
MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

ITEM	SUBJECT	PAGE
ITEM-1	DA NO. 1273/2014/HB - DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF FORTY (40) MULTI DWELLING HOUSES (7 X 2 BEDROOM AND 33 X 3 BEDROOM UNITS) WITH GROUND LEVEL AND BASEMENT PARKING - LOTS 1 DP 90455 AND DP 1160957 - WINDSOR ROAD BAULKHAM HILLS	3
ITEM-2	DA NO. 366/2016/HA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT UNDER THE PROVISIONS OF SEPP (AFFORDABLE RENTAL HOUSING) 2009 -LOTS B & 3A DP 419761 - 5 ANDERSON ROAD & 1 MARGARET STREET, NORTHMEAD	34
ITEM-3	DA NO. 399/2016/HA - DETACHED DUAL OCCUPANCY AND ASSOCIATED SUBDIVISION - LOT 410 DP 1200474 - 10 TALLAGANDA STREET, KELLYVILLE	24
ITEM-4	CODE OF CONDUCT - COMPLAINTS STATISTICS	33

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

703 PRESENT

Clr Dr M R Byrne Adjunct Professor (Mayor, in the Chair)
General Manager Dave Walker

704 IN ATTENDANCE

Group Manager – Environment & Planning Cameron McKenzie

705 APOLOGIES

Nil.

706 TIME OF COMMENCEMENT

10.14am

707 TIME OF COMPLETION

10.17am

708 DECLARATIONS OF INTEREST

Nil.

709 ARRIVALS AND DEPARTURES

Nil.

710 DISSENT FROM COUNCIL'S DECISIONS

Nil.

711 ADJOURNMENT & RESUMPTION

Nil.

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A MOTION WAS MOVED BY GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR DR BYRNE ADJUNCT PROFESSOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

712 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

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

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

The amendments in red include:

- 1.8m high timber slat fence with masonry columns along the Fairway Drive side boundary as noted with articulation to allow for landscaping.
- Landscaping along Fairway Drive boundary adjacent to internal road and ramp.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA01	Site Analysis Plan	D	04/08/2014
DA02	Lower Ground Floor Plan	D	04/08/2014
DA03	Ground Floor Plan	F	03/12/2015
DA04	First Floor Plan	D	04/08/2014
DA05	Roof Terrace Plan	D	04/08/2014
DA06	Elevations - 1	D	04/08/2014
DA07	Elevations - 2	D	07/08/2014
-	Schedule of Finishes	-	-

2. Compliance with Roads and Maritime Services Requirements

Compliance with the requirements of the Roads and Maritime Services (RMS) attached as Appendix (A) to this consent and dated 6 June 2014.

3. 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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

4. 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.

5. Demolition Inspections

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

6. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

7. Tree Removal

Approval is granted for the removal of fifty seven trees as marked in Arborist Report Prepared by Tristan Bradshaw of Bradshaw Tree Services dated 12th December 2013.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

9. Replacement Planting Requirements

To maintain the treed environment of the Shire (25) advanced (45 litres) replacement trees from the following list are to be planted elsewhere within the property.

<i>Melaleuca decora</i>	White Feather Honey Myrtle
<i>Corymbia maculata</i>	Spotted gum
<i>Eucalyptus tereticornis</i>	Forest Red Gum

10. Retention of Trees

All trees identified in Arborist report by Bradshaw Tree Services dated 12th December 2013 are to be retained with remedial work to be carried out in accordance with the Arborist report. Remediation works are found in Appendix B under Recommendations after construction.

11. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Far West Consulting Engineers, referenced as 142855, dated 7 March 2014 and submitted as part of the Development Application are to be implemented as part of this approval.

Further attenuation may be required for those townhouses (1-11) which are adjacent to Windsor Road in which compliance with the State Environment Planning Policy (Infrastructure) 2007 section 102 will be required.

12. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Geotechnique Pty Ltd *Preliminary Contamination Assessment*, referenced as 13126/1-AA, dated 20 March 2014 and submitted as part of the Development Application are to be implemented as part of this approval.

13. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

development. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

14. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

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 property 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. Construction of Waste Storage Areas

Each unit must have a screened storage point for 2 x 240L bins. The bins must be able to be wheeled to their collection point over flat or ramped surfaces and not over steps. The bin storage and bin collection points are shown on the Ground Floor Plan (drawing number DA03 and amendment F). The measurements of a 240L bin are 735mm (d), 580mm (w) and 1080mm (h).

18. Subdivision – Windsor Road Widening/ Stone Mason Drive

The subdivision component of the development relating to widening of Windsor Road fronting the site must be carried out to the requirements of the NSW RMS. The road widening across the site's Windsor Road frontage must be created as a separate lot on the plan so that it can be acquired/ dedicated by the RMS under a separate process.

The subdivision component of the development relating to dedication of Stone Mason Drive at western end of the site must be carried out to the requirements of Council.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

The dedication of Stone Mason Drive must be in accordance with the concept subdivision plan prepared by Gelder Architects Project 1535 Drawing DA 09 Revision D dated 04/08/2014 along with the undertaking relating to the dedication of this proposed public road referenced on the same plan.

19. Separate Application for Strata Subdivision

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

20. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

21. Approved Street Naming

Street naming must comply with Council's approved map which can be found on Council's website:

22. Street Trees

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

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

23. 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. One way traffic movement must be maintained within the development. 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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

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.

The detailed design/ Construction Certificate plans must incorporate the following changes from the approved/ concept plans:

- a) The acoustic/ masonry wall adjacent to Windsor Road must be setback 2m from the proposed lot boundary, to provide for a landscape screen in front.

24. 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.

25. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

26. Requirements for Council Drainage Easements

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

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

27. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

28. Road Opening Permit

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

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

29. 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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

30. No Parking Restrictions

The development is to have no parking signs erected throughout the entire internal road network indicating no kerbside parking on garbage collection day. A condition must be referenced within the strata management statement in regards to residents and their visitors adhering to the parking restrictions. The signs must be maintained by the Owners Corporation.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

31. Landscape Plan

An amended landscaping plan (prepared by a landscape architect) shall be submitted to and approved by Council's Manager of Development Assessment prior to the issue of the Construction Certificate.

32. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

33. Street Numbering Identification and Letterbox Location

Prior to any Construction Certificate being issued, a plan showing the layout and location of the letterboxes for all townhouses in the development must be submitted to Council's Team Leader – Land and Information, for written approval. Street and townhouse numbering will be determined after receipt of this plan.

Written correspondence from Australia Post, certifying their approval to the proposed location of the letterboxes must accompany this plan.

Australia post normally requires there be one (1) single group of cluster letterboxes. Should more than one (1) cluster be required, or should a combination of cluster and individual be required, Australia Post approval is necessary.

34. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$10,000 shall be lodged with Council to ensure satisfactory completion of the landscaping works.

The landscape bond shall be released:

- a) six months from the issue of the Final Occupation Certificate; and
- b) after submission of certification from a qualified landscape architect; or
- c) to the satisfaction of the Manager – Health & Environment;
- d) that the landscaping has been completed in accordance with the approved landscape plan.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

35. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:-

	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 2 Bedroom units: 7	No. of 3 Bedroom units: 33	Sum of Units	No. of Credits: 2	Total S94
Open Space - Land	\$ 17,904.40	\$ 18,865.47	\$ 18,865.47	\$ 125,330.80	\$ 622,560.51	\$ 747,891.31	\$ 37,730.94	\$ 710,160.37
Open Space - Capital	\$ 4,751.77	\$ 5,006.83	\$ 5,006.83	\$ 33,262.39	\$ 165,225.39	\$ 198,487.78	\$ 10,013.66	\$ 188,474.12
Transport Facilities - Capital	\$ 3,383.50	\$ 3,565.11	\$ 3,565.11	\$ 23,684.50	\$ 117,648.63	\$ 141,333.13	\$ 7,130.22	\$ 134,202.91
Community Facilities - Land	\$ 354.08	\$ 373.09	\$ 373.09	\$ 2,478.56	\$ 12,311.97	\$ 14,790.53	\$ 746.18	\$ 14,044.35
Community Facilities - Capital	\$ 1,450.57	\$ 1,528.43	\$ 1,528.43	\$ 10,153.99	\$ 50,438.19	\$ 60,592.18	\$ 3,056.86	\$ 57,535.32
Administration	\$ 248.51	\$ 261.85	\$ 261.85	\$ 1,739.57	\$ 8,641.05	\$ 10,380.62	\$ 523.70	\$ 9,856.92
Drainage Facilities - Capital	\$ 378.88	\$ 399.22	\$ 399.22	\$ 2,652.16	\$ 13,174.26	\$ 15,826.42	\$ 798.44	\$ 15,027.98
Total	\$ 28,471.71	\$ 30,000.00	\$ 30,000.00	\$ 199,301.97	\$ 990,000.00	\$ 1,189,301.97	\$ 60,000.00	\$ 1,129,301.97

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

This condition has been imposed in accordance with Contributions Plan No. 12.

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

36. Erosion & Sediment Control Plan

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

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

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

37. Internal Pavement Structural Design Certification

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

38. Works in Existing Easement

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

39. Works on Adjoining Land

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

40. Engineering Works and Design

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

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

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

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

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

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

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

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Stone Mason Drive	Road Type: Collector Road with Cycleway (2L) DCP: Balmoral Road Release Area 3.5m/ 9.5m/ 4.5m (17.5m) Pavement Design: Collector (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider 4.5m verge must be located on the south western side of Stone Mason Drive correlating with the cycleway required at this location.

No treatment devices within drainage pits proposed on existing/future public roads will be permitted.

ii. Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Fairway Drive	Road Type: Enhanced Collector Road DCP Balmoral Road Release Area 4.5m/12m/3.5m (Total width 20m) Pavement Design: Collector Road (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

iii. Intersection – Stone Mason Drive and Fairway Drive

In accordance with Balmoral Road Release Area DCP, a roundabout is proposed at the intersection of Stone Mason Drive and Fairway Drive. The road designs must incorporate the roundabout and the required road widening.

Design and construction of this intersection will require construction of the pavement to be consistent with future roundabout construction.

iv. Driveway Requirements

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

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

The proposed internal road must be built to Council's heavy duty standard. The driveway must be **6m** wide at the boundary splayed to **8m** wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

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

v. Footpath Crossings

Footpath crossings must be provided to each of the proposed units directly accessing the Stone Mason Drive must be to the Council's standards.

vi. Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at the south eastern end of Stone Mason Drive.

Any earth works along the south-eastern edge of the Stone Mason Drive must be retained by separate structures constructed within the development site, and the retaining walls must be structurally designed masonry walls. Rock walls or earth batter will not be permitted.

The walls must be vertical, and the walls and the footings must be located within the site boundaries. Construction of such walls must be bonded for removal during the construction of Stone Mason Drive on the adjacent site(s).

vii. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

viii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Windsor Road footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided.

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

ix. Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the north-eastern side of Stone Mason Drive, south-eastern side of Fairway Drive in accordance with the DCP and the above documents.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided along Windsor Road fronting the site.

x. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the south-western side of Stone Mason Drive in accordance with the DCP and the above documents.

xi. Disused Layback/ Driveway Removal

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

Kerb and gutter proposed to the Windsor Road frontage must be designed to the NSW RMS requirements.

xii. Service Conduits

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

xiii. Stormwater Drainage – Temporary Works

Tail out drains over adjoining properties are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets.

xiv. Stormwater Drainage – Pipe Extension

Stormwater runoff from the subject site, as well as Stone Mason Drive, must be directed via proposed outlet structures within the easement created by this consent over downstream property Lot 15 DP 1200327. The design and construction must be to the requirements of Castle Hill Country Club Limited.

41. Site Stormwater Management

Stormwater management measures addressing both water quantity control and water quality treatment measures consisting of onsite stormwater detention, filter baskets, rainwater tanks and SPEL filter system are to be located generally in accordance with the plans and information submitted with the application.

The OSD system must ensure pre-development and post development discharge rates from the site are the same for all storms up to and including the 1 in 100 year design storm event as per the DCP.

The design of Water Sensitive Urban Design elements must ensure a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

The stormwater concept plans 140301 D01 – D05 Revision D dated 01/09/2015 along with the associated DRAINS model, MUSIC model and Stormwater Management report dated 14/10/2015 all prepared by Northern Beaches Consulting Engineers are for development application purposes only and are not to be used for construction. The detailed design must reflect the approved concept plan and ensure the following:

- a) All inlet pipes to the OSD tank must be directed to the larger portion of the tank referred to as two year OSD chamber.
- b) All the OSD chambers and the drainage pits must have mass concrete benching to the invert of the orifices and/ or the outlet pipes to achieve gravitational discharge (no sumps are permitted).
- c) Installation of all WSUD elements within the site drainage system, not within public drainage system.

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

- Complete design calculations;
- All model parameters (DRAINS and MUSIC), and data inputs and outputs.
- A maintenance schedule.

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

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

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

42. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

43. 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.

44. Draft Legal Documents

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

PRIOR TO WORK COMMENCING ON THE SITE

45. Principal Certifying Authority

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

46. 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.

47. Management of Building Sites – Builder's Details

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

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

48. Consultation with Service Authorities

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

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

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

49. 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.

50. Sydney Water building plan approval

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

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> , Sydney Water Tap in™, or telephone 13 20 92.

51. Erosion and Sedimentation Controls

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

52. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

53. Tree Protection Fencing

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

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

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

54. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

55. Mulching within Tree Protection Zone

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

56. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

57. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with "*Managing Urban Stormwater - Soils and Construction*" (*Blue Book*) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

58. Erosion & Sediment Control Plan Kept on Site

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

59. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

60. Discontinuation of Domestic Waste Service

Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner or site manager must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste. Please telephone Council on (02) 9843 0310 for the discontinuation of waste services.

61. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

62. 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.

63. 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.

64. 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.

65. 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.

DURING CONSTRUCTION

66. 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.

67. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 538392M_02 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

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

68. 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.

69. 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)*.

70. Contamination

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

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

71. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any septic tank collection well or aerated waste water treatment system is to be removed or reused in accordance with *NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS)* available from the NSW Health website (www.health.nsw.gov.au).

Note: Methods 1 & 5 (Demolition) are not permitted.

72. Stockpiles

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

73. Dust Control

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

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

74. Standard of Works

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

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

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

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

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

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

76. 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.

77. Final Acoustic Report

Prior to the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person. The report shall make reference to the Acoustic Report prepared by Far West Consulting Engineers referenced as 142855 dated 7 March 2014 to ensure compliance with the relevant sections.

Townhouses adjacent (parallel) to Windsor Road, Baulkham Hills (Townhouses numbered 1-11) are to comply with the State Environmental Planning Policy (Infrastructure) 2007 section 102 Impact of road noise or vibration on non-road development.

The acoustical compliance assessment is to be submitted to Council's Manager – Environment and Health for review and comment. Council's Manager – Environment and Health will provide advice as to whether the requirements are met before the occupation certificate is issued.

78. Internal Pavement Construction

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

79. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

80. Subdivision Certificate Application – Road Dedication and Road Widening

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

81. 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.

82. Works as Executed Plans

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

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

83. OSD System Certification

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

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

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

84. Pump System Certification

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

85. Water Sensitive Urban Design Certification

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

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

86. Confirmation of Pipe Locations

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

87. Stormwater CCTV Recording

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

88. Public Asset Creation Summary

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

89. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

90. 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.

91. Security Bond – Temporary Turning Head

A \$20,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

92. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/road widening have been dedicated in accordance with the undertaking submitted relating to dedication of Stone Mason Drive and dedication of road widening if required to accommodate the roundabout at the intersection of Stone Mason Drive and Fairway Drive.

93. Notice of Privately Issued Strata Certificate

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

94. Creation of Restrictions / Positive Covenants

Before an Occupation/ Subdivision Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site. The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

i. Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication Stone Mason Drive.

ii. Dedication – Road Widening

The proposed road widening fronting Windsor Road must be included on the final plan as a separate lot relating to dedication of road widening of Windsor in accordance with the requirements of Council and the RMS.

iii. Easement – Temporary Public Access

A temporary public access easement must be created within development site over the temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals.

iv. Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

v. Restriction – Restricted Access

The subject site must be burdened with a restriction precluding access to Windsor Road and Fairway Drive using the "restricted access" terms included in the standard recitals.

vi. Restriction – Rainwater Tanks

All residential units must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

vii. Restriction/ Positive Covenant – Onsite Stormwater Detention

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

viii. Restriction/ Positive Covenant – Water Sensitive Urban Design

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

ix. Positive Covenant – Stormwater Pump

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

x. Restriction – Bedroom Numbers

All lots that contain a new dwelling home/ attached dwelling must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

95. Provision of Electricity Services

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

THE USE OF THE SITE

96. Lighting

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

97. Servicing of Bins

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

98. Bin Presentation

Bins must be presented for collection in accordance with the Ground Floor Plan (drawing number DA03 amendment F), unless otherwise determined by Council.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager Dave Walker
Clr Dr M R Byrne Adjunct Professor

VOTING AGAINST THE MOTION

Nil

ITEM-3

DA NO. 399/2016/HA - DETACHED DUAL OCCUPANCY AND ASSOCIATED SUBDIVISION - LOT 410 DP 1200474 - 10 TALLAGANDA STREET, KELLYVILLE

A MOTION WAS MOVED BY GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR DR BYRNE ADJUNCT PROFESSOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

713 RESOLUTION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as Amended in Red)

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

The amendments in red include:

- No dwelling shall be constructed on the lot(s) without the construction of a rainwater tank with a minimum capacity of 3,000L. The rainwater tank must be provided with a potable water trickle top-up with a back flow prevention device

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

complying with the requirements of Sydney Water and be plumbed specifically for washing machine use.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DW 01	Site Analysis & Subdivision Plan	R09	30-11-15
DW 02	Roof Plan	R09	30-11-15
DW 03	Site Plan – Ground Floor	R09	30-11-15
DW 04	Site Plan – First Floor	R09	30-11-15
DW 05	Ground Floor Plan – Dwelling 1	R09	30-11-15
DW 06	First Floor Plan – Dwelling 1	R09	30-11-15
DW 07	Elevations – Dwelling 1	R09	30-11-15
DW 08	Elevations – Dwelling 1	R09	30-11-15
DW 09	Section & Details – Dwelling 1	R09	30-11-15
DW 10	Ground Floor Plan – Dwelling 2	R09	30-11-15
DW 11	First Floor Plan – Dwelling 2	R09	30-11-15
DW 12	Elevations – Dwelling 2	R09	30-11-15
DW 13	Elevations – Dwelling 2	R09	30-11-15
DW 14	Section & Details – Dwelling 2	R09	30-11-15
DW 15	Concept Stormwater Plan	R09	30-11-15
DW 16	Concept Landscape Plan	R09	30-11-15
DW 18	Colour Schedule – Dwelling 1	R09	30-11-15
DW 19	Colour Schedule – Dwelling 2	R09	30-11-15
DW 24	BASIX Commitments – Dwelling 1	R09	30-11-15
DW 25	BASIX Commitments – Dwelling 2	R09	30-11-15

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

2. Construction Certificate

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

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

4. Adherence to Waste Management Plan

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

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.

5. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

6. Commencement of Domestic Waste Service

The property 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.

7. Provision of Domestic Waste Storage Area

Sufficient space must be allocated onsite to store a minimum of three 240 litre mobile bins (for waste streams as determined by Council). Note two separate areas are required for dual occupancies. The location is required to ensure that the bins are not visible from any adjoining property or public place, are easily accessible by future occupants and allow the bins to be wheeled to the street over flat or ramped surfaces, grade not to exceed 1:14, and not over steps, kerbs, landscape edging or through a habitable area of the dwelling.

8. External Finishes

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

9. House Numbering

The responsibility for house numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire.

Approved numbering for this development is:

Proposed Dwelling 1	as per Landscaping plan (02/09/15)	10 Tallaganda Street
Proposed Dwelling 2	as per Landscaping plan (02/09/15)	31 Indalia Street

The street numbers as issued are to be clearly displayed at the entrance to the property.

10. Subdivision Certificate Pre-Lodgement Meeting/Check

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

11. Recycled Water

Each dwelling 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.

12. Bushfire Requirements - BAL 12.5 – Residential

i) Asset Protection Zone

At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

The Inner Protection Area shall comprise of the following:

- minimal fine fuel at ground level;
- vegetation that does not provide a continuous path to building/s for the transfer of fire;
- shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows;
- species that retain dead material or deposit excessive quantities of ground fuel are avoided;
- shrubs and trees are pruned or removed so they do not touch or overhang the building/s; and
- vegetation is located far enough away from the building/s so that plants will not ignite the building/s by direct flame contact or radiant heat emission.

ii) Water and Utilities

- a) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- b) Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1- 2005 '*Fire Hydrant Installations*'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 3,000 litre water supply shall be provided for firefighting purposes.

iii) Design and Construction

- a) New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush fire Protection".
- b) All proposed Class 10 buildings attached to or within 10 metres of the habitable building shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- c) Where fitted, leaf protection to stop the accumulation of debris to new roofing valleys and guttering shall be non-combustible.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

iv) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection* 2006. In this regard the following landscaping principles are to be incorporated into the development:

- Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
- Avoid species with rough fibrous bark or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Use of low flammability vegetation species.

13. Protection of Public Infrastructure

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

14. 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.

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

15. Rain Garden and Rainwater Reuse Tank (North Kellyville)

A rain garden and rainwater reuse tank is required to be constructed in accordance with the following documents and requirements:

- a) Council's Typical Rain Garden Plan and Details (Standard Drawing 44)
- b) Council's Rain Garden Installation Guide and Specifications

The area/ volume of the rain garden must comply with the restriction that appears on the title of the subject site.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

The rainwater reuse tank must be plumbed specifically for washing machine use. External use is also permitted however the recycled water system supplied by Sydney Water must be connected to all toilets for flushing purposes, and at least one external tap.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

16. Sydney Water Building Plan Approval

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

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

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

17. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

18. 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.

19. Water Sensitive Urban Design Elements - Rain Garden and Rainwater Reuse Tank (North Kellyville)

The construction certificate issued for this dwelling must include the rain garden and rainwater reuse tanks conditioned earlier in this consent.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

20. Section 94 Contribution – North Kellyville

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

Payments comprise of the following:-

	Purpose: Dual Occupancy	Purpose: Credit	No. of Dual Occs: 2	No. of Credits: 1	Total S94
Open Space - Land	\$ 13,908.38	\$ 13,908.38	\$ 27,816.76	\$ 13,908.38	\$ 13,908.38
Open Space - Capital	\$ 2,172.81	\$ 2,172.81	\$ 4,345.62	\$ 2,172.81	\$ 2,172.81
Transport Facilities - Land	\$ 1,099.30	\$ 1,099.30	\$ 2,198.60	\$ 1,099.30	\$ 1,099.30
Transport Facilities - Capital	\$ 8,183.67	\$ 8,183.67	\$ 16,367.34	\$ 8,183.67	\$ 8,183.67
Water Management - Land	\$ 2,035.76	\$ 2,035.76	\$ 4,071.52	\$ 2,035.76	\$ 2,035.76
Water Management - Capital	\$ 894.75	\$ 894.75	\$ 1,789.50	\$ 894.75	\$ 894.75
Community Facilities - Land	\$ 464.38	\$ 464.38	\$ 928.76	\$ 464.38	\$ 464.38
Community Facilities - Capital	\$ 1,131.33	\$ 1,131.33	\$ 2,262.66	\$ 1,131.33	\$ 1,131.33
Administration	\$ 109.62	\$ 109.62	\$ 219.24	\$ 109.62	\$ 109.62
Total	\$ 30,000.00	\$ 30,000.00	\$ 60,000.00	\$ 30,000.00	\$ 30,000.00

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

This condition has been imposed in accordance with Contributions Plan No. 13.

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

PRIOR TO WORK COMMENCING ON THE SITE

21. Principal Certifying Authority

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

22. 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.

23. 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.

24. 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.

25. Erosion and Sedimentation Controls

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

26. 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).

27. 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.

DURING CONSTRUCTION

28. 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.

29. Dust Control

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

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

30. 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 Certificates be complied with. Any subsequent version of the BASIX Certificate will supersede all previous versions of the certificate.

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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

31. 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.

32. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (i.e. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

33. 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.

34. 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.

35. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

36. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

37. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

38. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

39. Rain Garden/ Rainwater Tanks (North Kellyville)

An Occupation Certificate must not be issued prior to the completion of the rain garden and rainwater reuse tank required by this consent. A copy of the completed Construction Checklist (Appendix A) included with Council's Rain Garden Installation Guide and Specifications must be submitted to Council.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager Dave Walker
Clr Dr M R Byrne Adjunct Professor

VOTING AGAINST THE MOTION

Nil

ITEM-4

CODE OF CONDUCT - COMPLAINTS STATISTICS

A MOTION WAS MOVED BY GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR DR BYRNE ADJUNCT PROFESSOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

714 RESOLUTION

The report be received.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

ITEM-2

DA NO. 366/2016/HA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT UNDER THE PROVISIONS OF SEPP (AFFORDABLE RENTAL HOUSING) 2009 -LOTS B & 3A DP 419761 - 5 ANDERSON ROAD & 1 MARGARET STREET, NORTHMEAD

A MOTION WAS MOVED BY GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR DR BYRNE ADJUNCT PROFESSOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

715 RESOLUTION

The Development Application be refused on the following grounds:

1. The development is not considered satisfactory with regard to Clause 16A of SEPP (Affordable Rental Housing) 2009. It is not regarded as being compatible with the character of the local area given the proposed building height, excessive bulk and scale, excessive floor space ratio and dominance of the driveway.
(Section 79C(1)(a)(i),(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
2. The development is not considered satisfactory with regard to Clause 15 of SEPP (Affordable Rental Housing) 2009, which requires consideration of the Seniors Living Policy: Urban Design Guidelines for Infill Development. The proposal does not satisfy the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development in that it fails to respond to the context of the site through excessive building height, excessive driveway width on the Anderson Road frontage and inadequate setbacks.
(Section 79C(1)(a)(i),(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
3. The development does not comply with SEPP (Affordable Rental Housing) 2009, Clause 14(2)(a) as it does not provide sufficient car parking to comply with the SEPP. A minimum of 18 car parking spaces are required and 14 spaces are proposed.
(Section 79C(1)(a)(i),(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979).
4. The development does not satisfy objective (a) of The Hills Local Environmental Plan 2012, as it does not result in the orderly and sustainable development of The Hills. The proposal will result in the isolation of a corner allotment (No. 7 Anderson Road) and will compromise the orderly development of the locality. Further, the development will result in unreasonable impacts on No. 7 Anderson Road.
(Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979).

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 22 December 2015

5. The proposal does not comply with the requirements of Development Control Plan 2012 Part B Section 4- Multi-Dwelling Housing in relation to site configuration, setbacks and density. These non-compliances result in unsatisfactory impacts on adjoining properties, particularly No. 7 Anderson Road.
(Section 79C(a)(iii) of the Environmental Planning and Assessment Act, 1979).
6. The development is not in the public interest given the orderly development issues, impacts on surrounding properties and the issues raised in the submissions.
(Section 79C(a)(i), (d) and (e) of the Environmental Planning and Assessment Act, 1979).

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager Dave Walker
Clr Dr M R Byrne Adjunct Professor

VOTING AGAINST THE MOTION

Nil

The Minutes of the above Meeting were confirmed at the Delegated Authority Meeting held on 19 January 2016.

MAYOR

GENERAL MANAGER