806 5050. 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

The above condition is amended under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979 as follows: -

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 for the two additional units.

The additional Section 94 Contributions that must be paid prior to the Construction Certification is \$ 25,601.85.

33. Erosion & Sediment Control Plan

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

- Allotment boundaries
- Location of the adjoining roads
- Contours
- Existing vegetation
- Existing site drainage
- Critical natural areas
- Location of stockpiles

- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

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

34. Updated Acoustic Report

Prior to the construction certificate being issued the submitted *Noise Assessment – Development Application Phase; proposed residential development 28-32 Donald Street, Carlingford*, prepared by Acoustic Consulting Engineers Pty Ltd referenced as 150698-01L-DD, dated Monday 14 December 2015 is to be updated. The updated acoustic report is to detail the type of mechanical ventilation selected for the basement car parking and any recommended acoustic attenuation measures. The updated acoustic report is to be submitted to Council's Manager – Environment and Health for review and approval.

35. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

36. Works on Adjoining Land

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

37. Engineering Works and Design

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/

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

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Public Domain Plan

Activities on all streets including Donald Street and Tanderra Avenue frontages must be designed and constructed in accordance with Public Domain Plan – Carlingford Precinct.

Works shall include new footpath paving, new kerb and gutter, cycle way, footpath verge formation, street name signs, street trees, landscape works and the undergrounding of electricity and telecommunication services along on all road frontages within Council’s road reserve.

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.

ii. Driveway Requirements

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

The proposed driveway must be built to Council's heavy duty standard, and the design profile must comply with the requirement for Medium Rigid Vehicle proposed to be used for waste collection.

The driveway must be 6m wide at the boundary splayed to 8m wide at the kerb. 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.

iii. Disused Layback/ Driveway Removal

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

iv. Stormwater Drainage – Pipe Extension

The street drainage fronting the site must be extended from the existing pit downstream at Paul Place in accordance with the Stormwater Concept Design Project No 20150433 Lower Ground Floor SW 03 and Stormwater Extension Plan SW 03a both Revision C dated 07/04/2016 prepared by SGC consultants.

Detailed design and construction drawings must be supported by adequate hydrology and hydraulic calculation to confirm the pipes size and number of pits.

The street drainage must include minimum three new kerb inlet pits, two at the corner of Donald Street and Tanderra Avenue and one in the vicinity of the driveway as per the approved concept plan.

The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

38. Stormwater Management OSD and WSUD

A. Detention – Upper Parramatta River Catchment Area

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

The set of Stormwater Concept Design plans Project Ref: 20150433 prepared by SGC Consulting Engineers is for development application purposes only and is not to be used for construction. The detailed design must reflect the following concept drawings:

Drawing	Reference	Revision	Date
Stormwater Concept Design – Lower Ground Plan	SW03	C	07/04/2016
Stormwater Concept Design – Basement	SW02	C	07/04/2016
Stormwater Concept Design – Details	SW07	C	07/04/2016

The detailed design must incorporate the following necessary changes:

-
- a) Onsite Detention storage tank must be located under the driveway opposed to various other drawing incorrectly shows a tank within the western setback area.
 - b) The OSD tank must include a separate chamber of rainwater tank to collect roof water, and to reuse them within the development.

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

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

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

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

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

B. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of two Enviropods 200 and four Stormfilters (460mm Psorb) are to be located generally in accordance with the plans and the MUSIC model dated 22/06/2016 submitted with the application.

The design must be accompanied, informed and supported by detailed water quality and quantity modelling to reflect the final landscape details and correct representation of impervious/pervious fractions.

The modelling must be revised for 10year rainfall period, and to demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arg/>.
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39. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$229,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (Donald Street 122m and Tanderra Avenue 147m) multiplied by the width of the road (10m).

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 – External Works

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

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

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

41. Security Bond Requirements

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

- Be in favour of the City of Parramatta Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;

- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

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

42. Draft Legal Documents

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

43. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

44. Adaptable Units

The details of the fit-outs of all accessible and adaptable units must be provided with the Construction Certificate Plans.

45. 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 SEPP 65.

45(a) Privacy Screen

Privacy screen/louvers to a height of 1.5m above finished floor level is to be erected on the eastern elevation of the balcony to Unit No.307. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

This condition is added under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979.

PRIOR TO WORK COMMENCING ON THE SITE

46. Sydney Water Building Plan Approval

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

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

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

47. 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.

48. 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.

49. Principal Certifying Authority

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

50. 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.

51. 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.

52. 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).

53. Erosion and Sedimentation Controls

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

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

54. 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 available to Council on request.

55. Notification of Asbestos Removal

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

56. Traffic Control Plan

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

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

57. Public Infrastructure Inventory Report

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

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

58. Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining properties including No. 2 Tanderra Ave and Nos. 22, 24 and 26A Donald Street within the likely zone of influence from any excavation, dewatering or construction induced vibration.

59. Protection of Existing Trees

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

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

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

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

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

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

60. 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.

61. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

62. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

63. Construction and Demolition Waste Management Plan Required

A Waste Management Plan for construction and demolition has not been approved as part of this Development Consent. Prior to the commencement of works, a Waste Management Plan for the construction and demolition must be submitted to and approved by Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and/ or demolition phases of the development.

DURING CONSTRUCTION**64. 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.

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

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

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

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

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

66. Survey Report

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

67. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No.699896M are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

68. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

69. Rock Breaking Noise

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

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

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. Contamination

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

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

72. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

73. 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.

74. Standard of Works

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**75. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

76. Works as Executed Plans

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

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

77. OSD System Certification

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

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

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

78. Pump System Certification

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

79. Water Sensitive Urban Design Certification

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

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

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

80. Confirmation of Pipe Locations

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

81. Stormwater CCTV Recording

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

82. Public Asset Creation Summary

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

83. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision 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.

84. Public Infrastructure Inventory Report - Post Construction

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

85. Adjoining Property Dilapidation Report Post Construction

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties at No. 2 Tanderra Ave and Nos. 22, 24 and 26A Donald Street and the means of rectification for the approval of Council.

86. Creation of Restrictions / Positive Covenants

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

a) Restriction – Bedroom Numbers

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

b) Restriction – Affordable Rental Housing

Units LG01, LG02, LG03, LG04, LG05, LG06, G01, G02, G03, G04, G06, G07, G09, G12, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 & 112.

on the subject site must be burdened with a restriction using the "SEPP Affordable Rental Housing 2009" terms included in the standard recitals.

This condition is amended under DA/1018/2016/A, pursuant to S96(2) of the Environmental Planning and Assessment act 1979.

c) Restriction/ Positive Covenant – Onsite Stormwater Detention

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

d) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

e) Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

f) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

87. Landscaping Prior to Issue of Occupation Certificate

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

88. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

89. Final Inspection of Waste Storage Areas

Prior to an Occupation Certificate being issued, a final inspection of the waste storage areas and management facilities must be undertaken by Council. This is to ensure compliance with Council's design specifications as specified in this consent and that necessary arrangements are in place for waste collection by Council.

90. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and returned to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

THE USE OF THE SITE**90. Lighting**

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

91. 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 staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review.

Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

92. Waste and Recycling Management

A caretaker must be engaged by the Owners Corporation to move bins to and from the bin storage room and the temporary bin pickup area for waste collection purposes. All waste servicing instructions from Council must be complied with at all times. The caretaker should also be responsible for keeping the bin storage room and temporary bin pickup area clean, tidy and free of litter at all times. Note that kerbside collection of wastes is not permitted without the previous written approval of Council.

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

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

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

DEVELOPMENT ADVISORY NOTES

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

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

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:

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- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
 - (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

B. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS

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

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

C. EXCAVATIONS AND BACKFILLING

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

D. RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

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

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

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must at the persons own expense:
 - (a) seek advice from a professional structural engineer, and
 - (b) preserve and protect the building, work or retaining structure from damage, and
 - (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
 - (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.
- (2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.
- (3) In this clause, **adjoining property** includes a public road and any other public place.
- (4) The condition referred to above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. PROTECTION OF PUBLIC SPACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
 - (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

G. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

H. TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

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

I. DRIVEWAYS, FOOTPATHS ROAD AND OTHER PAVEMENT WORKS IN THE FOOTPATH VERGE

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

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

A copy of the "Footpath Crossing Application" form and Council's specifications relating such works be obtained from Council's website at www.parracity.nsw.gov.au or from Council's Customer Service Centre.

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

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

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

DRIVEWAY LOCATIONS & LEVELS

Owners and/or applicants are responsible to ensure that proper connection with the roadway can be made whilst maintaining safe levels across the footpath verge and along the driveway. Driveways must also be located a minimum of 6m from kerb returns and splayed corners and are sufficiently clear of street trees, service utility

infrastructure such as power poles and drainage structures such as kerb inlet pits. Council's Civil Assets team can be contacted on 9806 5050 to assist with these matters. Driveway gradients must conform to Council's specifications which can be obtained from Council's website at www.parracity.nsw.gov.au or from Council's Customer Service Centre. The level of the garage floor is to be checked prior to pouring of concrete to ensure compliance with Council's requirements.

ROAD OPENINGS

Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped.

Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

J. STREET NUMBER

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

K. HOUSEHOLD SERVICES

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

- (1) No encroachment by any building or structure for private use will be permitted on a public reserve.
- (2) Soil and building materials are not to be deposited on any road, footpath or public reserve.
- (3) Building refuse or materials shall not be burnt on site.
- (4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.
- (5) Council consent is required before the removal of any tree, except those approved by this consent, or that is exempt under the Tree & Bushland Management Provision.
- (6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.
- (7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.
- (8) A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the Principal Certifying Authority upon request prior to works commencing.

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

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- (9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244
 - (10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

L. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial before You Dig* at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig Service, an amendment to the development consent (or a new development application) may be necessary. *Individuals* owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

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

Telecommunications Act 1997 (Commonwealth)

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

M. CONNECTION OF STORMWATER DRAINS

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

N. TREE MANAGEMENT PROVISIONS

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

O. INSURANCE REQUIREMENTS

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

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