

# Sydney Central City Planning Panel

**Electronic Determination**

THE HILLS SHIRE COUNCIL

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<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
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<b>ITEM-1</b>	<b>SCCPP REPORT - DA 983/2015/JP/A - A SECTION 96(2) MODIFICATION TO AN APPROVED APARTMENT DEVELOPMENT - LOT 3 DP 280009, NO. 2-4 BELLCAST ROAD (CORNER OF BELLCAST ROAD, SANCTUARY DRIVE AND PICKET PLACE), ROUSE HILL</b>	<b>3</b>
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## ITEM-1

## SCCPP REPORT - DA 983/2015/JP/A

<b>Panel Reference</b>	2017SWC098
<b>DA Number</b>	DA 983/2015/JP/A
<b>LGA</b>	THE HILLS SHIRE COUNCIL
<b>Proposed Development</b>	SECTION 96(2) MODIFICATION TO AN APPROVED APARTMENT DEVELOPMENT
<b>Street Address</b>	LOT 3 DP 280009, NO. 2-4 BELLCAST ROAD (CORNER OF BELLCAST ROAD, SANCTUARY DRIVE AND PICKET PLACE), ROUSE HILL
<b>Applicant</b>	Lend Lease GPT (Rouse Hill) Pty Ltd
<b>Date of DA lodgement</b>	11 August 2017
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval of the Modification Application
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Section 96(2) Modification to an Approved Development with a CIV Exceeding \$20 million
<b>List of all relevant s79C(1)(a) matters</b>	Section 79C EP and A Act, 1979 Section 96 EP and A Act, 1979 LEP 2012 SEPP 32 - Urban Consolidation SEPP 65 - Design Quality of Residential Apartment Development SEPP Infrastructure 2007 SREP 19 - Rouse Hill Development Area SREP 20 - Hawkesbury/Nepean River DCP Part D - Section 6 Rouse Hill Regional Centre
<b>List all documents submitted with this report for the Panel's consideration</b>	Nil
<b>Report prepared by</b>	Principal Executive Planner Kristine McKenzie
<b>Report date</b>	Electronic determination

<b>Summary of S.79C matters</b> Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	Yes

## EXECUTIVE SUMMARY

On 18 February 2016 the then JRPP approved an apartment building development containing 47 units. The subject site and approved building adjoins the Sydney Metro Northwest rail link. The approval was subject to a Deferred Commencement consent condition requiring the owners of the site to enter into an agreement with Transport for NSW which addressed the potential impacts of the approved development on the Sydney Metro Northwest rail link. The approval also included Condition 20 which detailed compliance with specific construction requirements required by Sydney Trains.

The Section 96(2) modification seeks to delete the Deferred Commencement consent condition and to amend Condition 20.

The applicant liaised with Sydney Trains prior to the lodgement of the application, and the proposal has been reviewed by Sydney Trains as part of the assessment process. No objection has been raised to the proposed modification from Sydney Trains.

Given that the proposal does not seek any changes to the external design or layout of the approved apartment development, the proposal was not notified to adjoining property owners.

The proposed modification is recommended for approval.

**BACKGROUND****MANDATORY REQUIREMENTS**

Owner:	The Minister Administering the EP and A Act	1.	<u>LEP 2012</u> – Satisfactory. Note: the original approval included a variation to lot size for residential flat buildings.
Zoning:	R4 High Density Residential	2.	<u>SEPP 65 – Design Quality of Residential Apartment Development</u> – Variation required, see report.
Area:	2463m <sup>2</sup>	3.	<u>SEPP 32 – Urban Consolidation</u> – Satisfactory.
Existing Development:	Vacant	4.	<u>SEPP Infrastructure 2007</u> – Satisfactory.
		5.	<u>SREP 19 – Rouse Hill Development Area</u> – Satisfactory.
		6.	<u>SREP 20 – Hawkesbury/Nepean River</u> – Satisfactory.
		7.	<u>DCP Part D – Section 6 Rouse Hill Regional Centre</u> – Satisfactory.
		8.	<u>Section 79C (EP and A Act, 1979)</u> – Satisfactory.
		9.	<u>Section 96 (EP and A Act, 1979)</u> – Satisfactory.

**SUBMISSIONS****REASON FOR REFERRAL TO SCCPP**

1. Exhibition:	Not required.	1.	Section 96(2) Modification to an Approved Development with a CIV Exceeding \$20 million
2. Notice Adj Owners:	Not required.		
3. Number Advised:	Nil		
4. Submissions Received:	Nil		

**HISTORY**

<b>18/02/2016</b>	Development Application 983/2015/JP approved by the then JRPP (now SCCPP) for an apartment development containing 47 units.
<b>11/08/2017</b>	Subject Modification Application lodged.
<b>14/08/2017</b>	Proposal referred to Sydney Trains for review and comment.
<b>30/08/2017</b>	Comments received from Sydney Trains. Sydney Trains advised that objections were raised to the proposed modification in the form which was requested. However Sydney Trains advised that they would not object to the proposal on the basis of a draft condition which was attached to the letter. The amended wording was referred to the applicant.
<b>09/09/2017</b>	The applicant advised they raised no objection to the amended condition subject to minor wording changes.

- 25/09/2017** Email sent to the applicant requesting advice on amendment to drainage.
- 26/09/2017** Email received from Sydney Trains agreeing to revised wording of Condition 20.
- 18/10/2017** Draft conditions forwarded to the applicant and Sydney Trains for review. No objections were received to the draft conditions.

## PROPOSAL

Development Application 983/2015/JP was approved by the then JRPP (now SCCPP) on 18 February 2016. The approval was for a residential flat building containing 47 units. The subject site and approved building adjoins the Sydney Metro Northwest rail link.

The proposed modification seeks to delete and/or amend conditions imposed by Sydney Trains.

The original approval contained the following conditions:

### **Deferred Commencement – Agreement with Transport for NSW**

- A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:
1. The owners of the site of the approved development must enter into an Agreement with Transport for NSW to address the potential impacts of the approved development on the Sydney Metro Northwest identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
    - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in Condition 20 (i-viii) below;
    - (ii) allowances for the construction, operation and maintenance of railway infrastructure in the vicinity of the approved development;
    - (iii) allowances in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
    - (iv) provisions managing the approval of the design for the approved development under which Transport for NSW must be provided with detailed design documentation for the development to enable it to review and approve the same;
    - (v) provisions dealing with the methodology for the execution of construction works, which must be subject to Transport for NSW's review and approval;
    - (vi) consultation with Transport for NSW;
    - (vii) access by representatives of Transport for NSW to the site of the approved development and all structures on that site;

- (viii) *provision to Transport for NSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;*
  - (ix) *obligations in relation to the maintenance of the approved development, including obligations dealing with the ongoing maintenance of the approved development and its interface with the Sydney Metro Northwest rail corridor;*
  - (x) *such other matters which Transport for NSW considers are appropriate to give effect to (i) to (ix) above; and*
  - (xi) *such other matters as the owners and Transport for NSW may agree.*
- A2. *The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.*
- B. *Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:*

**20. Sydney Trains/Transport for NSW Requirements**

- i. *All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Sydney Metro Northwest must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW.*
- ii. *The design and construction of the basement levels, foundations, drainage and ground anchors for the approved development are to be subject to the review and approval of and completed to the satisfaction of Transport for NSW.*
- iii. *No modifications may be made to that approved design without the consent of Transport for NSW.*
- iv. *Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.*
- v. *A detailed regime is to be prepared for consultation with, and approval by, Transport for NSW for the excavation of the site, the construction of the building foundations [(including ground anchors)], and the provision of temporary and permanent drainage for the approved development, which may include geotechnical, hydrological and structural certification in the form required by Transport for NSW.*
- vi. *All requirements contained in the Agreement between Transport for NSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.*
- vii. *Prior to the issue of an occupation certificate, the applicant is to receive written confirmation from Transport for NSW that all requirements in the Agreement related to construction have satisfied Transport for NSW's requirements.*

- viii. *Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to Council for its records.*
- ix. *Prior to the application for any construction certificate, an easement benefitting Transport for NSW must be created upon each of the titles which comprise the approved development in relation to the provision and maintenance of drainage (including all costs associated with the provision and maintenance of such drainage) from the Sydney Metro Northwest corridor through the development site.*
- x. *Prior to the application for any construction certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the Sydney Metro Northwest without the prior written consent of Transport for NSW .*

The applicant seeks to delete the Deferred Commencement consent condition and to amend Condition 20.

## ISSUES FOR CONSIDERATION

### 1. Assessment under Section 96 Provisions and SEPP State and Regional Development 2011

Under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, the Planning Panel may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved.

Section 96(2) of the EP and A Act, 1979 addresses 'other modifications' and requires that a development remain as substantially the same development. The proposed modification seeks approval to delete and amend conditions relating to Sydney Trains requirements for an Agreement to be entered into and construction requirements. The proposed modifications do not result in any external changes to the approved external design or layout of the development. Whilst the modification does not seek to make physical changes to the external form of the development, the proposed amendments to the conditions are considered to be significant changes in regard to the construction of the development which may potentially impact on the rail corridor and which warrant the use of Section 96(2) of the EP and A Act, 1979.

The proposed modification is considered to be substantially the same development as originally approved by the then JRPP.

The original development was determined by the then JRPP (now SCCPP) as the Capital Investment Value exceeded \$20 million. In addition, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 96(2) of the EP & A Act. As the proposed modification is under the provisions of Section 96(2) of the EP & A Act, the SCCPP is the determining body for the application.



**2. Justification from the Applicant for the Proposed Modifications****a. Deletion of Deferred Commencement Condition**

The applicant seeks to delete the Deferred Commencement consent condition and has advised as follows:

*The requirement for the Minister for Planning or any assigns to enter into a Deed with unspecified requirements is not an appropriate condition, providing no certainty as to the exact requirements to complete the development or whether these, if incorporated in a different document would pass the Newbury Test.*

*It is proposed to delete this deferred commencement condition as, on discussion with Sydney Trains, most of the relevant requirements can be converted to performance based conditions.*

**b. Amendment to Condition 20**

The applicant seeks amend Condition 20 and has advised as follows:

*The proposed amendment to Condition 20 of the consent seeks to incorporate the revised conditions which have been negotiated between Sydney Trains and LLGPT ..... The modified conditions seek to clarify the specific requirements to be addressed during the construction and certification of the building.*

**c. General Comments**

The applicant has also advised as follows to support the proposal:

*LLGPT has had meetings with Sydney Trains spanning nearly 2 years (even before lodgement of the original application) to determine the reasonable requirements for development on the site. The meetings following the granting of the consent have focussed on ensuring that any conditions imposed are:*

- consistent with the requirements of the Infrastructure SEPP,*
- the legislative framework giving subsequent approval functions and critical inspections to designated persons under the Act,*
- are performance based giving certainty during the construction and certification of the site.*

*The most recent discussions have resulted in agreement to delete the Deferred Commencement condition, and the production of a composite list of conditions to address Sydney Trains concerns based on no additional information being submitted. This modification request includes additional information meaning that some of the agreed conditions can be deleted while some others have been amended to ensure they are consistent with case law and legislative framework for the imposition of conditions of consent.*

*This modification request steps through the provisions which set both the 'administrative framework' and 'limits of discretion' for the consent authority to impose conditions on the consent at the request of Sydney Trains. This modification application proposes the deletion of the deferred commencement condition and other conditions, and the rewording of other conditions to make them performance based and consistent with the Act. This will provide greater certainty for the development of the site and those responsible for its construction and certification.*

### **3. Sydney Trains Comments and SEPP Infrastructure 2007**

The application was referred to Sydney Trains as the subject site directly adjoins the North West Rail Corridor alignment. The proposal also relates to conditions imposed on the original consent by Sydney Trains. The original proposal also required concurrence under Clause 86 of SEPP Infrastructure 2007.

As outlined in the history, the proposed was referred to Sydney Trains for review. Sydney Trains raised concerns with the original amended wording proposed by the applicant and advised as follows:

*As with the original application for development consent, the Modification Application was referred to the Metro Product and Integration Branch of Sydney Metro Delivery Office (a division of Transport for NSW) for the reason that the approved apartment building is immediately adjacent to the Sydney Metro North West rail corridor*

*As a result of the assessment of the Modification Application by the Metro Product and Integration Branch of Sydney Metro Delivery Office, Sydney Trains advises that it objects to the modification of the conditions imposed by Sydney Trains as a requirement of concurrence to the consent sought under the Modification Application.*

*However, Sydney Trains advises that it would not object to an application to amend development consent 983/2015/JP/A under section 96(2) of the Environmental Planning and Assessment Act 1979 if the only amendments to the conditions of concurrence were in the form set out in Annexure A to this letter.*

The revised wording of Condition 20 was subsequently agreed to by the applicant. The draft conditions of consent were referred to both the applicant and Sydney Trains and no objections were raised.

Clause 86 'Excavation in, above or adjacent to rail corridors' of SEPP Infrastructure 2007 requires that Sydney Trains give consideration to potential impacts of the development and the safe and effective operation of the proposed rail infrastructure.

Clause 87 'Impact of rail noise or vibration on non-rail development' of SEPP Infrastructure 2007 addresses the requirements for development that is adjacent to a rail corridor, setting a noise criteria of 35 dB(A) in bedrooms between 10pm and 7am and 40dB(A) elsewhere in the building. Conditions were imposed by Council Officers on the original consent requiring these matters be addressed at Construction Certificate stage and that an acoustic consultant verify that the requirements have been satisfied prior to the final occupation certificate (See Attachment 3, Conditions 22 and 59).

The proposal is considered satisfactory in regard to the requirements of Sydney Trains and SEPP Infrastructure 2007.

### **SUBDIVISION ENGINEERING COMMENTS**

Since the issue of the original consent, the applicant has undertaken further detailed drainage investigation. This has resulted in the existing pipe under Bellcast Road being identified as a 450 diameter pipe rather than a 375 diameter pipe. As such Condition 9 has been revised to reflect this situation.

No objection is raised to the proposal subject to a revised Condition 9.

**CONCLUSION**

The proposal has been assessed having regard to Sections 79C and 96 of the Environmental Planning and Assessment Act, 1979 and is considered satisfactory. The proposed deletion and modification of the imposed Sydney Trains conditions is considered reasonable. There are no changes proposed to the approved external façade or internal layout of the apartment development.

The proposal is satisfactory and is recommended for approval.

**IMPACTS:****Financial**

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

**The Hills Future - Community Strategic Plan**

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of unit layouts and sizes in an appropriate location.

**RECOMMENDATION**

The Modification Application be approved subject to the following conditions.

1. The Deferred Commencement Condition be deleted.
2. Condition 9 be deleted and replaced with:

**9. Minor Engineering Works**

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments. Any variance from these documents requires separate approval from Council.

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

**a) Driveway Requirements**

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

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

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

**b) Site Stormwater Drainage**

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

The low point of the site currently is adjacent to the proposed structure. A series of pits are to be located at this low point to avoid stormwater collecting against the structure.

A grated drain is to be provided at the low end of the entrance ramp into the basement, and this drain is to discharge under gravity to the street stormwater infrastructure.

The existing 375 diameter pipe in the verge fronting the site is to be replaced with a 450mm diameter RCP pipe as per the hydraulic drawings provided by Arcadis. At the detailed design stage the size of the downstream drainage under Bellcast Road needs to be confirmed/ surveyed to ensure it is no smaller than 450mm to match the proposed pipe referred to above.

### **c) Earthworks/ Site Regrading**

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

The proposed overland flow path under the building on basement level one which directs stormwater runoff from the trapped low point on the upstream property to Bellcast Road must be physically shaped/ formed so that this runoff is contained to that overland flow path and away from the proposed building.

### **d) Service Conduits**

Service conduits to the development, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

3. Condition 20 be deleted and replaced with:

## **20. Sydney Trains/Transport for NSW Requirements**

In this condition, "rail infrastructure facilities" has the same meaning as in clause 78 of SEPP (Infrastructure) 2007.

In this condition, "Level 1" means a qualified and practicing professional that holds current professional indemnity insurance and has at least 10 years relevant experience.

### **1. Excavation and Construction**

1A. Prior to the commencement of any excavation work on the development site or the issue of a construction certificate (whichever first occurs) detailed structural engineering design plans and an accompanying design report for any basement or retaining structures within 25 metres of the boundary with the rail corridor must be prepared to the satisfaction of Transport for NSW demonstrating that:

- a) the development will not inhibit, damage or otherwise interfere with any rail infrastructure facilities;
- b) the basement retaining structure will be self-supporting in the temporary construction stage and in the permanent stage;
- c) the development will not create any differential ground movement within the rail corridor in excess of -10mm vertical and  $\pm 10$ mm horizontal;
- d) no ground anchors or soil nails whether temporary or permanent will be installed within the rail corridor;

- e) the basement structure, earthworks and civil works will not impose any surcharge loading within the rail corridor;
  - f) the proposed development structure design allows for the effects due to movement that may occur as a result of the future removal of the ground adjacent to the rail boundary (to a level no lower than the lowest building basement level) and a 20kpa surcharge applied at ground level;
  - g) all structures are designed, so as to avoid any damage or other interference which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations.
- 1B. The design plans and reports referred to in condition 1A above must include:
- a) plans, sections and details of any proposed retaining or basement structures and excavations within 25 metres of the common boundary between the development site and the adjoining rail corridor including their locations and dimensions and the levels of the top and bottom of each structure;
  - b) loading, analysis and modelling calculations together with results of investigations of subsurface conditions and the geotechnical information used to inform the design of those structures; and
  - c) [not used]
  - d) reports from a Level 1 geotechnical engineer and a Level 1 structural engineer which demonstrate that the development will meet the requirements in condition 1A above.
- 1C. Prior to issue of any occupation certificate, the Applicant must provide a completion report from the Level 1 structural and geotechnical engineers responsible for the approved design to the satisfaction of Transport for NSW that:
- a) demonstrates that the development has been carried out in accordance with the design plans and reports prepared pursuant to condition 1A; and
  - b) includes detailed survey information prepared by a Registered Surveyor for each excavation, including the location, vertical dimensions and diameter of each excavation and the levels of the top and bottom of each hole excavated for any structure; and
  - c) includes details of any inspections of any excavation faces and includes geotechnical mapping of the excavated faces.

## **2 Temporary and Permanent Drainage Design**

- 2A. [Not used]
- 2B. [Not used]
- 2C. Prior to issue of any occupation certificate, the Applicant must provide a completion report from the Level 1 hydraulic engineers responsible for the approved design to the satisfaction of Transport for NSW that demonstrates that the development has been carried out in accordance with the Stormwater Management Plan prepared by Arcadis dated 23 March 2017.

- 2D. During the carrying out of works and after completion of the development, stormwater from the approved development must be adequately disposed of/managed and not allowed to discharge onto the adjoining rail corridor land. All stormwater from the development site shall be accommodated in the development's stormwater drainage such that there is no impact on any rail infrastructure facilities.

### **3. Access to Rail Land**

This consent does not authorise any access to the adjoining rail corridor land for any purpose, at any time including for:

- a) installation of rock anchors, piles, foundations, rock pillars, transfer structures, slabs, columns, beams, cut rock faces, rock bolts, ground anchors and ties;
- b) use of the airspace in the rail corridor for craneage and other aerial operations. Any access to the adjoining rail corridor must be separately agreed with Transport for NSW, in writing.

### **4. Geotechnical Engineer Supervision**

All works undertaken in relation to the excavation of the basement structure including all basement excavations, shoring, piling & foundations up to RL 52.60 must be supervised by a Level 1 geo-technical engineer with experience in projects adjoining rail infrastructure. Construction review of the basement structure shall be undertaken in accordance with Geotechnical Site Investigations Appendix E8.1 of AS 1726-1993.

### **5. Boundary Peg Out**

Prior to commencement of works the common boundary between the site and the adjoining rail corridor must be surveyed and pegged out by registered surveyor and a copy of the survey report indicating the location of pegs must be provided to Transport for NSW.

### **6. Access for inspections**

- a) Transport for NSW must be allowed to inspect the site of the approved development, to enable it to consider whether any basement retaining structures up to RL 52.60 located within 25 metres of the boundary of the rail corridor have been or are being constructed and maintained in accordance with the requirements of this consent on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- b) The Applicant must give Transport for NSW written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
  - i. site investigations;
  - ii. foundation, pile and anchor set out;
  - iii. set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - iv. foundation, pile and anchor excavation;
  - v. other excavation;

- vi. surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- vii. other concreting; or
- viii. any other event in relation to the basement retaining structure located on the boundary of the rail corridor that Transport for NSW has notified to the Applicant.

#### **7. Condition Survey of Drainage Swale**

Prior to the commencement of works, on the completion of works, and at any time during the works period deemed necessary by either Transport for NSW or the Applicant's Representative, the Applicant's representative must participate in a joint inspection of the drainage swale and prepare a report on the condition of the swale.

#### **8. Boundary Fencing**

A boundary fence between the development site and the adjoining rail corridor must be retained during all works and must not be damaged, removed or replaced without prior approval from Transport for NSW.

#### **9. Provision of As-Built Drawings to TfNSW and Registered Surveyor's Confirmation**

Prior to the issuing of any occupation certificate the Applicant must submit the as-built drawings for the basement retaining structure up to RL ground surface at RL52.60 to Transport for NSW and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Transport for NSW property or easements or the rail corridor. No occupation certificate can be issued until written confirmation has been received from Transport for NSW confirming that this condition has been satisfied.

Final as-built survey data for locations and elevations of the top of the basement structure shall be provided to TfNSW upon request to enable future monitoring of the structure in relation to the adjacent Transport for NSW rail corridor boundary.

#### **10. Plan for Future Maintenance of Development Facing Rail Corridor**

The Applicant must provide as-built drawings of the final fencing and a plan for future maintenance of all aspects of the building façade facing and immediately adjacent to the rail corridor prior to the issuing of the final Occupation Certificate. The final Occupation Certificate is not to be issued until written confirmation has been received from Transport for NSW advising that the maintenance plan has been prepared to its satisfaction.

#### **11. Covenant**

Prior to commencement of any works associated with the development or the lodgement of any application for a construction certificate, and at its own cost, the Developer must procure the registration of covenants benefiting Transport for New South Wales pursuant to section 88E of the Conveyancing Act 1919 (NSW):

- a) on the whole of the titles for the development site; and
- b) on the whole of the titles for any additional land which may be acquired or created in respect of the development - at the time of acquiring or creating those additional titles, on terms substantially the same as those set out in Schedule 2, and otherwise to the satisfaction of Transport for NSW and Rail Corporation New South Wales.

**12. Easement**

Prior to commencement of any works associated with the development or the lodgement of any application for a construction certificate and at its own cost the Developer must procure the registration of easements benefiting Transport for NSW pursuant to section 88A of the Conveyancing Act 1919 (NSW):

- a) on the whole of the titles for the development site; and
- b) on the whole of the titles for any additional land which may be acquired or created in respect of the development - at the time of acquiring or creating those additional titles, on terms substantially the same as those set out in Schedule 1 below and otherwise to the satisfaction of Transport for NSW and Rail Corporation New South Wales.

**13. Compliance with Plans, Reports and Details Approved by Transport for NSW**

Where this consent requires preparation of plans, reports or other detailed information to the satisfaction of Transport for NSW, those approved plans, reports and details must be complied with and implemented during the undertaking of the development.

**14. Record keeping**

A copy of all approvals given by Transport for NSW pursuant to the conditions of this consent and the material provided to Transport for NSW in obtaining those approvals must be provided to the Council for its records.

**15. [Not used]****16. Electrolysis report**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. If measures are recommended which require some change from the approved development, a fresh development application or s96 modification application must be made to authorise those changes before the development can proceed. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

**Schedule 1: Easement Terms****1. [Not used]****2. [Not used]****3. Easement to drain**

The owner of the development site grants an easement for Drainage of Water within the meaning of Part 8 Schedule 8 of the Conveyancing Act 1919 (NSW).

**4. Release, Variation or Modification**

Transport for NSW and/or Rail Corporation New South Wales is empowered to release, vary or modify the Easement.



**Schedule 2: Covenant Terms****1. Drainage**

- (a) The owner of the development site must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the adjoining railway corridor.
- (b) The owner of the development site must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or water authority approved drainage system.
- (c) The owner of the development site must ensure that water does not collect on or near rail infrastructure.

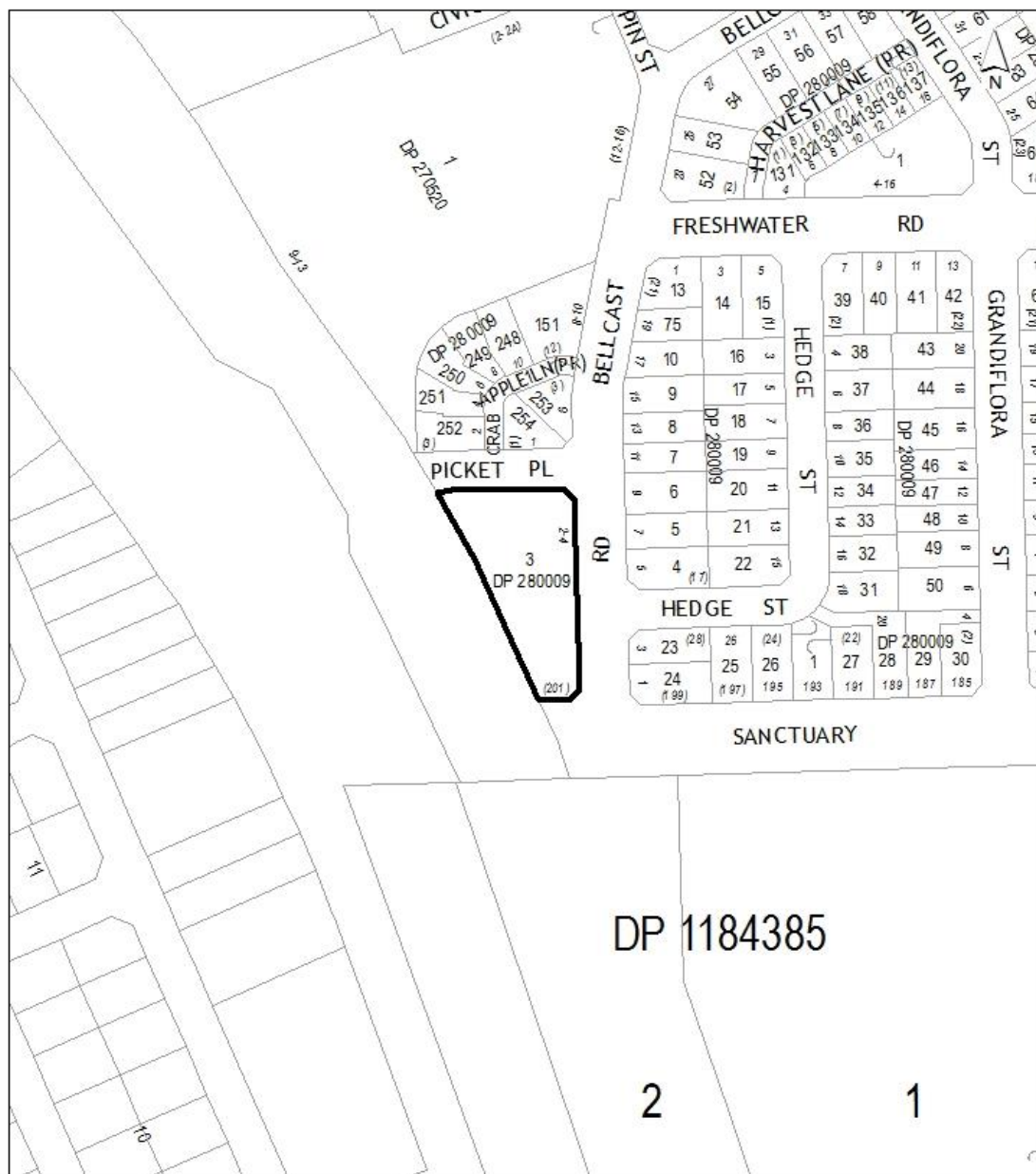
**2. Release, variation or modification**

Transport for NSW and Rail Corporation New South Wales is empowered to release, vary or modify the Covenant.

**ATTACHMENTS**

- 1. Locality Plan
- 2. Aerial Photograph
- 3. Original Development Consent 983/2015/JP
- 4. Approved Site Plan
- 5. Approved Elevations
- 6. Approved Landscape Plan

## ATTACHMENT 1 – LOCALITY PLAN



☐ SUBJECT SITE

## ATTACHMENT 2 – AERIAL PHOTOGRAPH





## ATTACHMENT 3 – ORIGINAL DEVELOPMENT CONSENT 983/2015/JP



23 February 2016

Lend Lease GPT (Rouse Hill) Pty Ltd  
PO Box 4  
PARRAMATTA NSW 2124

Ref No.:983/2015/JP  
Joint Regional Planning Panel 18/02/2016

Dear Sir/Madam

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**  
**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by NSW Government Joint Regional Planning Panel (Sydney West Region) of the Development Application referred to herein.

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

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

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

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

**Right of Review**

Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) Designated development, or
- b) Integrated development, or
- c) An application by the Crown determined by Council under section 116(E).

**Right of Appeal**

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

<b>APPLICANT</b>	Lend Lease GPT (Rouse Hill) Pty Ltd
<b>OWNER:</b>	Minister Administering The Environmental Planning & Assessment Act
<b>PROPERTY:</b>	Lot 3 DP 280009, No. 2 Bellcast Road, ROUSE HILL
<b>DEVELOPMENT:</b>	Residential Flat Building Development containing 47 Units
<b>ENDORSED DATE OF CONSENT:</b>	18 February 2016

**DEFERRED COMMENCEMENT****Deferred Commencement – Agreement with Transport for NSW**

- A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:
1. The owners of the site of the approved development must enter into an Agreement with Transport for NSW to address the potential impacts of the approved development on the Sydney Metro Northwest identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
    - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in Condition 20 (i-viii) below;
    - (ii) allowances for the construction, operation and maintenance of railway infrastructure in the vicinity of the approved development;
    - (iii) allowances in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
    - (iv) provisions managing the approval of the design for the approved development under which Transport for NSW must be provided with detailed design documentation for the development to enable it to review and approve the same;
    - (v) provisions dealing with the methodology for the execution of construction works, which must be subject to Transport for NSW's review and approval;
    - (vi) consultation with Transport for NSW;
    - (vii) access by representatives of Transport for NSW to the site of the approved development and all structures on that site;
    - (viii) provision to Transport for NSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;
    - (ix) obligations in relation to the maintenance of the approved development, including obligations dealing with the ongoing maintenance of the approved development and its interface with the Sydney Metro Northwest rail corridor;
    - (x) such other matters which Transport for NSW considers are appropriate to give effect to (i) to (ix) above; and
    - (xi) such other matters as the owners and Transport for NSW may agree.
  - A2. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
  - B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

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

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

## REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA001	Locality and Site Plan	6/7/15 Rev. D
DA002	Site Analysis	8/1/15 Rev. C
DA100	General Arrangement – B1 & B2	7/5/15 Rev. D
DA101	General Arrangement – Gnd & 1 <sup>st</sup>	4/6/15 Rev. D
DA102	General Arrangement – 2 <sup>nd</sup> & 3 <sup>rd</sup>	4/6/15 Rev. D
DA103	General Arrangement – Roof	8/1/15 Rev. D
DA200C	Site Elevations (Coloured)	7/1/15 Rev. D
DA200	Site Elevations	8/1/15 Rev. C
DA201	Sections	8/1/15 Rev. C
DA202	Building B – Elevations	18/12/14 Rev. B
DA203	Building B – Exterior Materials and Finishes	7/1/15 Rev. C
DA205	Building A – Materials and Finishes	11/12/14 Rev. B
DA400	Unit Plans – Sheet 1	7/5/15 Rev. D
DA401	Unit Plans – Sheet 2	7/5/15 Rev. D
DA410	Compliance Assessment Diagrams	8/1/15 Rev. D
DA420	Shadow Diagrams – Sheet 1	18/12/14 Rev. C
DA421	Shadow Diagrams – Sheet 2	18/12/14 Rev. C
DA440	South Eastern Perspective View	8/12/14 Rev. A
DA 441	North Eastern Perspective View	8/12/14 Rev. A
DA442	Western Perspective View	8/12/14 Rev. A
DA_SRP_100	Landscape Plan	06/12/14 Rev. A
DA_SRP_101	Landscape Details	17.12.14 Rev. A
DA_SRP_102	Landscape Details	17.12.14 Rev. A
DA_SRP_103	Planting and Materials Palette	17.12.14 Rev. A

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

**2. Rouse Hill Regional Centre Planning Agreement**

Contributions for the 47 dwellings created are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29/12/2006.

**3. Resident and Visitor Parking Spaces and Bicycle Parking**

The provision and maintenance thereafter of:

60 resident spaces;

10 visitor spaces;

A bike rack accommodating a minimum 12 bicycles.

All residential units are to be allocated a minimum of one parking space.

#### **4. Planting Requirements**

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

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

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

#### **6. 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.

#### **7. 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:

- 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. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- v. All accessible car parking spaces are to be adjacent to a shared zone as per AS/ NZS 2890.6.
- vi. Where car parking aisles do not continue or intersect with other aisle, a 1.0m aisle extension is required as per AS/ NZS2890.1.
- vii. Visitor car parking spaces are to be grouped together.

#### **8. Gutter and Footpath Crossing Application**

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

#### **9. Minor Engineering Works**

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

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

Any variance from these documents requires separate approval from Council.

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

**i. Driveway Requirements**

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 medium duty standard.

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

**ii. Site Stormwater Drainage**

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

The low point of the site currently is adjacent to the proposed structure. A series of pits are to be located at this low point to avoid stormwater collecting against the structure.

A grated drain is to be provided at the low end of the entrance ramp into the basement, and this drain is to discharge under gravity to the street stormwater infrastructure.

The existing 375 diameter pipe in the verge fronting the site is to be replaced with a 450 diameter RCP pipe as per the hydraulic drawings provided by Hyder Consulting.

**iii. Earthworks/ Site Regrading**

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

**iv. Service Conduits**

Service conduits to the development, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

**10. Recycled Water**

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

**11. 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.

**12. 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.

**13. Adherence to Waste Management Plan**

All commitments of the Waste Management Plan submitted to and approved by Council must be implemented during construction of the development, except where amended by other conditions of consent. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material removed from the site 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.

#### **14. Management of Construction 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

#### **15. Surplus Excavated Material**

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

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

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

#### **17. Waste Management Design Requirements**

The following works are required:

##### **i. Construction of Garbage Room**

All work involving construction of the garbage room must comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. The room must be mechanically ventilated. Storage facility must be provided for a minimum of 5 x 1100L bulk garbage bins and 4 x 660L bulk recycling bins. The measurements of the abovementioned bins are provided below:

**660L:**            850mm (d) 1370mm (w) 1250mm (h)

**1100L:**          1245mm (d) 1370 (w) 1470mm (h)

##### **ii. Provision of Waste Servicing Path**

Provide a waste servicing path from the garbage room leading to the street, including kerb crossing. The path must allow the most direct access to the bins by waste collection contractors. The path must be a minimum width of 1.5m, not exceed a grade of 1:20 (5%) and must be constructed of concrete with a smooth non-slip finish.

**iii. Provision of No Parking Signs**

Provide 12 metres of No Parking 6:00am to 12:00pm Thursday at the garbage room. A sign indicating 'Garbage Collection Day' must also be fixed on the poles.

**18. Property Numbering**

The responsibility for property numbering is vested solely in Council.

Unit numbering submitted with the application does not comply with Council Guidelines, LPI NSW Addressing Policy – multi-level Sub-Address Allocation – AS/NZS4819.

The property address for this development is:- 2 Bellcast Road

Approved unit numbering is:

	BUILDING A	BUILDING B
Grd	G01-G07	G08-G18
1st	101-106	---
2nd	201-206	207-217
3rd	301-306	---

These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances any changes to unit configuration are to be forwarded to Land Information for reassessment.

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

**19. Police Requirements**

The following is required by the NSW Police, unless otherwise agreed by the Police and Council in writing:

- i. Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- ii. Police recommend that ground floor units have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- iii. Materials chosen should have regard to the potential for graffiti.
- iv. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.
- v. Paint the basement white to reflect light.
- vi. Police recommend the use of CCTV at entry/exit points to the carpark, within the basement carparking and common areas. Police also suggest the use of height stickers on entry/exit doors.
- vii. It is recommended that garage entry and exit be controlled through use of a fob, remote or code access.
- viii. Signage is to be erected to ensure that people are aware they are entering private property. The signage should also include details of what security treatment has been implemented.
- ix. Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.

- x. Lighting is to be utilised within the site in accordance with Australian Standards.
- xi. 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.
- xii. Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

**20. Sydney Trains/Transport for NSW Requirements**

- i. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Sydney Metro Northwest must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW.
- ii. The design and construction of the basement levels, foundations, drainage and ground anchors for the approved development are to be subject to the review and approval of and completed to the satisfaction of Transport for NSW.
- iii. No modifications may be made to that approved design without the consent of Transport for NSW.
- iv. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- v. A detailed regime is to be prepared for consultation with, and approval by, Transport for NSW for the excavation of the site, the construction of the building foundations [(including ground anchors)], and the provision of temporary and permanent drainage for the approved development, which may include geotechnical, hydrological and structural certification in the form required by Transport for NSW.
- vi. All requirements contained in the Agreement between Transport for NSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- vii. Prior to the issue of an occupation certificate, the applicant is to receive written confirmation from Transport for NSW that all requirements in the Agreement related to construction have satisfied Transport for NSW's requirements.
- viii. Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to Council for its records.
- ix. Prior to the application for any construction certificate, an easement benefitting Transport for NSW must be created upon each of the titles which comprise the approved development in relation to the provision and maintenance of drainage (including all costs associated with the provision and maintenance of such drainage) from the Sydney Metro Northwest corridor through the development site.
- x. Prior to the application for any construction certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the Sydney Metro Northwest without the prior written consent of Transport for NSW .

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE****21. 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.

**22. Construction requirements - acoustics**

Plans and specifications for the construction certificate shall demonstrate that:

- External walls have a minimum  $R_w$  of 45 dB;
- Roof/ceilings have a minimum  $R_w$  of 43 dB;
- Rooms identified in the table below as requiring laminated glazing are required to be mechanically ventilated;
- Glazing thickness to achieve the following:

Unit	Window Reference	Recommended Glazing Minimum Thickness	Required Minimum R <sub>w</sub> or STC (dB)
Ground Floor			
A.01	L3, B4, W3	4 mm Float	22
		4 mm Float	24
A.02	L3, B1	4 mm Float	22
	B3	4 mm Float	24
A.03	L1	4 mm Float	22
	W1, W2	4 mm Float	24
A.04	L1	4 mm Float	22
	W2, W2	4 mm Float	24
A.05	L1	6.38 mm Laminated	25
	W2, W2	6.38 mm Laminated	29
A.06	L1	10.38 mm Laminated	33
	W2, W2	6.38 mm Laminated	29
A.07	L1	6.38 mm Laminated	26
	W1, W2	6.38 mm Laminated	28
First Floor			
A.11	L1, , K4, K4, K4, B4	4 mm Float	22
	W1, W3, D1	4 mm Float	24
A.12	L1	4 mm Float	22
	W1, W2	4 mm Float	24
A.13	L1	4 mm Float	22
	W2, W2	4 mm Float	24
A.14	L1	6.38 mm Laminated	25
	W2, W2	6.38 mm Laminated	29
A.15	L1	10.38 mm Laminated	33
	W2, W2	6.38 mm Laminated	29
A.16	L1, K1, k2	6.38 mm Laminated	26
	W1, W2	6.38 mm Laminated	28
Second Floor			
A.21	L1, , K4, K4, K4, B4	4 mm Float	24

	W1, W3, D1	6.38 mm Laminated	26
A.22	L1	4 mm Float	24
	W1, W2	6.38 mm Laminated	26
A.23	L1	4 mm Float	24
	W2, W2	6.38 mm Laminated	26
A.24	L1	6.38 mm Laminated	27
	W2, W2	8.38 mm Laminated	31
A.25	L1	6.38 mm Laminated	26
	W2, W2	8.38 mm Laminated	31
A.26	L1	8.38 mm Laminated	28
	W1, W2	10.38 mm Laminated	30
<b>Third Floor</b>			
A.31	L1, , K4, K4, K4, B4	6.38 mm Laminated	26
	W1, W3, D1	8.38 mm Laminated	28
A.32	L1	6.38 mm Laminated	26
	W1, W2	8.38 mm Laminated	28
A.33	L1	6.38 mm Laminated	26
	W2, W2	8.38 mm Laminated	28
A.34	L1	8.38 mm Laminated	29
	W2, W2	10.38 mm Laminated	33
A.35	L1	6.38 mm Laminated	28
	W2, W2	10.38 mm Laminated	33
A.36	L1, K1, k2	8.38 mm Laminated	30
	W1, W2	10.38 mm Laminated	32
<b>Ground Floor Lower Level - First Floor Upper Level</b>			
B.01 Lower Level	K3, K4, L4, D2	6.38 mm Laminated	28
B.01 Upper Level	W1, W1	6.38 mm Laminated	29
B.02 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.02 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4, D1	4 mm Float	24
B.03 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.03 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.04 Lower Level	W4	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.04 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25

	L4	4 mm Float	24
B.05 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.05 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.06 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.06 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.07 Lower Level	W4	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.07 Upper Level	W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L4	4 mm Float	24
B.08 Lower Level	W5	6.38 mm Laminated	29
	B5	6.38 mm Laminated	25
B.08 Upper Level	W4, W4	6.38 mm Laminated	29
	B4	6.38 mm Laminated	25
	L2, L5, K4, D1	4 mm Float	24
B.09 Ground Floor	W1	6.38 mm Laminated	25
	B1, B2, D1	4 mm Float	24
B.10 Ground Floor	W1, W1, L1. K4	4 mm Float	22
B.11 Ground Floor	W1, W1, L1. K4	4 mm Float	22
<b>Second Floor Lower Level - Third Floor Upper Level</b>			
B.21 Lower Level	K3, K4, L4, D2	10.38 mm Laminated	30
B.21 Upper Level	W1, W1	10.38 mm Laminated	33
B.22 Lower Level	W5	10.38 mm Laminated	31
	B5	8.38 mm Laminated	27
B.22 Upper Level	W4	10.38 mm Laminated	33
	B4	6.38 mm Laminated	29
	L4, D1	8.38 mm Laminated	28
B.23 Lower Level	W5	10.38 mm Laminated	31

	B5	8.38 mm Laminated	27
B.23 Upper Level	W4	10.38 mm Laminated	33
	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
	W4	10.38 mm Laminated	31
B.24 Lower Level	B5	8.38 mm Laminated	27
	W4	10.38 mm Laminated	33
B.24 Upper Level	B4	8.38 mm Laminated	29
	W5	10.38 mm Laminated	31
B.25 Lower Level	B4	8.38 mm Laminated	27
	W4	10.38 mm Laminated	33
B.25 Upper Level	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
	W5	10.38 mm Laminated	31
B.26 Lower Level	B4	8.38 mm Laminated	27
	W4	10.38 mm Laminated	33
B.26 Upper Level	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
	W4	10.38 mm Laminated	31
B.27 Lower Level	B4	8.38 mm Laminated	27
	W4	10.38 mm Laminated	33
B.27 Upper Level	B4	8.38 mm Laminated	29
	L4	8.38 mm Laminated	28
	W5	10.38 mm Laminated	31
B.28 Lower Level	B4	8.38 mm Laminated	27
	W4, W4	10.38 mm Laminated	33
B.28 Upper Level	B4	8.38 mm Laminated	29
	L2, L5, K4, D1	6.38 mm Laminated	28
	W1	8.38 mm Laminated	27
B.29 Second Floor	B1, B2, D1	6.38 mm Laminated	26
	W1, W1, L1. K4	6.38 mm Laminated	26
B.30 Second Floor	W1, W1, L1. K4	6.38 mm Laminated	26
B.31 Second Floor	W1, W1, L1. K4	6.38 mm Laminated	26

### **23. Mechanical ventilation – acoustic requirements**

Internal noise levels from mechanical ventilation or air-conditioning shall not exceed 35 dB(A) for bedroom areas and 40 dB(A) for all other habitable areas.

External noise levels from mechanical ventilation or air-conditioning shall not exceed 5 dB over the lowest existing background noise level ( $L_{AF90}$ ) when in day time use and when measured at the neighbouring boundary.

**24. 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.

**25. 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 \$120,000 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 (142m total) 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.

**26. Security Bond Requirements**

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

- a) Be in favour of The Hills Shire Council;
- b) 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);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) 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.

**27. Sediment and Erosion Control Plan**

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

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.



**PRIOR TO WORK COMMENCING ON THE SITE****28. Principal Certifying Authority**

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

**29. 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.

**30. 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.

**31. 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.

**32. 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.

**33. 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.

**34. 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:

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

### **35. 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.

### **36. Erection of Signage – Supervision of Work**

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

### **37. Contractors Details**

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

### **38. Sediment and Erosion Control**

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

### **39. 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).

### **40. Waste Management Details Required**

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

**DURING CONSTRUCTION****41. 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.

**41a. 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).

**42. 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.

**43. Critical Stage Inspections – Engineering Works**

The engineering works within the verge must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

**44. 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. 600818M 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.

**45. 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.**

**46. Roof Water Drainage**

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

**47. Aboriginal Archaeological Sites or Relics**

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

**48. Historic Sites or Relics**

If, during the earthworks, any evidence of a historic archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

**PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE****49. Compliance with Requirements of Development Consent**

Compliance with all conditions of approval of the Development Consent on the subject property

**50. 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.

**51. 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.

**52. 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.

**53. 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.

**i. Restriction – Bedroom Numbers**

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

**54. 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.

**55. Section 73 Compliance Certificate**

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

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

**56. Provision of Electrical Services**

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

**57. Provision of Telecommunication Services**

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the

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

**58. Final Inspection of Garbage Room**

Prior to an Occupation Certificate being issued, a final inspection of the garbage room and associated areas must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

**59. Acoustic construction compliance**

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant shall provide written verification to the satisfaction of Council's Manager Health and Environment that the requirements of the acoustic report (Rail Traffic Noise Assessment – Lavender Field Apartments – Bellcast Road and Picket Place, Rouse Hill, NSW 2142 (June 2015) (Report No. nss22224 – Final – Rev A) by Noise and Sound Services) and the acoustic conditions contained within this consent, have been satisfied.

**THE USE OF THE SITE**

**60. Waste and Recycling Management**

All waste generated onsite must be removed at regular intervals and not less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. A caretaker is required to be engaged to manage waste operations at the development (i.e. keeping waste storage areas clean and free of dumped rubbish, ensuring new residents are aware of the waste management arrangements and liaising with Council/ the collection contractor.

**ATTACHMENT: DEVELOPMENT ADVISORY NOTES**

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

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

Should you require any further information please contact Kristine McKenzie on 9843 0319.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Osborne', written in a cursive style.

Paul Osborne  
**MANAGER-DEVELOPMENT ASSESSMENT**



**DEVELOPMENT ADVISORY NOTES****A. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989**

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

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**B. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS**

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

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

**B. 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.

**C. RETAINING WALLS AND DRAINAGE**

If the soil conditions require it:

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

**D. 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) 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.

**E. PROTECTION OF PUBLIC SPACES**

- (1) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.



**F. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES**

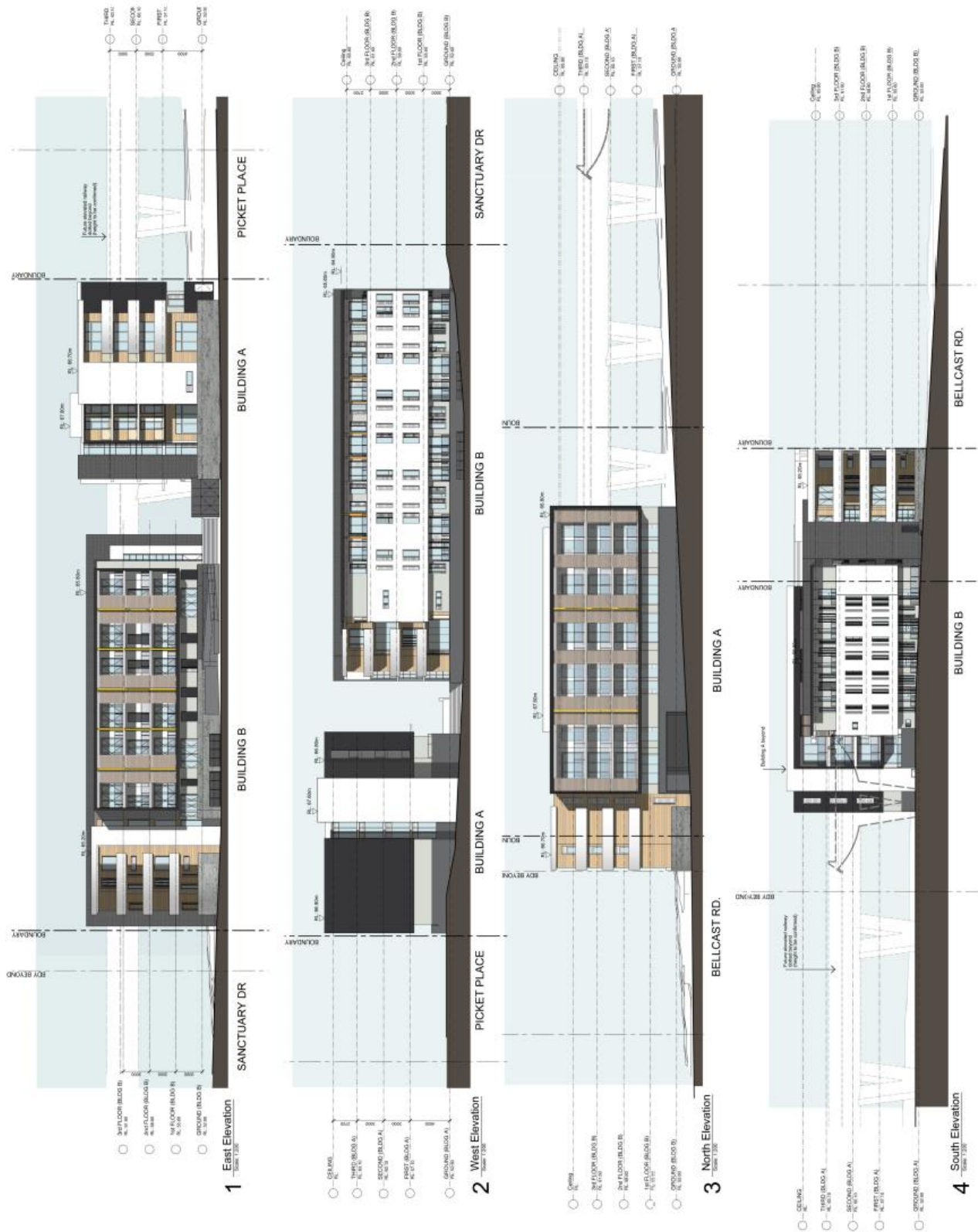
- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site 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

## ATTACHMENT 4 – APPROVED SITE PLAN



## ATTACHMENT 5 –APPROVED ELEVATIONS





## ATTACHMENT 6 – APPROVED LANDSCAPE PLAN

