

JRPP PLANNING REPORT

JRPP NO.:	2010SYW005
DA NO.:	993/2010/JP
APPLICANT:	Mulpha FKP Pty Ltd
PROPOSAL:	Proposed Amended Central Precinct within the Norwest Residential Town Centre
PROPERTY:	Lot 210 DP 1129196, 1-34/2-54 Central Park Avenue, Baulkham Hills
LODGEMENT DATE:	7 January 2010
REPORT BY:	Gavin Cherry – Development Assessment Coordinator The Hills Shire Council
RECOMMENDATION:	Approval

BACKGROUND

MANDATORY REQUIREMENTS

Applicant:	Mulpha FKP Pty Ltd (Norwest)	1.	<u>LEP 2005</u> – Permissible with Consent.
Owner:	Mulpha FKP Pty Ltd (Norwest)	2.	<u>SEPP (Major Development) 2005</u> – Satisfactory.
Zoning:	Residential 2(a), Special Uses 5(a) (Local Drainage) and	3.	<u>SEPP (Infrastructure) 2007</u> – Satisfactory.
Area:	10.46 hectares	4.	<u>BHDCP, Part E, Section 18 – Norwest Town Centre – Residential Development</u> – Variations, see report.
Existing Development:	Western Precinct: Constructed.	5.	<u>BHDCP, Part E, Section 15 – Kellyville / Rouse Hill</u> – Variation, see report.
	Central Precinct: Vacant Site	6.	<u>BHDCP, Part D, Section 1 – Parking</u> – Satisfactory.
	Eastern Precinct: Vacant Site	7.	<u>BHDCP, Part D, Section 3 – Landscaping</u> – Satisfactory.
Capital Investment Value:	\$35,000,000.00	8.	<u>Norwest Town Centre Master Plan</u> – Departures proposed.
		9.	<u>Section 79C (EP&A Act)</u> – Satisfactory.

		10.	Northwest Sub Region – Draft Sub Regional Strategy: Identified as a “Specialised Centre” and Satisfactory.
		11.	Section 94 Contribution Requirements (as per CP No. 8):- Stage 1: \$541,674.39 Stage 2: \$291,021.95 Stage 3: \$403,695.10 Stage 4: \$286,804.26 Stage 5: \$133,761.60 Stage 6: \$86,161.86

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, fourteen (14) days.	1.	Capital Investment Value in excess of \$10 Million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, fourteen (14) days.		
3. Number Advised:	Forty Seven (47).		
4. Submissions Received:	Two (2).		

HISTORY

A history of matters relevant to this application are outlined below:-

28/03/2006	Development Application 790/2006/HC for the Norwest Town Centre Master Plan approved at the Ordinary Meeting of Council.
13/08/2007	Development Application approved for the Western Residential Precinct, Norwest Town Centre (DA 2378/2006/HC).
20/12/2007	Development Application 33/2008/HA approved for Stage 1 works within the Norwest Town Centre - Central Residential Precinct. These works included the provision of an internal private road network, parking spaces and earthworks.
26/08/2008	Development Application 241/2008/HC approved for construction of the Norwest Town Centre – Central Residential Precinct.
06/01/2010	Norwest Urban Design Review Panel prelodgement meeting to discuss a proposed amended development scheme for the Norwest Town Centre – Central Residential Precinct.
07/01/2010	Subject Development Application lodged for the Norwest Town Centre – Central Residential Precinct.
15/02/2010	Letter sent to the applicant requesting additional and amended

	information concerning development design, DCP compliance, flood affectations, waste management requirements, safety and security requirements, acoustic requirements and strategic planning implications.
06/04/2010	Letter sent to the applicant requesting the submission of all information by 20 April 2010.
19/04/2010	Request from the applicant to extend the submission deadline until 30 April 2010. Advice provided to the applicant that the submission deadline was extended until 30 April 2010.
22/04/2010	Briefing held at Council's Administration Building at the request of the Joint Regional Planning Panel to discuss the status of the Development Application.
03/05/2010	Additional information submitted to Council for assessment.
04/05/2010	Additional information was referred to the NSW Office of Water and Sydney Water for consideration and comment.
17/05/2010	Additional information was referred to the NSW Police Force for consideration and comment.
28/05/2010	Correspondence from the NSW Office of Water referred to the applicant reiterating previous requests which have not been satisfactorily addressed.
02/07/2010	Letter sent to the applicant reiterating previous issues that have not been satisfactorily addressed. These issues included private open space calculations, common open space calculations, solar access calculations, built form presentation, swept turning overlays and flood modelling information.
21/07/2010	Meeting with the applicant undertaken to discuss all outstanding matters and request for resolution of all matters in accordance with the requirements of the Department of Planning / Joint Regional Planning Panel's correspondence dated 7 July 2010 (received by Council on 14 July 2010).
30/07/2010	Further amended plans submitted to Council. These plans did not include the amended Plans of Subdivision.
02/08/2010	Amended Plans of Subdivision submitted to Council.
10/08/2010	Amended Site Plan submitted to Council with the required lot boundary length overlay as requested by Sydney Water.
16/08/2010	Further amended landscape plans, engineering plans and plans of subdivision submitted to Council.
23/08/2010	Applicant requested to submit further amended strata plans and architectural plans to rectify identified inconsistencies.

27/08/2010	Amended plans submitted to Council.
01/09/2010	Further request for amended plans to rectify identified inconsistencies in floor area between the strata plans and development staging plan.
03/09/2010	Amended development staging plan submitted to Council.

PROPOSAL

The proposed development is for the construction of an amended Central Residential Precinct Development within the Norwest Residential Town Centre comprising thirty (32) integrated housing lots, fifty (54) attached town house dwellings and a centralised common open space area with swimming pool, gymnasium and barbecue facilities. All proposed dwellings contain four (4) bedrooms and separate study areas.

The proposal also includes the provision of an internal private road network and associated earthworks comprising 34 visitor car parking spaces off the internal road. A double garage is provided to all dwellings. The application also includes a street naming wall fronting the the intersection of Fairway Drive and Solent Circuit.

- Stage 1 of the proposal includes the creation of Dwellings 1 – 21 and 86 being 13 town houses and 9 integrated housing dwellings as well as the central neighbourhood park, associated community facilities and internal road network with perimeter car parking spaces.
- Stage 2 of the proposal includes the creation of Dwellings 22 – 36 being 5 integrated housing dwellings and 10 town houses.
- Stage 3 of the proposal includes the creation of Dwellings 37 – 57 being 10 integrated housing dwellings and 11 town houses.
- Stage 4 of the proposal includes the creation of Dwellings 58 – 72 being 6 integrated housing dwellings and 9 town houses.
- Stage 5 of the proposal includes the creation of Dwellings 73 – 79 being 7 town houses.
- Stage 6 of the proposal includes the creation of Dwellings 80 – 85 being 6 integrated housing dwellings.

The application also includes a community title subdivision being the following:-

- Stage 1 of the community title subdivision creates Lot 1 as community property (including the neighbourhood park, integral energy substation, community open space areas and road network), Lot 2 for future development as Development Stage 2, Lot 3 as future development as Development Stage 3, Lot 4 for future development as Development Stage 4, Lot 5 for future development as Development Stage 5 and Lot 6 for future development as Development Stage 6 and creation of Lots 7 – 28 for the residential works within Development Stage 1.
- Stage 2 of the community title subdivision seeks to subdivide Lot 2 to create lots 29 – 43 for the residential works within Development Stage 2.
- Stage 3 of the community title subdivision seeks to subdivide lot 3 to create lots 44 – 64 for the residential works within Development Stage 3.

- Stage 4 of the community title subdivision seeks to subdivide lot 4 to create lots 65 – 79 for the residential works within Development Stage 4.
- Stage 5 of the community title subdivision seeks to subdivide lot 5 to create lots 80 - 86 for the residential works within Development Stage 5.
- Stage 6 of the community title subdivision seeks to subdivide lot 56 to create lots 87 - 92 for the residential works within Development Stage 6.

The proposed Central Residential Precinct replaces a previously approved Central Residential Precinct under Development Consent 241/2008/HC and the associated earthworks and road construction approved under Development Consent 33/2008/HA. The proposed precinct forms the second stage of the town centre master plan with the western residential precinct approved and constructed and the eastern residential precinct which to date has not been lodged with Council for consideration.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (Major Development) 2005

Clause 13(1) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:-

“(1) This Part applies to the following development:

- (a) *development that has a capital investment value of more than \$10 million,*
- (b) *development for any of the following purposes if it has a capital investment value of more than \$5 million:*
 - (i) *affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*
- (c) *Crown development that has a capital investment value of more than \$5 million,*
- (d) *Development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*
- (e) *Designated development,*
- (f) *Subdivision of land into more than 250 lots.”*

The proposed development provides a capital investment value of \$35,000,000.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with Local Environmental Plan 2005

The proposal for town houses and integrated housing within the Residential 2(a) zone is permissible development pursuant to Baulkham Hills Local Environmental Plan 2005.

In addition the following relevant clauses within BHLEP 2005 have been considered and addressed below:-

"23 Development of flood liable land

- (1) *Consent must not be granted for development of land that, in the opinion of the consent authority, may be subject to flooding, unless the consent authority has taken into account the following aim of this plan:
to reduce the impact of flooding on owners and occupiers and to reduce private and public losses resulting from flooding, whilst ensuring the environment is conserved and protected.*
- (2) *Despite any other provision of this plan, development must not be carried out on land that is subject to the flood standard, except with development consent."*

Comment

The proposed works provide consistent building setbacks to those previously approved under the preceding master plan, with all flood liable land contained wholly within the recently rezoned Special Uses 5(a) Trunk Drainage land within the subject site. It is noted that Subdivision Application 491/2008/ZA/A was recently approved to realign the existing allotment boundaries and ensure all trunk drainage land is contained within one allotment.

"25 Protection of riparian land near creeks

- (1) *Consent must not be granted to the carrying out of development within 200 metres of a creek, unless the consent authority is satisfied that the development will not have a detrimental impact on natural ecosystems, flora and fauna, water quality, natural drainage channels, visual amenity, flooding, soil erosion or topographical features."*

Comment

The proposed works are not considered to have a detrimental impact on the natural environment or general amenity of the surrounding locality. The proposed works have been reviewed by the NSW Office of Water and Sydney Water and no objection was raised subject to compliance with general terms of approval granted by the NSW Office of Water.

3. Compliance with BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development

The proposed Development Application was assessed against the relevant development standards within BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development as demonstrated below:-

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
Density	Between 150 – 175 persons per hectare across the East, Central and West precincts being 513 persons within the Central	301 persons being 88 persons per hectare for the proposed Central Residential	Yes – while the master plan approval indicated the construction of

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	<p>Precinct.</p> <p>(Note the Master Plan approval indicates the construction of 518 dwellings across the entire town centre precinct acknowledging that the western and central precincts would provide a significantly smaller density than the eastern precinct)</p>	<p>Precinct. This calculation is associated within 86 dwellings.</p>	<p>358 dwellings within the eastern precinct to ensure compliance with the overall density requirements, only 164 dwellings are likely to be required to achieve the minimum density target across the entire town centre. As such the Eastern Residential Precinct will ensure the completed residential town centre will comply with the density requirements in the DCP.</p>
Building Type	Apartments, Town Houses and Integrated Housing	Town houses and integrated housing only	No – however the departure is considered supportable as an amended development scheme and density is proposed. Refer to detailed discussion within Section 3.1.1 below.
Built form	Comply with Appendix 2 (Figure 7) which details the location of towns, apartment building and integrated housing lots.	Proposal does not comply with Appendix 2, Figure 7.	No – however the departure is considered satisfactory as an amended development scheme and

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
			density is proposed. Refer to detailed discussion within Section 3.1.1 below.
Site Coverage	60% of site area Refer to Part E, Section 15 – Kellyville / Rouse Hill for Integrated Housing Controls	60% proposed being 20,518m ² / 20,518.4m ²	Yes
Unit Size	1 bed – 75m ² 2 bed – 110m ² 3 bed – 135m ² 4 bed – 145m ²	All dwellings comply with the minimum requirements.	Yes
Setbacks	Setbacks to Solent Circuit, wetland basin and Fairway Drive should compliment the Norwest Business Park setting. Townhouse and integrated housing setbacks should ensure adequate provision for landscaping, parking and private open space area. Front, side and rear setbacks are to be in accordance with the individual dwelling type requirements within the DCP.	Setbacks compliment existing setting. Adequate provision provided. Setbacks proposed provide a variation to the DCP requirements	Yes Yes No – however the variations are considered satisfactory as an amended development scheme and density is proposed. Refer to detailed discussion within Section 3.1.2 below.
Building Height	Max RL 116 Max storeys as per Appendix 2 (Figure 8)	< RL 116 proposed 2 storey proposed.	Yes Yes

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	Basement parking not permitted > 1.0m above NGL	No basement parking proposed.	N/A
Landscape Area	40% across the precinct	40%	Yes
Private Open Space	<p>Private Open Space is to be located off the main living areas and designed for outdoor furniture and the like with perimeter landscaping and a designed clothes line area.</p> <p>Town Houses: 50m² with one part being a minimum 24m² with a minimum 4.0 metre dimension. If balconies are proposed as usable private open space area, the minimum area is to be 10m² with a depth of 2.4 metres located directly off the living area.</p> <p>Integrated Housing: 20% of lot area and minimum dimension of 2 metres. One part min 24m² with min 4.0 metres dimension directly off living area.</p>	<p>Private open space areas are satisfactorily located off primary living areas.</p> <p>46m² associated with 10 town house dwellings within Stages 4 and 5. All other town houses comply.</p> <p>All integrated housing allotments comply.</p>	<p>Yes</p> <p>No – the proposed deficit of 4m² is considered satisfactory as the applicant has attempted to increase the density across the development to meet the DCP targets for the entire precinct. Refer to detailed discussion within Section 3.1.4 below.</p>
Common Open Space	<p>Comply with Appendix 2 (Figure 9) being the location of designated common open space areas.</p> <p>Total Required: 5,640m² between part of the wetland park and all of the central precinct neighbourhood park.</p>	5,030m ² between the neighbourhood park and areas north and east of Avenue D.	No – however the deficit of 610m ² will be rectified following the development of the eastern precinct and rehabilitation of the central wetland park. Refer to detailed discussion within Section 3.1.3 below.
Parking	<p>Below or above ground in garage formation.</p> <p>Visitor parking to be easily</p>	<p>Garage formation proposed.</p> <p>Identifiable and</p>	<p>Yes</p> <p>Yes</p>

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	<p>accessible and identifiable.</p> <p>Provision for service vehicles.</p> <p>1 bed: 1 space 2 or more bed: 2 spaces Visitor: 2 per 5 dwellings</p> <p>Visitor parking is permitted within driveway between garage and street (Clause 3.3.2(f) or in designated bays.</p>	<p>accessible.</p> <p>The road design is capable of accommodating service vehicles.</p> <p>Compliant car parking has been provided.</p> <p>Compliant visitor car parking has been provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Adaptable Housing	No requirements for Town Houses or Integrated Housing – Only Apartment Buildings.	N/A	N/A
Site Facilities	<p>Storage: 10m³ per Town House and Integrated Housing lot with min base of 5m² and width of 2m.</p> <p>Laundry: provided for each dwelling with collapsible clothes line.</p> <p>Waste Storage Cupboard in kitchen for all dwellings or waste storage bays.</p>	<p>Non compliant storage areas proposed.</p> <p>Laundry proposed in each dwelling. Clothes line to be conditioned.</p> <p>WSC to be conditioned.</p>	<p>No – However it is not considered that designated storage areas are required given the nature of the development and the internal configuration which can accommodate storage inside the dwellings. Refer to detailed discussion within Section 3.1.6 below.</p> <p>Yes – subject to the imposition of conditions of consent.</p> <p>Yes – subject to the imposition of</p>

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	<p>Mail boxes: incorporated into front fences, landscape areas or building entry design. Close to pedestrian entrance and confirmed with Aust Post.</p> <p>Air Quality: Wood Heaters not permitted.</p>	<p>To be conditioned.</p> <p>No wood fires indicated on the plans.</p>	<p>conditions of consent.</p> <p>Yes – subject to the imposition of conditions of consent.</p> <p>Yes</p>
Basix	Basix Certificate and Targets to be complied with and reflected on plans where required.	Basix Certificate requirements reflected on the plans and will be conditioned.	Yes - subject to the imposition of conditions of consent.
Fencing	<p><u>Front Fencing</u></p> <p>Front boundaries to be defined by hedges, plant massings and or fencing.</p> <p>Dwellings fronting Solent Circuit and internal roads shall have vertical fencing elements of between 1 – 1.5 metres</p> <p>Natural stone or masonry piers with a rendered or bag washed / painted finish. Piers and base as solid elements to comprise < 40% of the fence.</p> <p><u>Side Fencing</u></p> <p>Lapped and Capped timber at 1.8m or 1.5m lapped and capped with 300mm lattice screen.</p> <p>Fencing to taper down to front fencing heights and is to have natural or stain finish.</p> <p><u>Rear Fencing</u></p> <p>Lapped and Capped timber at 1.8m or 1.5m lap and</p>	<p>Front boundaries landscaped where possible.</p> <p>Vertical fencing elements and landscaping proposed.</p> <p>No masonry fencing proposed.</p> <p>Lapped and capped proposed with compliant heights.</p> <p>Lapped and capped proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	cap with 300mm lattice screen OR timber palisade to 1.5m. Fencing to have natural or stain finish.	with compliant heights.	
Access, Safety and Security	Stairs and Ramps to have reasonable gradients (AS 1428.1 – 1998). Use ramps instead of stairs to entrances and eliminate changes in ground levels. Address provision of Safer by Design 2002.	Dwelling entries at ground level with minimal steps. Ramping proposed within the Common Open Space areas.	Yes
Solar Access	Living areas orientated north where possible. Double glazing, high performance glass or heavy weight curtains where winter sun is not optimum. Windows to living areas and bedrooms to have horizontal overhang, shading device or other element. Common Open Space: 4 hrs between 9am and 3pm. POS: 80% of dwellings to have sun to 50% of POS area for 2 hours between 9am and 3pm.	Orientation entrenched by approved master plan street layout. Basix Requirements. Overhang elements proposed. Ample area for compliant solar access. 13 dwellings between Stages 3 and 4 do not provide sufficient solar access.	Yes Yes Yes Yes No – however the proposed variation results from the orientation of the parent allotment and required road configuration which results in some allotments requiring private open space areas to the south of the dwelling.

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
Visual Acoustic Privacy	<p>Minimise views into living areas.</p> <p>Consider location of noise sources and nominate locations of air conditioning units.</p> <p>A/C's minimum 3 metres from boundary and not exceed 5Db(a) above background noise.</p>	<p>Views minimised.</p> <p>Air conditioners are required to be setback 3m from the rear boundary.</p>	<p>Yes</p> <p>Yes – to be conditioned.</p>
Public Roads	Fairway Drive to be designed and constructed as per DCP.	Works as part of West Precinct already approved and constructed.	Yes
Geotech	Geotechnical certification required to be submitted.	Geotechnical Assessment undertaken at the Master Plan and preceding DA stage. No further consideration required as the proposal includes significantly less excavation than previous schemes.	Yes
Pedestrian Linkages and Cycle ways	Comply with Appendix 5 (Figure 17).	Yes – although pedestrian connection into Balmoral Road Release area through the trunk drainage land is not considered ideal – but is achievable with the amended scheme.	Yes

MINIMUM BUILDING SETBACKS FOR TOWNHOUSES

CONTROL	PERMISSIBLE	PROPOSAL	COMPLIANCE
Solent Circuit	4.5 metres	Town House 84 (corner of dwelling) and Town House 15 (corner of	No – however the variation is considered supportable having regard

CONTROL	PERMISSIBLE	PROPOSAL	COMPLIANCE
		dwelling) which are a minimum 4.4m on the ground floor and 3.2m on the first floor.	to the scale of the development, the proposed landscape treatments and curved alignment of the road and property boundary.
Fairway Drive	4.5 metres	Min 5.25m (balcony)	Yes
Access Street	4.5 metres	5.5m	Yes
Garage to primary Street	5.5 metres	5.5m	Yes
Side boundary (intermediate lot)	0.0 metres	Nil	Yes
Side boundary (end lot)	1.0 metre	Nil	No – however the variation is considered supportable having regard to the scale of the development, and the proposed landscape treatments.
Side boundary (corner lot)	3.0 metres	Nil	No – however the variation is considered supportable having regard to the scale of the development, and the proposed landscape treatments.
Rear Boundary	3.0 metres	Min 2.5 metres for Town House 67 and 79	No – however the variation is considered supportable having regard to the alignment of the internal

CONTROL	PERMISSIBLE	PROPOSAL	COMPLIANCE
			property boundaries and considered of amenity and privacy concerns.

MINIMUM BUILDING SETBACKS FOR THE INTEGRATED HOUSING (SMALL LOTS)

CONTROL	PERMISSIBLE	PROPOSAL	COMPLIANCE
Northern Site Boundary	3.0 metres	Minimum 2.8m	No – however the variation is considered supportable.
Fairway Drive	4.5 metres	5.5m	Yes
Access Street	4.5 metres	5.5m	Yes
Garage to Primary Street	5.5 metres	5.5m	Yes
Side	0.9 metres however garage and laundry can provide a nil setback.	Various non compliances identified as the nil setback is not restricted to garage and laundry facilities.	No – however the variation is considered supportable as the design is consistent with the existing approved master plan for the integrated housing allotments adjacent to the northern boundary.

3.1 Variations to Development Control Plan

Clause 3.3 of BHDGP Part E, Section 18 – Norwest Town Centre – Residential Development provides detailed development standards and objectives for residential development within the Central Residential Precinct. These standards rely upon a proposed mixed density development comprising four (4) apartment buildings, town houses and integrated housing allotments. The Development Application however seeks to vary the built form envisaged within the DCP by deleting apartment buildings from the proposal and by providing a mix of town houses and integrated housing lots. While the integrated housing allotments adjacent to the northern property boundary are substantially consistent with the DCP and preceding approvals, the remainder of the site provides an altered density yield, road pattern, common open space provision and amended car parking locations.

As a result the proposal is incapable of complying with the following development standards within the DCP and as such requires merit assessment:-

- Building Type and Desired Future Character
- Built Form (Appendix 2, Figure 7 of the DCP)
- Setback Requirements
- Common Open Space Area Requirements
- Private Open Space Area Requirements
- Solar Access Requirements
- Designate Storage Areas

BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development also requires the provision of 150 - 175 persons per hectare across the Norwest Residential Town Centre being the western, central and eastern residential precincts. The proposed development proposes a reduced density across the Central Residential Precinct from that previously approved within the preceding development consent issued. The reduction proposed is from 518 dwellings to 479 dwellings across the entire town centre precinct with a density of 88 persons per hectare proposed for the Central Residential Precinct as opposed to the 99 persons per hectare proposed in the preceding approval being Development Consent 241/2008/HC. As a result the applicant was requested to demonstrate how the development of the eastern residential precinct can ensure compliance with the DCP requirements across the entire town centre as the eastern precinct will likely be required to provide a built form scale which is more consistent with the proceeding master plan (than the current application) to achieve the density targets.

In response the applicant advised that while the master plan approval indicated the construction of 358 dwellings, only 164 dwellings are likely to be required to achieve the minimum density target across the town centre precincts predicated on a bedroom breakdown similar to that currently proposed. As such the Eastern Residential Precinct will ensure the completed residential town centre will comply with the minimum density requirements in the DCP. As a result the proposed amended density within the central residential precinct is considered satisfactory with the DCP subject to the construction and compliance of the eastern residential precinct.

Each of the resulting proposed variations to the DCP however are addressed in greater detail below:-

3.1.1 Building Type, Future Character and Built Form Requirements

The amended character of the development is considered supportable despite the exclusion of apartment buildings from the proposal as the development maintains general compliance with the desired layout reflected within the DCP. The proposed built form outcome has given extensive consideration to internal landscape treatments and amenity, through the provision of a central communal gym, swimming pool and barbecue facilities and quality external colours and finishes. The resulting outcome provides an attractive residential precinct, catering for the needs of the future residents whilst maintaining consistent landscaping treatments and external finishes as evident within the remainder of the Norwest Business Park.

As a result the proposed variations to BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development concerning the desired future character, built form outcomes and building types are considered satisfactory and supportable.

3.1.2 Setback Requirements

The proposal provides the following setback departures:-

- Town Houses 15 and 84 and Integrated Housing Lots 84 and 85 provide minor variations to the setback to Solent Circuit being a variation of 100mm at the ground floor and 1.3 metres at the first floor. These variations result from the curved alignment of Solent Circuit and are not considered to provide an unsympathetic or inconsistent setback pattern or streetscape presentation along the remainder of the road. As a result the resulting variations are considered supportable.
- Town Houses 67 and 79 provide minor variations to the rear setback requirements being a variation of 1.0 metre and 0.5 metres respectively. These variations result from the curved alignment of the rear property boundaries and are not considered to provide adverse amenity impacts for the adjacent proposed dwellings. As a result the resulting variations are considered supportable.
- Various end lot and corner lot dwellings have adopted minimum nil side setbacks rather than the required 1.0 metre and 3.0 metres stipulated within the DCP. The proposal seeks to rely upon embellished streetscape / nature strip landscaping within common property rather than providing designated screen landscaping within each respective allotment. The provision of landscaping within the common property, under the control of the body corporate is considered a satisfactory design outcome to ensure a consistent and maintained landscape treatment throughout the central residential precinct. As a result the resulting variations are considered supportable.
- Various integrated housing allotments have provided non compliant rear setbacks due to the provision of balconies. Many provide compliant setbacks when assessed on merit against the town house setback requirements of 3.0 metres however some dwellings propose a 200mm variation. The reduced scale of the development and the proposed landscaping and privacy treatments are considered to ameliorate potential amenity loss between these dwellings. As a result the resulting variations are considered supportable.
- The majority of integrated housing allotments provide a variation to the nil setback requirements and internal configuration of the units. While the DCP limits the nil setback locations to garage and laundry components, the proposed unit configurations provide no windows or the like along the nil setback zone and ensure a consistent built form outcome with that envisaged within the approved Master Plan.

As a result the proposed setback variations to BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development are considered satisfactory and supportable.

3.1.3 Common Open Space Requirements

BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development requires the provision of common open space in accordance with the DCP mapping. This results in the provision of a neighbourhood park and utilisation of part of the wetland park (between the Central and Eastern Residential Precincts) as common open space. The total area required as per the DCP is 5,640m² between part of the wetland park and all of the central precinct neighbourhood park. The total proposed with the current Development Application is 5,030m² between the neighbourhood park and areas north and east of Avenue D.

The proposed development provides an enlarged neighbourhood park from that depicted within the DCP but does not seek to develop or include the wetland park within the

current Development Application. In this regard the proposal provides a deficit of 610m² of common open space area from that depicted within the DCP for the Central Residential Precinct.

The proposed deficit is considered satisfactory as the provision of the enlarged neighbourhood park is centrally located within the Central Residential Precinct and provides satisfactory community facilities by way of a swimming pool, barbecue and covered congregation area. Given the development density is less than that envisaged within the DCP, the resulting deficit of common open space area is considered satisfactory to cater for the needs of the reduced dwelling yield. It is also noted that the wetland park will be developed in conjunction with the eastern precinct (or separately lodged) which will ensure compliance with the DCP common open space provisions at that time.

As a result the proposed temporary common open space deficit is considered satisfactory with respect to the DCP and is considered supportable.

3.1.4 Private Open Space Provision

BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development requires the provision of the following private open space areas:-

- **Town Houses**: 50m² with one part being a minimum 24m² with a minimum 4.0 metre dimension. If balconies are proposed as usable private open space area, the minimum area is to be 10m² with a depth of 2.4 metres located directly off the living area.
- **Integrated Housing**: 20% of lot area and minimum dimension of 2 metres. One part min 24m² with min 4.0 metres dimension directly off living area.

While the integrated housing allotments comply with the above requirements, 10 town house dwellings within Stages 4 and 5 provide only 46m² being a deficit of 4m². The non compliant dwellings are Lots 64 – 66, 68 – 71, 74, 75 and 78. These properties are identified in green below.



The proposed variation associated with the above lots results in part from the angled alignment of the two roads being Avenue C and Avenue D and the need to provide the

largest density possible to adhere to the intent of the DCP. The proposed dwellings provide satisfactory separation between the external walls of the dwellings with sufficient private open space area and locations to meet the recreational needs of future residents and protect residential amenity between the dwellings. It is also noted that the minor variation is in part offset by the enlarged neighbourhood park in the centre of the development which is in close to proximity to these dwellings providing further opportunities for recreational activities. The resulting 4m² variation for these allotments is therefore considered satisfactory and supportable.

3.1.5 Solar Access Requirements

BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development requires the following solar access provision for private open space areas:-

- 80% of dwellings are to have sufficient solar access to 50% of private open space area for a minimum of 2 hours between 9.00am and 3.00pm.

The proposed development provides 13 dwellings between Stages 3 and 4 which do not provide sufficient solar access. These dwellings are Lots 47, 48, 50, 52 – 56 and 58 – 62 and are identified in red on the diagram contained within Section 3.1.4 of this report.

The resulting proposed solar access for these allotments between 9.00am and 3.00pm is as follows:-

ALLOTMENT	9 AM	10 AM	11 AM	12 NOON	1 PM	2 PM	3PM
47	0%	0%	4%	8%	10%	10%	50%
48	24%	12%	0%	2%	0%	0%	26%
50	20%	0%	0%	12%	12%	12%	0%
52	8%	4%	0%	6%	10%	10%	0%
53	0%	6%	12%	0%	0%	0%	0%
54	4%	4%	0%	0%	0%	0%	0%
55	0%	6%	12%	0%	0%	0%	0%
56	18%	6%	0%	0%	0%	0%	0%
58	0%	0%	0%	0%	0%	0%	0%
59	0%	0%	0%	0%	0%	0%	0%
60	0%	0%	0%	0%	0%	0%	0%
61	0%	0%	0%	0%	0%	0%	0%
62	0%	0%	0%	9.5%	7.5%	7.5%	0%

The non compliant allotments all result from the existing orientation of the parent allotment and the required location of Avenue B. The resulting subdivision pattern renders these allotments with private open space areas immediately south of the residential dwellings thereby creating the above solar access variations.

While it is noted that many of the units receive nil solar access between 9.00am and 3.00pm, the resulting variations are considered satisfactory in this instance as the dwellings are immediately located next to the central neighbourhood park and as such access to an open space area with adequate solar access for recreational activities is provided within the common open space area of the neighbourhood park.

It is also noted that these allotments and their general locations were approved within the preceding Master Plan, adoption of the Development Control Plan and preceding Development Consent for the Central Residential Precinct under Development Application 241/2008/HC. The proposal whilst providing additional dwelling allotments in this location, provides the same orientation and resulting solar access deficit from that

previously proposed, considered and approved. As a result the proposed variation and associated orientation of the private open space areas is considered consistent with preceding approvals on this property.

As a result the resulting solar access variation associated with these thirteen (13) residential allotments is therefore considered satisfactory and supportable.

3.1.6 Storage Area Requirements

BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development requires the designated allocation of 10m³ per Town House and Integrated Housing lot with a minimum base area of 5m² and width of 2 metres. The proposed development does not provide separate designated storage areas as the dwellings are all four (4) bedroom with separate study areas which can be used to accommodate storage requirements. The dwellings are only two storey in height and are not like an apartment building development which requires designated storage areas within the communal car parking area due to access restrictions to upper floor units.

Given the internal gross floor area of all units exceeds the minimum gross floor area requirements within the DCP, it is considered that sufficient storage allocation can be accommodated within the dwellings without a separate designated area being denoted on the plans.

As such the resulting storage area variation is therefore considered satisfactory and supportable.

4. Compliance with BHDCP Part E, Section 15 – Kellyville / Rouse Hill

The proposed integrated housing component of the Development Application was assessed against the relevant development standards within BHDCP Part E, Section 15 – Kellyville / Rouse Hill (pursuant to the requirements of Baulkham Hills Development Control Plan, Part E, Section 18 – Norwest Town Centre) as detailed below:-

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
Building Design	Façade to be articulated to include 2 of the following:- <ul style="list-style-type: none"> • non enclosed verandah of at least 40% dwelling width • entry feature or porch • awnings or similar over windows • balcony or window box to first floor • recesses or projections • elements over garage door 	Awnings or sun shade elements over windows. Recesses and projections adopted. Balcony elements over garage doors.	Yes
Zero Lot Housing	Permitted for one boundary for north – south allotments No windows along zero lot	Proposed for one boundary. No windows	Yes Yes – subject

DCP STANDARD	PERMISSIBLE	PROPOSED	COMPLIANCE
	boundary and no visible downpipes Length of zero lot line is 10 max metres. Easements for maintenance to be provided – 1.0 metre wide.	proposed. Down pipes to be conditioned. Minimum 15 metres – but consistent with the approved master plan. the imposition of necessary easements for access and maintenance will be included within the community title subdivision component of the application and has been addressed by way of conditions of consent.	to conditions No Yes
Building Height	7.2 metres For corner lots, 3 storey dwellings may be considered at the street corner.	6.0 – 6.5 metres.	Yes
Streetscape	Consider streetscape presentation.	Considered	Yes

As detailed within Section 3.1 of this status report, the majority of integrated housing allotments provide variation to the nil setback requirements and internal configuration of the units detailed within BHDCP Part E, Section 18 – Norwest Town Centre – Residential Development. While the DCP limits the nil setback locations to garage and laundry components, the proposed configurations provide no windows or the like along the nil setback zone and ensure a consistent built form outcome with that envisaged within the approved Master Plan. The allotments also provides variation to the nil setback length requirements contained within BHDCP Part E, Section 15 – Kellyville / Rouse Hill. While this DCP provides different numerical standards than Part E, Section 18, the nil setback length requirements are required to adhere to the development standards within Part E, Section 15.

The proposed development provides a 15 metre nil setback length for each integrated housing allotment rather than the required 10 metre setback length. The extent of the length however was envisaged within the approved Master Plan and was reflected within the resulting built form design outcomes detailed within the DCP. As the resulting outcome provides an attractive residential precinct, maintaining consistent landscaping treatments and external finishes as evident within the remainder of the Norwest Business Park, the proposed variation to the DCP is considered supportable.

5. Compliance with Section 79C of the EP & A Act 1979

The proposal has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979 as follows:-

(a) (i) Any environmental planning instrument

Satisfactory as detailed within Sections 1 - 4 of this report above.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

Not Applicable – there is no draft planning instrument applicable to the proposed development.

(iii) any development control plan, and

Satisfactory as detailed within Sections 3 - 4 of this report above.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Not Applicable – there is no planning agreement applicable to the proposed development.

(iv) any matters prescribed by the regulations,

Satisfactory.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Satisfactory – The proposed works are not considered to provide an adverse impact on the natural and built environment. The proposed engineering works and landscaping adjacent to the existing water course have been reviewed by Sydney Water, the NSW Office of Water and Council's Engineering Section and are considered to be satisfactory.

(c) the suitability of the site for the development,

Satisfactory – The proposed development provides works which respond to the existing natural features of the site without adverse impact on the existing water course or neighbouring properties.

(d) any submissions made in accordance with this Act or the regulations,

Satisfactory - The issues raised within the received submissions are addressed below within Item 6 of this report.

(e) the public interest.

Satisfactory – The proposed development is not considered to provide unsatisfactory social or environmental impacts within the locality.

6. Issues Raised in Submissions

The Development Application was placed on public notification for a period of fourteen (14) days. Two (2) submissions were received during the notification period. One (1) submission from a resident within the western residential precinct and one (1) submission was from a commercial development. While the issues raised are not considered to warrant refusal or amendment of the Development Application, the issues have been addressed within the table below:-

ISSUE	RESPONSE	OUTCOME
We are strongly opposed to gym, pool and spa facilities due to the high cost of maintenance and upkeep. It would require constant monitoring as it would attract unsociable activity. It would also mean an increase to our community levies and we will not be using this facility.	The facilities are provided for the use of residents within the Central Residential Precinct. The levies associated with any strata and community title subdivision and maintenance of the facilities are the responsibility of the body corporate. Any impacts on the existing levies associated with the Western Residential Precinct are not considered sufficient to preclude their construction as these facilities are required to be provided to meet the recreational requirements of the DCP. The facility is secured by gates and fencing and is not considered to be an attraction for anti social activity.	Issue addressed.
Construction access should be to and from Solent Circuit to avoid an impact on existing residents in Fairway Drive and Peninsula Way.	It is not considered satisfactory to restrict construction access solely to Solent Circuit as vehicular egress and ingress points onto Fairway Drive are required to be constructed. A Traffic Management Plan will be required to be prepared to ensure any disruption to existing residents is appropriately managed and minimised. It is noted that there is no construction requirements or restrictions contained within the Development Control Plan.	Issue addressed.
The current parking allocations for residents and visitors are totally	The central residential precinct provides compliant car parking provision in	Issue addressed.

inadequate in Peninsula Way. The developer has failed to address this problem by appropriately marking the visitor parking spots. As a result a number of residents are illegally parking in visitor car spots or having to leave their cars on Fairway drive.	accordance with the requirements of the DCP with on street visitor parking within Central Park Avenue and informal driveway parking provided for visitors to the town house and integrated housing lots. The parking of resident vehicles within visitor parking spaces is the responsibility of the body corporate to regulate and enforce.	
We are aware of future plans to improve traffic flow but Council and the Developer need to fast track these plans before any future development both residential and commercial is allowed to proceed as there is already an existing traffic problem which deters tenants within the Business Park.	The proposed development is a reduction in density and traffic generation from that previously approved. The Fairway Drive connection to the Balmoral Road Release Area has been recently opened with provision for Traffic Lights associated with the eastern residential precinct. The RTA and Council are also investigating signalisation of Lexington Drive / Norwest Boulevard / Elizabeth Macarthur Drive and other road widening measures to improve precinct traffic movements as a whole.	Issue addressed.

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposed development and associated subdivision subject to conditions of consent.

TRAFFIC MANAGEMENT COMMENTS

Existing Traffic Environment

The proposed development has frontage along a major collector road being Solent Circuit. This residential precinct also has frontage along the new extension of Fairway Drive. This road opened to through traffic in February 2010 and is now performing as a major collector road in the network. Traffic volumes have not yet settled in Fairway Drive, but it is likely to achieve daily volumes of approximately 10,000 by 2013.

Solent Circuit provides access to a substantial area of commercial development in the Norwest Business Park and supports a morning peak hour volume of approximately 800 vehicles. As Solent Circuit is primarily an access for the commercial area, the concept of Environmental Capacity (EC) would generally not apply. However, there will be limited residential development in accordance with the Master plan for the Business Park, and the EC should therefore be considered as part of the analysis.

Each end of Solent Circuit connects with Norwest Boulevard, with the eastern junction (T intersection) performing at service level C during peak travelling periods. The western junction (roundabout) currently performs at service level C during the morning peak, and improves to B in the evening peak. Norwest Boulevard is now a State Route under the control of the RTA (15 January 2010) with daily traffic volumes exceeding 20,000 and all proposed access controls along its full length are now the responsibility of the Authority.

Proposed Development – Traffic Generation

The proposed central residential precinct will generate about 90 vehicle trips in the peak travelling period. When combined with existing volumes in Solent Circuit there will be no noticeable drop in the level of service of nearby intersections. However, it must be noted that the cumulative impact of this development, together with the future traffic generated from developments in the Balmoral Release Area (connected to Solent Circuit via the extension of Fairway Drive), will impact on intersections in the immediate vicinity of the site. Additional traffic will also be generated by future commercial and residential developments along Solent Circuit.

The DCP for the Balmoral Release Area included a new roundabout at the intersection of Solent Circuit and Fairway Drive, which was built in 2008 and is now functioning at level of service A. The DCP also includes replacement of the existing major roundabout at the western intersection of Solent Circuit and Norwest Boulevard with new traffic signals. This new intersection control will be 75% funded by the relevant Contributions Plan with the remaining 25% to be sourced from the RTA.

Cumulative Impact in Locality

The cumulative impact of all traffic generated by the Norwest Land Residential Precinct will be approximately 200 vehicle trips in the peak hour. This will ultimately result in total volumes of 600 and 1200 vehicles, in Fairway Drive and Solent Circuit, respectively. The environmental capacity of Fairway Drive will be 650 vehicles and the nominal environmental capacity of Solent Circuit will be 1100 vehicles. This latter environmental capacity result in Solent Circuit will be accepted because the function of the road is primarily access for commercial development. In simple terms, the future residents living in the area would expect the road to be busier than a normal residential collector road because of its role in the Business Park.

Need for Traffic Improvements in the Locality

Norwest Land has completed construction of the roundabout at the intersection of Fairway Drive and Solent Circuit in conjunction with the development of western residential precinct. The construction was about 5 years in advance of the projected works program resulting from the Balmoral Release Area development. Norwest Land forward funded this construction with an expectation of being reimbursed with 75% of the costs from the Contributions Plan for the Balmoral Area. An agreement has been negotiated with the applicant in this regard. The benefits from this advance construction was:

- Norwest Land was responsible for the outstanding 25% of the cost of the roundabout which would otherwise require funding from Council reserves.
- The roundabout has now been constructed at a competitive price without the significant disruption to traffic that would have occurred during construction.

The intersection of Norwest Boulevard and Solent Circuit west (roundabout) has significant delays in the morning peak. As stated above, the Balmoral Release Area

Contribution Plan will fund 75% of the cost to replace the existing roundabout with traffic signals. The total project cost is likely to exceed \$5 million and may require the acquisition of adjacent private land to accommodate new through lanes and turning facilities. The Norwest Land Central Residential Precinct will not significantly affect this intersection and it would therefore not be appropriate to seek improvement works as part of this residential development.

However, Council officers are negotiating with several of the land owners in the Solent Circuit area for substantial contributions to this future work where it can be shown that the traffic generated by the existing business has a significant impact on the intersection performance.

The analysis of traffic along Norwest Boulevard shows that many intersections are already experiencing increased delays as a result of commercial development in the Business Park. The Traffic Master Plan for Norwest Business Park prepared by Gennaoui Consulting Pty Ltd (April 2003) recommended the provision of traffic signals at the intersection of Norwest Boulevard with the eastern arm of Solent Circuit together with the introduction of the right turn movement into Norwest Boulevard.

The traffic report for this Development Application assumes that the intersection of Norwest Boulevard / Solent Circuit (east) would ultimately be signalised as a four way intersection with a new access into the Deutsche Bank Development site. The RTA have approved the provision of traffic signals at this intersection.

However, the warrant for the provision of these traffic signals will not be met until the entire Norwest Residential precinct is completed. The development conditions of consent should therefore state that traffic signals will need to be completed as part of the final stage of the Norwest Residential development and shown on the Masterplan. Council has commenced a design for these signals and we will arrange the necessary RTA approval for the signals.

Although the subject development contributes to a minor decrease in performance levels at multiple intersections, there are many other significant developments that will also contribute to delays in the near future. In lieu of payments through a contributions plan the developer should fully fund the provision of the traffic signals at Norwest Boulevard / Solent Circuit (east). This would be considered as an acceptable alternative to partially contributing to all works along Norwest Boulevard.

Access to the Arterial Road Network

The intersection of Norwest Boulevard with both Windsor Road and Old Windsor Road have been upgraded in the last 7 years. Further upgrade work is now planned for both intersections with respective costs of approximately \$750,000 and \$14 million at either end. These costs are the subject of further negotiations with the RTA, Ministry of Transport, and several major development corporations in the Business Park. However, as previously mentioned, the Central Residential Precinct will generate comparatively minor traffic volumes, and will not be a part of these negotiations.

Sight Distance and Other Safety Issues

There are no other traffic issues associated with this application. Pedestrian and cycleway access has been addressed in the proposed development and is in accordance with the relevant DCP.

Conclusion

There are no objections or conditions required relating to traffic facilities for this development proposal. However, traffic signals will be required at the eastern intersection of Solent Circuit and Norwest Boulevard to replace the existing T intersection "GIVE WAY" control as a condition of consent for the future Eastern Residential Precinct.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed development and associated shrub and tree planting subject to conditions of consent.

ENVIRONMENT AND SUSTAINABILITY COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposed development, designated waste storage and collection areas and associated waste management plan commitments subject to conditions of consent.

FORWARD PLANNING COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

NSW OFFICE OF WATER

No objection is raised to the proposed development subject to general terms of approval which have been incorporated as recommended conditions of consent as detailed within correspondence dated 8 July 2010 and included in the Attachments to this report.

ROADS & TRAFFIC AUTHORITY COMMENTS

No objection is raised to the proposed development subject to recommended conditions of consent as detailed within correspondence dated 8 January 2010 and included in the attachments to this report.

NSW POLICE COMMENTS

No objection is raised to the proposed development subject to recommended conditions of consent as detailed within correspondence dated 22 January 2010 and included in the attachments to this report.

SYDNEY WATER COMMENTS

No objection is raised to the proposed development subject to conditions of consent requiring a Section 73 Certificate through Sydney Water and associated Notice of Requirements.

NORWEST ASSOCIATION COMMENTS

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

CONCLUSION

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2005 and Baulkham Hills Development Control Plan and is considered satisfactory.

While it is noted that the Development Application seeks to vary the built form envisaged within the DCP by deleting apartment buildings from the proposal and providing a mix of town houses and integrated housing lots, the integrated housing allotments adjacent to the northern property boundary are substantially consistent with the DCP and preceding approvals. The remainder of the site however provides an altered density yield, road pattern, common open space provision and amended car parking locations which is considered satisfactory and supportable on merit as the applicant has sought to provide a variety of housing choice which is responding to current market demand.

The proposed amended built form outcome and resulting DCP variations have given extensive consideration to internal landscape treatments and amenity provision through a central communal gym, swimming pool and barbecue facilities and quality external colours and finishes. The resulting outcome provides an attractive residential precinct, catering for the needs of the future residents whilst maintaining consistent landscaping treatments and external finishes as evident within the remainder of the Norwest Business Park.

The proposed setback variations to the DCP are not considered to provide adverse amenity impacts for proposed internal or existing adjacent dwellings. This in part results from the curved alignment of the existing road network and the required and proposed orientation of the internal road network. As such the resulting setback variations are considered satisfactory and supportable.

The proposed common open space variation to the DCP is considered satisfactory as the provision of the enlarged neighbourhood park is centrally located within the Central Residential Precinct and provides satisfactory community facilities. Given the development density is less than that envisaged within the DCP, the resulting deficit of common open space area is considered satisfactory to cater for the needs of the reduced dwelling yield. It is also noted that the wetland park will be developed in conjunction with the eastern precinct (or separately lodged) which will ensure compliance with the DCP common open space provisions at that time. As such the resulting setback variations are considered satisfactory and supportable.

The proposed private open space variation to the DCP is associated in part from the angled alignment of the two roads being Avenue C and Avenue D and the need to provide the largest density possible to adhere to the intent of the DCP. The proposed dwellings provide satisfactory separation between the external walls of the dwellings with sufficient private open space area and locations to meet the recreational needs of future residents and to protect residential amenity between the dwellings. As such the resulting private open space variations are considered satisfactory and supportable.

The proposed solar access variations to the DCP result from the existing orientation of the parent allotment and the required location of Avenue B. The resulting subdivision pattern renders these allotments with private open space areas immediately south of the residential dwellings thereby creating the above solar access variations. While it is noted that many of the units receive nil solar access between 9.00am and 3.00pm, the resulting variations are considered satisfactory in this instance as the dwellings are immediately located next to the central neighbourhood park and as such access to open space area with sufficient solar access for recreational activities can be achieved within

the common open space area of the neighbourhood park. As such the resulting private open space variations are considered satisfactory and supportable.

The proposed designated storage area variations to the DCP are considered satisfactory as the developments are only two storey in height and are not like an apartment building development which requires designated storage areas within the communal car parking area due to access restrictions to upper floor units. Given the internal gross floor area of all units exceeds the minimum gross floor area requirements within the DCP, it is considered that sufficient storage allocation can be accommodated within the dwellings without a separate designated area being denoted on the plans.

The issues raised in the submissions received have been considered and addressed within the body of this report and are not considered to warrant refusal of the Development Application.

The variations to Part E Section 15 – Kellyville/ Rouse Hill Release Area and Part E, Section 18 – Norwest Town Centre – Residential Development contained in the Baulkham Hills Development Control Plan 2007 have been addressed in this report. However given that the ability to deliver basic community infrastructure, particularly in new release areas, is severely restricted due to the direction capping S94 developer contributions, it is recommended that the staged development application be deferred by the Joint Regional Planning Panel to allow Council the opportunity to investigate options to deliver the required infrastructure in the precinct.

As a result while the proposed variations are considered satisfactory, it is recommended that the Development Application be deferred to review and resolve the resulting Section 94 Contributions deficit generated from the NSW Department of Planning's Direction. In the event that the Joint Regional Planning Panel seeks to determine the Development Application in its current form, conditions of consent are detailed within the recommendation below.

IMPACTS:

Financial

No detrimental financial impacts identified.

Hills 2026

The proposed development facilitates a range of future housing options to suit the different needs of people living in the Shire whilst ensuring the built environment blends with our natural beauty.

RECOMMENDATION

It is recommended that the Development Application be approved subject to the following conditions of consent.

STAGE 1 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED DEVELOPMENT PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	10/08/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	D	28/04/2010
DA100	House Type 1,2 and 3	D	27/07/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	E	05/08/2010
101	Landscape Plan (Works in Stage 1)	D	29/04/2010
102	Landscape Plan (Works in Stage 1)	E	23/06/2010
103	Landscape Plan (Works in Stage 1)	D	23/06/2010
104	Landscape Plan (Works in Stage 1)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections	D	23/06/2010
503	Landscape Details	C	29/04/2010
504	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010
00510_DA_C232	Bulk Earthworks – Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Lot 2101 (Being a Subdivision of Lot 210 in DP 1129196)	1 of 3	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Lot 2101 (Being a Subdivision of Lot 210 in DP 1129196)	2 of 3	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Lot 2101 (Being a Subdivision of Lot 210 in DP	3 of 3	24/08/2010

	1129196)		
Plan Form 4	Location Plan - Plan of Subdivision of Proposed Lot 2101 (Being a Subdivision of Lot 210 in DP 1129196)	1 of 3	24/08/2010
Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Lot 2101 (Being a Subdivision of Lot 210 in DP 1129196)	2 of 3	24/08/2010
Plan Form 2	Community Property Plan	3 of 3	24/08/2010

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

5. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

6. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.

8. Provision of Parking Spaces

The development is required to be provided with two (2) off-street car parking spaces for each Integrated Housing Dwelling and Town Houses being a total of 44 residential car parking spaces. These car parking spaces shall be available for off street parking at all times. An additional thirty four (34) visitor car parking spaces are required to be provided along the internal road network.

9. Additional DCP Requirements

- Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.
- A collapsible clothes line is to be provided to each dwelling.

10. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

11. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

12. Combined Development/Subdivision in accordance with submitted plans

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

13. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

14. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

15. Engineering Works – Detailed Design and Construction Approval – (Development)

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

16. Supervision of Works

All work in the road reserve shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact phone number shall be submitted to Council prior to the commencement of construction in the road reserve.

In this regard a construction programme and anticipated duration of construction for all work in the road reserve shall be submitted in writing to Council prior to the commencement of any works in the road reserve.

17. Gutter & Footpath Crossing Application

The submission to Council of an application for gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges.

18. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

19. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

20. Final Plan Pre-lodgement

Prior to the submission of an application for the issuing of a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

21. 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.

22. 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.

23. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly) and one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

25. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

26. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

27. Operation of Public Pool/Spa

The operation of the pool/spa is to comply with the requirements of the:-

- a. Public Health Act 1991,
- b. Public Health (Swimming Pools and Spa Pools) Regulation 2000,
- c. NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 and the Australian Standard AS 3633 – Private Swimming Pools – Water quality.

An application to register any public pool/spa must be made to Council prior to commencement of operation.

28. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

29. Waste Storage

A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

30. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

31. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

32. Stockpiles

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

33. Air Conditioner Restrictions

Air conditioners are required to be set back 3 metres from the rear boundary of all units.

34. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

35. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

36. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (i) filling, raising, reclaiming or contouring the land,
- (a) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

37. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

38. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

39. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate for Stage 1 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

40. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

41. Section 94 Contribution – Stage 1

A current contribution of \$502,683.19 being 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.

The contribution referred to above comprises the following payment:-

Stage 1 - Townhouses and Integrated Housing

Purpose	Per integrated lot	Per conventional/ townhouse lot	No. of integrated lots: 9	No. of conventional/ townhouse lots: 18	No. of credits: 1	Total
Open Space - Land	\$ 8,199.25	\$ 10,112.40	\$ 73,793.25	\$ 182,023.20	\$ 10,112.40	\$ 245,704.05
Open Space - Capital	\$ 3,372.32	\$ 4,159.19	\$ 30,350.88	\$ 74,865.42	\$ 4,159.19	\$ 101,057.11
Community Facilities - Land	\$ 176.69	\$ 217.91	\$ 1,590.21	\$ 3,922.38	\$ 217.91	\$ 5,294.68
Community Facilities - Capital	\$ 1,529.64	\$ 1,886.55	\$ 13,766.76	\$ 33,957.90	\$ 1,886.55	\$ 45,838.11
Studies and Administration	\$ 235.22	\$ 290.11	\$ 2,116.98	\$ 5,221.98	\$ 290.11	\$ 7,048.85
Roadworks - Land	\$ 1,350.94	\$ 1,666.16	\$ 12,158.46	\$ 29,990.88	\$ 1,666.16	\$ 40,483.18
Roadworks - Capital	\$ 3,211.85	\$ 3,961.28	\$ 28,906.65	\$ 71,303.04	\$ 3,961.28	\$ 96,248.41
Total	\$ 18,075.91	\$ 22,293.60	\$ 162,683.19	\$ 401,284.80	\$ 22,293.60	\$ 541,674.39

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 - Kellyville

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

42. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site plus an additional 50 metres on either side and the road width from the back of kerb on both sides, or \$10,000.00 (whichever is the greater).

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

43. Security Bond – External Works

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

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

44. Bank Guarantee(s) – (Development)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/JP.
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

45. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Shared Cycleway / Foot Path - Solent Circuit

Brick paved shared footpath and cycleway of 2.5m width along the Solent Circuit frontage of the development for a distance of 140 metres (northern side of Solent Circuit) crossing the modified median island to link with the existing cycleway on the southern side of Solent Circuit adjacent to Norwest Lake.

ii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the **Solent Circuit** footpath verge fronting the development site to ensure a gradient between 2% and 4% (falling from the boundary to the top of kerb) is provided. This work must include:

- The construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site;
- Any necessary adjustment or relocation of services to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

iii. Gutter Removal

The removal of all disused layback and footpath crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iv. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all points of vehicular access from Public Roads.

The footpath crossing shall be a minimum of 6m wide at the boundary splayed to a minimum of 8m wide at the kerb.

v. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

vi. Internal Pavement Design and Structural Certification

A formal pavement design prepared in accordance with the N.A.T.A. laboratory based sampling and testing of the sub-grade materials from the site and be certified by a suitably accredited engineer. The pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle from the boundary to the waste collection point including any manoeuvring areas.

Submission of details of the pavement design, results of sub-grade testing (including CBR's) accompanied by a structural certificate with the Construction Certificate Application.

vii. Stormwater Drainage Pipe Extension - along Solent Circuit

A 600mm diameter (minimum) stormwater pipe extension as depicted in the 'Concept Stormwater Drainage Plan' prepared by C & M Consulting Engineers (Sheet 4 of 4) from the existing downstream pit to the point of discharge on the Solent Circuit frontage of the site is to be provided. Such work shall include:

- A new kerb inlet pit fronting the site;

- The alignment of the pipe underneath the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.
- Removal of existing stormwater pipe and associated structures.

Bends approaching ninety degrees in pipelines to be dedicated to Council are to be avoided wherever possible.

viii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

ix. Stormwater Management - Water Quality Control Measures

Based strictly on stormwater quality management principles, Water Quality Control Measures consisting of Vegetated swales, Proprietary gross pollutant traps - Hydrofilter HF1000 (or similar) and Stormfilter (or similar), Proprietary pit insert - Enviropod 200 (or similar), Bio-retention Basin; and Rainwater tanks are to be located generally in accordance with the following references:

- Stormwater Management Plan for Norwest Town Centre and Riparian Corridor (Revision B dated October 2007).
- Stormwater Management Plan (Supplementary Report) for Norwest Town Centre Residential Development (Revision B dated October 2009).
- Concept Stormwater Drainage Plans Sheets 1 to 4, Drawings –
 - 00510_DA_C201 – Revision 01 - dated 18 December 2009
 - 00510_DA_C202 – Revision 01 - dated 18 December 2009
 - 00510_DA_C203 – Revision 01 - dated 18 December 2009
 - 00510_DA_C204 – Revision 01 - dated 18 December 2009
- MUSIC Model "Water Quality - Norwest.sqz.

NOTE: The applicant is to utilise latest best practice guidelines in designing Water Quality Control Measures. Such guidelines include but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

Submission of detailed design and construction plans for the Water Quality Control Measures shall include:

- a) long section and cross sections of the proposed design elements;
- a) appropriate all weather vehicular access designed and constructed up to the proprietary gross pollutant traps, Hydrofilter HF1000 (or similar) and Stormfilter (or similar), to allow for the periodic maintenance of the devices in accordance with guidelines provided by the device supplier;
- b) water quality and quantity modelling of the entire stormwater system for the proposed development including all model parameters, data outputs and model result files;
- c) Such detailed modelling is required to inform and support the detailed design and construction of the proposed Water Quality Control Measures. This is to demonstrate a reduction in annual average pollution export loads from the development site in line with the latest NSW Department of Environment Climate Change and Water environmental targets of:
 - 90% reduction in the annual average load of gross pollutants
 - 85% reduction in the annual average load of total suspended solids
 - 65% reduction in the annual average load of total phosphorous
 - 90% reduction in the annual average load of total nitrogen

x. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the Stage 1.

xi. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

46. Works on Adjoining Land

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

47. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practicing Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

48. 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).

49. Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

50. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

51. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

52. 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.

53. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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.

54. Principal Certifying Authority

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

55. 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.

56. 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).

57. 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).

58. 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.

59. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

60. 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).

61. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

62. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

63. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

64. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump

equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

65. Roof Water Drainage

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

66. Survey Report

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

67. Pool Discharge Water

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

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

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

68. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the final occupation certificate for Stage 1 is released.

69. Pool not to be Filled Until Fencing Erected

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

70. 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. 288004M be complied with.

71. Compliance with Critical Stage Inspections and Other Inspections

Nominated by the Principal Certifying Authority

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

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

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

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

72. Temporary Fencing of Pools

This condition applies to unoccupied land and incomplete pools containing water.

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

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

73. Swimming Pool Safety Fencing

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

74. Resuscitation Warning Notice

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

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

75. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

76. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the 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 BHDGP Part D, Section 3 – Landscaping.

77. Post-Construction Public Infrastructure Dilapidation Report

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

78. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD ".DWG" format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

79. WSUD Elements Certification

Water Sensitive Urban Design Elements (WSUD) 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 prepared and submitted upon completion of the above works and prior to a final inspection:

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer verifying that the WSUD system (as constructed) will function to achieve the design targets;

- c) A certificate from a suitably accredited engineer verifying that the structures associated with the WSUD system (as constructed) are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime (a certificate of structural adequacy).

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

80. Performance/ Maintenance Security Bond

The submission of a performance/ maintenance bond of 5% of the total cost of the subdivision/ engineering works (minimum \$5,000.00). The bond shall be held for a defect liability period of no less than one (1) year to guarantee the performance of the works. This period may be extended to allow for the completion of necessary maintenance or in the case of outstanding works.

NOTE: The release of the maintenance bond shall be subject to a written application and a satisfactory final inspection.

81. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Dedication of Road Widening

Dedication of the proposed road widening as public road at no cost to Council.

ii. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

iii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- o Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- o Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iv. Easements to Drain Water – Local Drainage

Creation of suitable drainage easement over any drainage structures constructed within the local drainage land.

v. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

vi. Easements for Access and Maintenance

Creation of a 1m wide maintenance easement over the adjoining lot for all zero lot line properties identified on the approved subdivision plan.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

82. Compliance with Requirements of Development Application

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

83. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

84. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA) unless the two are issued (and registered) concurrently.

Note that the Subdivision Certificate can be issued prior to the release of the Stage 1 Occupation Certificate provided a letter is submitted from the Principal Certifying Authority advising that the development as constructed complies with the issued stage 1 development consent or is considered satisfactory with explanation for and justification for any departures resulting from the issued consent.

85. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent (both subdivision and development components), all of the lots created and Development Consent DA 993/2010/JP.

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

88. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

89. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

90. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;
- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/ unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s). The Community Management Statement is also required to ensure that vehicles parking both at the entry / exit to the development and internal roadways on bin collection day has been addressed. Vehicles are not permitted to park within these areas on collection day.

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

91. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

92. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles. The garbage service will not commence and bins will have to be taken to the public road for collection, if the Indemnity Agreement has not been received.

THE USE OF THE SITE

93. Lighting

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

94. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECC) Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does

not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997.

95. Servicing of Bins

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

STAGE 2 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED DEVELOPMENT PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	28/04/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	C	28/04/2010
DA100	House Type 1,2 and 3	D	10/06/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	D	23/06/2010
101	Landscape Plan (Works in Stage 2)	D	23/06/2010
103	Landscape Plan (Works in Stage 2)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections (Section 2)	D	23/06/2010
503	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010
00510_DA_C232	Bulk Earthworks - Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Community Development Lot 2	1 of 3	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Community Development Lot 2	2 of 3	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 2	3 of 3	24/08/2010
Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Community Development Lot 2	1 of 1	24/08/2010

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

5. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

6. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities.

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm litre pot size, planted 5/m².

8. Provision of Parking Spaces

The development is required to be provided with thirty (30) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to:-

- A collapsible clothes line is to be provided for each dwelling.
- Air conditioners are required to be set back 3 metres from the rear boundary of all units.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

10. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

11. Combined Development/Subdivision in accordance with submitted plans

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

12. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

14. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

15. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

16. Final Plan Pre-lodgement

Prior to the submission of an application for a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

17. 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.

18. 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.

19. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly), one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

21. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

22. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

23. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste . Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

25. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

26. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

29. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

30. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's

compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (b) spraying, spreading or depositing on the land, or
 - (ii) ploughing, injecting or mixing into the land, or
 - (iii) filling, raising, reclaiming or contouring the land,
- (c) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

31. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

32. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

33. Mail Box Requirements

Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

34. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stage. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 2 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

35. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

36. Section 94 Contribution – Stage 2

A current contribution of \$270,379.55 being 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.

The contribution referred to above comprises the following payments:-

Stage 2 - Townhouses and Integrated Housing

Purpose	Per integrated lot	Per conventional/ townhouse lot	No. of integrated lots: 5	No. of townhouses: 10	No. of credits: 1	Total
Open Space - Land	\$ 8,199.25	\$ 10,112.40	\$ 40,996.25	\$ 101,124.00	\$ 10,112.40	\$ 132,007.85
Open Space - Capital	\$ 3,372.32	\$ 4,159.19	\$ 16,861.60	\$ 41,591.90	\$ 4,159.19	\$ 54,294.31
Community Facilities - Land	\$ 176.69	\$ 217.91	\$ 883.45	\$ 2,179.10	\$ 217.91	\$ 2,844.64
Community Facilities - Capital	\$ 1,529.64	\$ 1,886.55	\$ 7,648.20	\$ 18,865.50	\$ 1,886.55	\$ 24,627.15
Studies and Administration	\$ 235.22	\$ 290.11	\$ 1,176.10	\$ 2,901.10	\$ 290.11	\$ 3,787.09
Roadworks - Land	\$ 1,350.94	\$ 1,666.16	\$ 6,754.70	\$ 16,661.60	\$ 1,666.16	\$ 21,750.14
Roadworks - Capital	\$ 3,211.85	\$ 3,961.28	\$ 16,059.25	\$ 39,612.80	\$ 3,961.28	\$ 51,710.77
Total	\$ 18,075.91	\$ 22,293.60	\$ 90,379.55	\$ 222,936.00	\$ 22,293.60	\$ 291,021.95

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 – Kellyville.

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

38. Bank Guarantee(s) – (Development)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- Have no expiry date;
- Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/JP;

- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

39. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

ii. Internal Pavement Design and Structural Certification

A formal pavement design prepared in accordance with the N.A.T.A. laboratory based sampling and testing of the sub-grade materials from the site and be certified by a suitably accredited engineer. The pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle from the boundary to the waste collection point including any manoeuvring areas.

Submission of details of the pavement design, results of sub-grade testing (including CBR's) accompanied by a structural certificate with the Construction Certificate Application.

iii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

iv. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the Stage 1.

v. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

40. Works on Adjoining Land

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

41. 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).

42. Submit Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

43. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

44. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

45. Management of Building Sites – Builder's Details

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

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

the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

46. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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

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

47. Principal Certifying Authority

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

48. 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.

49. 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.

50. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

51. 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).

52. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

53. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary

works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

54. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

55. Roof Water Drainage

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

56. Survey Report

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

57. 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. 288004M be complied with.

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

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

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

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

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

59. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

60. Landscaping Prior to Issue of Occupation Certificate

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

61. Post-Construction Public Infrastructure Dilapidation Report

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

62. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD “.DWG” format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

63. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council’s Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

ii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- o Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- o Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iii. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

iv. Easements for Access and Maintenance

Creation of a 1m wide maintenance easement over the adjoining lot for all zero lot line properties identified on the approved subdivision plan.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

64. Compliance with Requirements of Development Application

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

65. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

66. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA 993/2010/JP & DA 491/2008/ZA) unless the two are issued (and registered) concurrently.

67. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent, subdivision and development works, all of the lots created and Development Consent DA 993/2010/JP.

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

68. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

69. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

70. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;

- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/ unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s).

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

71. Public Asset Creation Summary

The submission of the following information is required:

- a) The length and tendered cost of all constructed road works (public roads);
- b) The land area dedicated as public road;
- c) The length and cost of all constructed drainage works (excluding common or inter-allotment drainage lines);
- d) The length, width and cost of constructed concrete foot-paving;
- e) The length, width and cost of constructed cycleway;

NOTE: This information must be tabulated and sorted by street name (all works) and pipe size (for drainage works).

72. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

THE USE OF THE SITE

73. Lighting

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

74. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustic assessment is to be carried out by an appropriately qualified person and submitted to Council, in accordance with the EPA's (DECC) Road Traffic Noise Policy and The Hills Shire Council requirements for internal noise levels of residential developments. This report should include but not be limited to, details verifying that the noise reduction measures are effective and meet the relevant criterion as recommended in the acoustic report that was submitted as part of the Development Application.

75. Servicing of Bins

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

STAGE 3 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED DEVELOPMENT PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	10/08/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	C	28/04/2010
DA100	House Type 1,2 and 3	D	10/06/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	D	23/06/2010
101	Landscape Plan (Works in Stage 3)	D	23/06/2010
102	Landscape Plan (Works in Stage 3)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections (Section 2)	D	23/06/2010
503	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010
00510_DA_C232	Bulk Earthworks - Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Community Development Lot 3	1 of 4	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Community Development Lot 3	2 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 3	3 of 4	24/08/2010

Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 3	4 of 4	24/08/2010
Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Community Development Lot 3	1 of 1	24/08/2010

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

5. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

6. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

5. External Finishes

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

6. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm litre pot size, planted .25/m

8. Provision of Parking Spaces

The development is required to be provided with forty four (44) residential car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to:-

- A collapsible clothes line is to be provided for each dwelling.
- Air conditioners are required to be set back 3 metres from the rear boundary of all units.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

10. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

11. Combined Development/Subdivision in accordance with submitted plans

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

12. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

14. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

15. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

16. Final Plan Pre-lodgement

Prior to the submission of an application for a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

17. 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.

18. 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.

19. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a

waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly), one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

21. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

22. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

23. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste . Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste

must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

25. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

26. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

29. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

30. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject

of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (d) spraying, spreading or depositing on the land, or
 - (iv) ploughing, injecting or mixing into the land, or
 - (v) filling, raising, reclaiming or contouring the land,
- (e) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

31. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

32. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

33. Australia Post Mail Box Requirements

Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

34. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stage. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 3 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

35. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-

ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

36. Section 94 Contribution – Stage 3

A current contribution of \$380,759.10 being 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.

The contribution referred to above comprises the following payments:-

Stage 3 - Townhouses and Integrated Housing

Purpose	Per integrated lot	Per conventional/ townhouse lot	No. of integrated lots: 10	No. of townhouses: 11	No. of credits: 1	Total
Open Space - Land	\$ 8,199.25	\$ 10,112.40	\$ 81,992.50	\$ 111,236.40	\$ 10,112.40	\$ 183,116.50
Open Space - Capital	\$ 3,372.32	\$ 4,159.19	\$ 33,723.20	\$ 45,751.09	\$ 4,159.19	\$ 75,315.10
Community Facilities - Land	\$ 176.69	\$ 217.91	\$ 1,766.90	\$ 2,397.01	\$ 217.91	\$ 3,946.00
Community Facilities - Capital	\$ 1,529.64	\$ 1,886.55	\$ 15,296.40	\$ 20,752.05	\$ 1,886.55	\$ 34,161.90
Studies and Administration	\$ 235.22	\$ 290.11	\$ 2,352.20	\$ 3,191.21	\$ 290.11	\$ 5,253.30
Roadworks - Land	\$ 1,350.94	\$ 1,666.16	\$ 13,509.40	\$ 18,327.76	\$ 1,666.16	\$ 30,171.00
Roadworks - Capital	\$ 3,211.85	\$ 3,961.28	\$ 32,118.50	\$ 43,574.08	\$ 3,961.28	\$ 71,731.30
Total	\$ 18,075.91	\$ 22,293.60	\$ 180,759.10	\$ 245,229.60	\$ 22,293.60	\$ 403,695.10

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 – Kellyville.

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

38. Bank Guarantee(s) – (Development)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- Have no expiry date;
- Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/Jp;
- Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

39. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/ or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

ii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

iii. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the Stage 1.

iv. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

40. Works on Adjoining Land

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

41. 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).

42. Submit Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

43. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

44. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

45. Management of Building Sites – Builder's Details

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

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

46. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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

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

47. Principal Certifying Authority

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

48. 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.

49. 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.

50. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

51. 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).

52. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

53. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

54. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

55. Roof Water Drainage

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

56. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all

boundaries, and shall confirm the floor level prior to any work proceeding on the building.

57. 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. 288004M be complied with.

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

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

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

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

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

59. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

60. Landscaping Prior to Issue of Occupation Certificate

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

61. Post-Construction Public Infrastructure Dilapidation Report

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

62. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD ".DWG" format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

63. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

ii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iii. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

iv. Easements for Access and Maintenance

Creation of a 1m wide maintenance easement over the adjoining lot for all zero lot line properties identified on the approved subdivision plan.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

64. Compliance with Requirements of Development Application

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

65. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

66. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA 993/2010/JP & DA 491/2008/ZA) unless the two are issued (and registered) concurrently.

67. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent, development and subdivision works, all of the lots created and Development Consent DA 993/2010/HC.

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

68. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

69. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

70. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;
- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s).

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

71. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

THE USE OF THE SITE

72. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with

the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

73. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustic assessment is to be carried out by an appropriately qualified person and submitted to Council, in accordance with the EPA's (DECC) Road Traffic Noise Policy and The Hills Shire Council requirements for internal noise levels of residential developments. This report should include but not be limited to, details verifying that the noise reduction measures are effective and meet the relevant criterion as recommended in the acoustic report that was submitted as part of the Development Application.

74. Servicing of Bins

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

STAGE 4 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED DEVELOPMENT PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	10/08/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	C	28/04/2010
DA100	House Type 1,2 and 3	D	10/06/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	D	23/06/2010
101	Landscape Plan (Works in Stage 3)	D	23/06/2010
102	Landscape Plan (Works in Stage 3)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections (Section 2)	D	23/06/2010
503	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010

00510_DA_C232	Bulk Earthworks – Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Community Development Lot 4	1 of 4	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Community Development Lot 4	2 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 4	3 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 4	4 of 4	24/08/2010
Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Community Development Lot 4	1 of 1	24/08/2010

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. External Finishes

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

3. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

4. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

5. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

6. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm litre pot size, planted .25/m

8. Provision of Parking Spaces

The development is required to be provided with thirty (30) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Additional Requirements

The following Development Control Plan requirement are to be adhered to:-

- A collapsible clothes line is to be provided for each dwelling.
- Air conditioners are required to be set back 3 metres from the rear boundary of all units.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.
- The eaves associated with Dwelling 46 are to be located outside of the Transmission Easement or concurrence provided from Integral Energy (or applicable authority) prior to the issue of the Construction Certificate.

10. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

11. Combined Development/Subdivision in accordance with submitted plans

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

12. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDGP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

14. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

15. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

16. Final Plan Pre-lodgement

Prior to the submission of an application for a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

17. 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.

18. 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.

19. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly), one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

21. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

22. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

23. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

25. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

26. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

29. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

30. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (f) spraying, spreading or depositing on the land, or
 - (vi) ploughing, injecting or mixing into the land, or
 - (vii) filling, raising, reclaiming or contouring the land,
- (g) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

31. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

32. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

33. Mail Box Requirements

Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

34. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stage. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 4 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

35. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

36. Section 94 Contribution – Stage 4

A current contribution of \$268,455.46 being 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.

The contribution referred to above comprises the following payments:-

Stage 4 - Townhouses and Integrated Housing

Purpose	Per integrated lot	Per conventional/ townhouse lot	No. of integrated lots: 6	No. of townhouses: 9	No. of credits: 1	Total
Open Space - Land	\$ 8,199.25	\$ 10,112.40	\$ 49,195.50	\$ 91,011.60	\$ 10,112.40	\$ 130,094.70
Open Space - Capital	\$ 3,372.32	\$ 4,159.19	\$ 20,233.92	\$ 37,432.71	\$ 4,159.19	\$ 53,507.44
Community Facilities - Land	\$ 176.69	\$ 217.91	\$ 1,060.14	\$ 1,961.19	\$ 217.91	\$ 2,803.42
Community Facilities - Capital	\$ 1,529.64	\$ 1,886.55	\$ 9,177.84	\$ 16,978.95	\$ 1,886.55	\$ 24,270.24
Studies and Administration	\$ 235.22	\$ 290.11	\$ 1,411.32	\$ 2,610.99	\$ 290.11	\$ 3,732.20
Roadworks - Land	\$ 1,350.94	\$ 1,666.16	\$ 8,105.64	\$ 14,995.44	\$ 1,666.16	\$ 21,434.92
Roadworks - Capital	\$ 3,211.85	\$ 3,961.28	\$ 19,271.10	\$ 35,651.52	\$ 3,961.28	\$ 50,961.34
Total	\$ 18,075.91	\$ 22,293.60	\$ 108,455.46	\$ 200,642.40	\$ 22,293.60	\$ 286,804.26

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 – Kellyville.

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

37. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

38. Bank Guarantee(s)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/JF;
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

39. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/ or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

ii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

iii. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the preceding stages.

iv. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-

retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

40. Works on Adjoining Land

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

41. Submit Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

42. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

43. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

44. 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.

45. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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.

46. Principal Certifying Authority

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

47. 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.

48. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

49. 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).

50. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

51. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

52. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

53. Roof Water Drainage

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

54. Survey Report

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

55. 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. 288004M be complied with.

56. Compliance with Critical Stage Inspections and Other Inspections

Nominated by the Principal Certifying Authority

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

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

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

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

57. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

58. Landscaping Prior to Issue of Occupation Certificate

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

59. Post-Construction Public Infrastructure Dilapidation Report

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

60. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD ".DWG" format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

61. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

ii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iii. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

iv. Easements for Access and Maintenance

Creation of a 1m wide maintenance easement over the adjoining lot for all zero lot line properties identified on the approved subdivision plan.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

62. Compliance with Requirements of Development Application

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

63. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

64. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA 993/2010/JP & DA 491/2008/ZA) unless the two are issued (and registered) concurrently.

65. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent, development works, all of the lots created and Development Consent DA 993/2010/HC.

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

66. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

67. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

68. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;
- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/ unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s).

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

69. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

THE USE OF THE SITE

70. Lighting

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

71. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustic assessment is to be carried out by an appropriately qualified person and submitted to Council, in accordance with the EPA's (DECC) Road Traffic Noise Policy and The Hills Shire Council requirements for internal noise levels of residential developments. This report should include but not be limited to, details verifying that the noise reduction measures are effective and meet the relevant criterion as recommended in the acoustic report that was submitted as part of the Development Application.

72. Servicing of Bins

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

STAGE 5 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	10/08/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	C	28/04/2010
DA100	House Type 1,2 and 3	D	10/06/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	D	23/06/2010
101	Landscape Plan (Works in Stage 3)	D	23/06/2010

102	Landscape Plan (Works in Stage 3)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections (Section 2)	D	23/06/2010
503	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010
00510_DA_C232	Bulk Earthworks - Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Community Development Lot 5	1 of 4	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Community Development Lot 3	2 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 3	3 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 3	4 of 4	24/08/2010
Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Community Development Lot 3	1 of 1	24/08/2010

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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

5. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

6. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm litre pot size, planted .25/m

8. Provision of Parking Spaces

The development is required to be provided with fourteen (14) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to:-

- A collapsible clothes line is to be provided for each dwelling.
- Air conditioners are required to be set back 3 metres from the rear boundary of all units.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

10. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

11. Combined Development/Subdivision in accordance with submitted plans

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

12. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

14. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

15. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

16. Final Plan Pre-lodgement

Prior to the submission of an application for the issuing of a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

17. Final Plan Pre-lodgement

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The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

18. 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.

19. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

20. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly), one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

21. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

22. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

23. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

24. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

25. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

26. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

29. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

30. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (h) spraying, spreading or depositing on the land, or
 - (viii) ploughing, injecting or mixing into the land, or
 - (ix) filling, raising, reclaiming or contouring the land,
- (i) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

31. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;

- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

32. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

33. Mail Box Requirements

Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

34. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Construction Certificate or carried over from the preceding stages. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 5 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

35. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

36. Notice of Requirements

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37. Section 94 Contribution (Kellyville/Rouse Hill -lots < 450m²)

A current contribution of \$120,000.00 being 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.

The contribution referred to above comprises the following payments:-

Stage 5 - Townhouses

Purpose	Per conventional/ townhouse lot	No. of townhouses: 7	No. of credits: 1	Total
Open Space - Land	\$ 10,112.40	\$ 70,786.80	\$ 10,112.40	\$ 60,674.40
Open Space - Capital	\$ 4,159.19	\$ 29,114.33	\$ 4,159.19	\$ 24,955.14
Community Facilities - Land	\$ 217.91	\$ 1,525.37	\$ 217.91	\$ 1,307.46
Community Facilities - Capital	\$ 1,886.55	\$ 13,205.85	\$ 1,886.55	\$ 11,319.30
Studies and Administration	\$ 290.11	\$ 2,030.77	\$ 290.11	\$ 1,740.66
Roadworks - Land	\$ 1,666.16	\$ 11,663.12	\$ 1,666.16	\$ 9,996.96
Roadworks - Capital	\$ 3,961.28	\$ 27,728.96	\$ 3,961.28	\$ 23,767.68
Total	\$ 22,293.60	\$ 156,055.20	\$ 22,293.60	\$ 133,761.60

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 – Kellyville.

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

39. Bank Guarantee(s)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/JP;
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

40. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/ or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

ii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

iii. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the Stage 1.

iv. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

41. Works on Adjoining Land

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

42. 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).

43. Submit Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

44. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices

for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

45. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

46. 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.

47. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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.

48. Principal Certifying Authority

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

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. 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).

51. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council’s “Works Specification - Subdivisions/Developments” (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic

maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

52. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

53. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

54. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

55. Roof Water Drainage

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

56. Survey Report

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

57. 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. 288004M be complied with.

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

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

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

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

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

58. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

60. Landscaping Prior to Issue of Occupation Certificate

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

61. Post-Construction Public Infrastructure Dilapidation Report

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

62. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD “.DWG” format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

63. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council’s Schedule of Fees and Charges for the creation of the following over the title of the property:

ii. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

ii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iii. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

64. Compliance with Requirements of Development Application

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

65. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

66. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA 993/2010/JP & DA 491/2008/ZA) unless the two are issued (and registered) concurrently.

67. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent, development works, all of the lots created and Development Consent DA 993/2010/JP.

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

68. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

69. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

70. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;
- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/ unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s).

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

71. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

THE USE OF THE SITE

72. Lighting

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

73. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustic assessment is to be carried out by an appropriately qualified person and submitted to Council, in accordance with the EPA's (DECC) Road Traffic Noise Policy and The Hills Shire Council requirements for internal noise levels of residential developments. This report should include but not be limited to, details verifying that the noise reduction measures are effective and meet the relevant criterion as recommended in the acoustic report that was submitted as part of the Development Application.

74. Servicing of Bins

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

STAGE 6 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED DEVELOPMENT PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA002	Site Analysis	C	28/04/2010
DA003	Site Plan	E	10/08/2010
DA004	Development Staging	F	02/09/2010
DA005	Vehicle Movement Diagram	C	28/04/2010
DA100	House Type 1,2 and 3	D	10/06/2010
DA101	House Type 4,5 and 6	D	10/06/2010
DA102	House Type 7,8 and 9	D	10/06/2010
DA103	House Type 10 and Community Area	D	10/06/2010
DA200	Street Elevations	D	10/06/2010
DA201	Street Elevations	D	10/06/2010
DA202	Street Elevations	D	10/06/2010
DA400	Site Images	-	-
001	Landscape Master Plan	D	23/06/2010
101	Landscape Plan (Works in Stage 3)	D	23/06/2010
102	Landscape Plan (Works in Stage 3)	D	23/06/2010
501	Landscape Details	D	23/06/2010
502	Landscape Sections (Section 2)	D	23/06/2010
503	Landscape Details	C	29/04/2010
00510_DA_C231	Bulk Earthworks - Plan	1	29/04/2010
00510_DA_C232	Bulk Earthworks – Section	1	29/04/2010
00510_DA_C232	Cut Fill Plan	1	29/04/2010
510DAC701	Sediment and Erosion Control	2	29/04/2010
510DAC801	Electrical Substation Plan	1	29/04/2010

REFERENCED SUBDIVISION PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	DATE
Plan Form 6	Plan of Subdivision of Proposed Community Development Lot 6	1 of 4	24/08/2010
Plan Form 6D	Plan of Subdivision of Proposed Community Development Lot 6	2 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 6	3 of 4	24/08/2010
Plan Form 6A	Plan of Subdivision of Proposed Community Development Lot 3	4 of 4	24/08/2010

Plan Form 2	Detail Plan - Plan of Subdivision of Proposed Community Development Lot 6	1 of 1	24/08/2010
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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.

Note: No works are approved within the riparian corridor between the central and eastern residential precincts other than those indicated on the approved landscape plans. Landscaping and associated earthworks in this area are to be addressed under a separate development application.

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of nine (9) trees indicated for removal within the property boundary on Landscape Master Plan Issue E prepared by Site Image Landscape Architects dated 5 August 2010 affected by the proposed development if this removal has not been undertaken within the preceding stage. This does not include tree removal to the north of the site or east of Avenue D being the future wetland park and eastern residential precinct.

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.

4. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water (including General Terms of Approval) attached to this consent and dated 8 July 2010.

5. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 8 January 2010 being restricted to Items 3 - 6.

6. Compliance with Police Requirements

Compliance with the requirements of the NSW Police Force attached to this consent and dated 22 January 2010. These requirements include the following:-

- Compliant Lighting and Technical Supervision
- Landscaping Maintenance
- CCTV Security Monitoring, Sensor Lights and Monitoring during Construction
- Restricted Fencing to the Community Facilities

The CCTV requirements detailed within the above correspondence are permitted to be excluded subject to liaison with and written agreement from the NSW Police Force – Castle Hill Local Area Command.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All ground covers as part of the approved landscape plan are to be minimum 150mm litre pot size, planted .25/m

8. Provision of Parking Spaces

The development is required to be provided with twelve (12) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Mail Box Requirements

Mail boxes shall be incorporated into front fences, landscape areas or building entry design and confirmed with Australia Post.

10. Additional DCP Requirements

The following Development Control Plan requirement are to be adhered to:-

- A collapsible clothes line is to be provided for each dwelling.
- Air conditioners are required to be set back 3 metres from the rear boundary of all units.
- A waste storage cupboard in the kitchen of all dwellings or waste storage bays are to be provided.

11. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

12. Combined Development/Subdivision in accordance with submitted plans

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

13. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

14. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

The following must be provided:

- i. All internal car parking spaces and access roads 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 access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

15. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval 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.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the water quality control measures can be issued by Council.

For Council to issue either a ECC and/ or a DCC the following must be provided:

- i. A completed application form;
- ii. Four (4) copies of the design plans and specifications;
- iii. Payment of the appropriate application fee;
- iv. Payment of the appropriate inspection fee(s); and
- v. Payment of a suitable bond for any required security bonds.

16. Gutter & Footpath Crossing Application

The submission to Council of an application for gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges.

17. House Numbering

In order to provide a consistent and accurate system of house numbering throughout the Shire, house numbering is to be provided through discussion with Councils Land Information Management Section. The responsibility for house/unit numbering is vested solely in Council.

18. Final Plan Pre-lodgement

Prior to the submission of an application for a Subdivision Certificate, a final plan pre-lodgement meeting is required.

The meeting is to be held to establish that all conditions of the endorsed subdivision consent have been completed to Council's satisfaction. Pre-lodgement meetings are to be held at a mutually convenient time. It is suggested that prior to a final plan pre-lodgement meeting a copy of the final plan and 88B instrument is submitted to Council for checking so as to eliminate delays in processing.

19. 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.

20. 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.

21. Adherence to Waste Management Plan

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste

material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

22. Domestic Waste Management

Council will provide each unit with a minimum of one 140-litre garbage bin (emptied weekly), one 240 litre-recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly) Allowance is to be made for:

- a) Space for all garbage and recycling bins to be placed on the kerb for servicing on collection day;
- b) Storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c) Adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d) Flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).
- e) each bin to be clearly marked with individual unit numbers.

23. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

24. Construction Noise

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

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

25. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste . Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent

to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

26. Norwest Association Requirements

The development is required to comply with the conditions of consent detailed within correspondence from Norwest Association dated 6 January 2010 with the exception of Condition No.4 (dot point 2 regarding paving width) and Condition No. 5.

27. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

28. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

29. Stockpiles

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

30. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010253/2303A/R2/GW, dated 23 March 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 6 which recommends the glazing thickness requirements to reduce the internal noise levels for various space types, the recommended roof/ceiling structure as described in Section 6.2 and the external door requirements as described in Section 6.4.

31. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

32. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act).

However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (j) spraying, spreading or depositing on the land, or
- (x) ploughing, injecting or mixing into the land, or
- (xi) filling, raising, reclaiming or contouring the land,
- (k) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

33. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

34. Salinity Construction Recommendations

The recommendations contained within the report for construction methods within the slightly saline environment, provided by Geotechnique Pty Ltd, referenced as 11405/1-AA, and dated 17 May 2007 which was submitted as part of the original Development Application for the land, DA 241/2008/HC, shall be implemented as part of this approval.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

35. Landscape Bond

A landscape bond in the amount of \$25,000 is to be lodged with Council prior to the issue of the Final Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

36. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

37. Section 94 Contribution (Kellyville/Rouse Hill -lots < 450m²)

A current contribution of \$88,455.46 being 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.

The contribution referred to above comprises the following payments:-

Stage 6 - Integrated Housing

Purpose	Per integrated lot	Per conventional lot	No. of integrated lots: 6	No. of credits: 1	Total
Open Space - Land	\$ 8,199.25	\$ 10,112.40	\$ 49,195.50	\$ 10,112.40	\$ 39,083.10
Open Space - Capital	\$ 3,372.32	\$ 4,159.19	\$ 20,233.92	\$ 4,159.19	\$ 16,074.73
Community Facilities - Land	\$ 176.69	\$ 217.91	\$ 1,060.14	\$ 217.91	\$ 842.23
Community Facilities - Capital	\$ 1,529.64	\$ 1,886.55	\$ 9,177.84	\$ 1,886.55	\$ 7,291.29
Studies and Administration	\$ 235.22	\$ 290.11	\$ 1,411.32	\$ 290.11	\$ 1,121.21
Roadworks - Land	\$ 1,350.94	\$ 1,666.16	\$ 8,105.64	\$ 1,666.16	\$ 6,439.48
Roadworks - Capital	\$ 3,211.85	\$ 3,961.28	\$ 19,271.10	\$ 3,961.28	\$ 15,309.82
Total	\$ 18,075.91	\$ 22,293.60	\$ 108,455.46	\$ 22,293.60	\$ 86,161.86

(Note: The total figure for each purpose takes into account the credit for existing lots).

The figures mentioned above are based on the current rates and applicants should be aware that the contribution will be based on the rates at the time of payment which will not necessarily be those mentioned above.

This condition has been imposed in accordance with Contributions Plan No. 8 – Kellyville.

A copy of this plan may be inspected at the Customer Service Centre, of Council's Administration Centre, corner of Carrington and Showground Roads, Castle Hill between the hours of 8.30 am and 4.30 pm weekdays.

Prior to payment of the above Section 94 contribution, the applicant is advised to contact the Section 94 Officer on 9843 0268, for the current section 94 rates.

Please note: Section 94 rates are updated quarterly.

38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$135,000 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

39. Security Bond – External Works

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

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable

upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

40. Bank Guarantee(s)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 993/2010/JP;
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee will be accepted that has been issued directly by the applicant.

41. Engineering Works and Design

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

Any variation from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/ or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

i. Medium Duty Crossings

Medium duty gutter and footpath crossings at all points of vehicular access from internal roads to each unit.

ii. Internal Pavement Design and Structural Certification

A formal pavement design prepared in accordance with the N.A.T.A. laboratory based sampling and testing of the sub-grade materials from the site and be certified by a suitably accredited engineer. The pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle from the boundary to the waste collection point including any manoeuvring areas.

Submission of details of the pavement design, results of sub-grade testing (including CBR's) accompanied by a structural certificate with the Construction Certificate Application.

iii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot (with an assumed impervious surface of 80%). Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

iv. Stormwater Management - Water Quality Control Measures

Provision of Water Quality Control Measures (master plan) integrated with the plans approved under the Stage 1.

v. Maintenance Plan

Submission of a maintenance plan to ensure ongoing maintenance of all the water sensitive urban design elements including silt/oil arrestor, pit inserts, bio-retention pond etc. (to be undertaken by the property owner) prepared in accordance with guidelines provided by the device supplier to ensure its effective future performance in the treatment of stormwater runoff from the site.

Note: All construction materials & techniques are to be suitable for a saline environment.

42. Works on Adjoining Land

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

43. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practicing Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

44. 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).

45. Submit Nominated Contractor Details

Prior to the issue of the Construction Certificate the applicant must submit to Council for approval, the name and address details of the nominated contractor and address of recycling outlet for mulching of green waste during the demolition stage of the development.

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

PRIOR TO WORK COMMENCING ON THE SITE

46. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required, a new plan shall be prepared and submitted to Council prior to implementation.

47. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

48. 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.

49. Consultation with Service Authorities

Applicants are required to consult with Telstra, Integral Energy and Australia Post regarding the installation of telephone conduits, electricity infrastructure and letterboxes respectively.

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.

50. Principal Certifying Authority

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

51. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

52. 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.

53. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council’s “Works Specification - Subdivisions/Developments” (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

54. 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).

55. Erosion & Sediment Control Plan Kept on Site

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

DURING CONSTRUCTION

56. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

57. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

58. Roof Water Drainage

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

59. Survey Report

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

60. 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.288004M be complied with.

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

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

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

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

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

62. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

63. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the 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 BHDGP Part D, Section 3 – Landscaping.

64. Post-Construction Public Infrastructure Dilapidation Report

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

65. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with BHSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD “.DWG” format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

66. WSUD Elements Certification

Water Sensitive Urban Design Elements (WSUD) 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 prepared and submitted upon completion of the above works and prior to a final inspection:

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer verifying that the WSUD system (as constructed) will function to achieve the design targets;
- c) A certificate from a suitably accredited engineer verifying that the structures associated with the WSUD system (as constructed) are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime (a certificate of structural adequacy).

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

67. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council’s Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – Water Quality Control Measures

A restriction as to user restricting development over or the varying of the finished levels and layout of the Water Quality Control Measures and associated components as constructed.

ii. Positive Covenant – Water Quality Control Measures Maintenance

A positive covenant to ensure the on-going maintenance of the Water Quality Control Measures and associated components as constructed by the property owner, in order to ensure effective future performance in the treatment of stormwater runoff from the site, in line with best practice guidelines such as:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

iii. Easements to Drain Water – Local Drainage

Creation of suitable drainage easement over any drainage structures constructed within the local drainage land.

iv. Easements to Drain Water – Inter-allotment

Creation of inter-allotment easement(s) to drain water to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with BHSC Design Guidelines Subdivisions/ Developments and the terms of must nominate each lot burdened and benefited.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

vi. Easements for Access and Maintenance

Creation of a 1m wide maintenance easement over the adjoining lot for all zero lot line properties identified on the approved subdivision plan.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will NOT suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

68. Compliance with Requirements of Development Application

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

69. Final Subdivision Fees

Payment of all final fees in accordance with Council's Schedule of Fees and Charges.

NOTE: The final fees outstanding will be assessed following the submission of written advice confirming all works have been completed.

70. Prior/ Concurrent Release of Subdivision Certificate

A Subdivision Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision (pursuant to Development Consent DA 993/2010/JP & DA 491/2008/ZA) unless the two are issued (and registered) concurrently.

71. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator. A list can be found by following this link:

"http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/waterserv_ext_print.htm"

The certificate must refer to the issued consent, development works, all of the lots created and Development Consent DA 993/2010/JP.

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

72. Provision of Electrical Services

Submission of a compliance certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of electrical services where directed by the relevant service provider. This must include street lighting for newly proposed roads and the provision of a hinged lighting column in any proposed pedestrian pathway links.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

73. Provision of Telecommunication Services

Submission of a compliance certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision (or relocation) of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by the relevant telecommunications carrier.

The certificate must refer to all of the lots created and Development Consent DA 993/2010/JP.

74. Subdivision Certificate Application

The submission of a Subdivision Certificate application accompanied by the following:

- a) The original final plan and administration sheet(s);
- b) Ten (10) copies of the final plan and administration sheet(s);
- c) The original plus one (1) copy of the 88B Instrument creating all necessary easements, positive covenants and restrictions (where required);
- d) All certificates and supplementary information as required by this consent;
- e) The completed checklist confirming compliance with all consent conditions (a blank checklist is attached);
- f) An electronic copy of the final plan of subdivision on disk in AutoCAD ".DWG" format;
- g) One (1) copy of the strata or community titled subdivision plan detailing house/ unit numbering consistent with the approved house/ unit numbering issued by Council.
- h) Two (2) copies of the community and/ or precinct management statement(s).

NOTE: Council will not accept a Subdivision Certificate application without all the items listed above.

75. Public Asset Creation Summary

The submission of the following information is required:

- a) The length and tendered cost of all constructed road works (public roads);
- b) The land area dedicated as public road;
- c) The length and cost of all constructed drainage works (excluding common or inter-allotment drainage lines);
- d) The length, width and cost of constructed concrete foot-paving;
- e) The length, width and cost of constructed cycleway;

NOTE: This information must be tabulated and sorted by street name (all works) and pipe size (for drainage works).

76. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

THE USE OF THE SITE

77. Lighting

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

78. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustic assessment is to be carried out by an appropriately qualified person and submitted to Council, in accordance with the EPA's (DECC) Road Traffic Noise Policy and The Hills Shire Council requirements for internal noise levels of residential developments. This report should include but not be limited to, details verifying that the noise reduction measures are effective and meet the relevant criterion as recommended in the acoustic report that was submitted as part of the Development Application.

79. Servicing of Bins

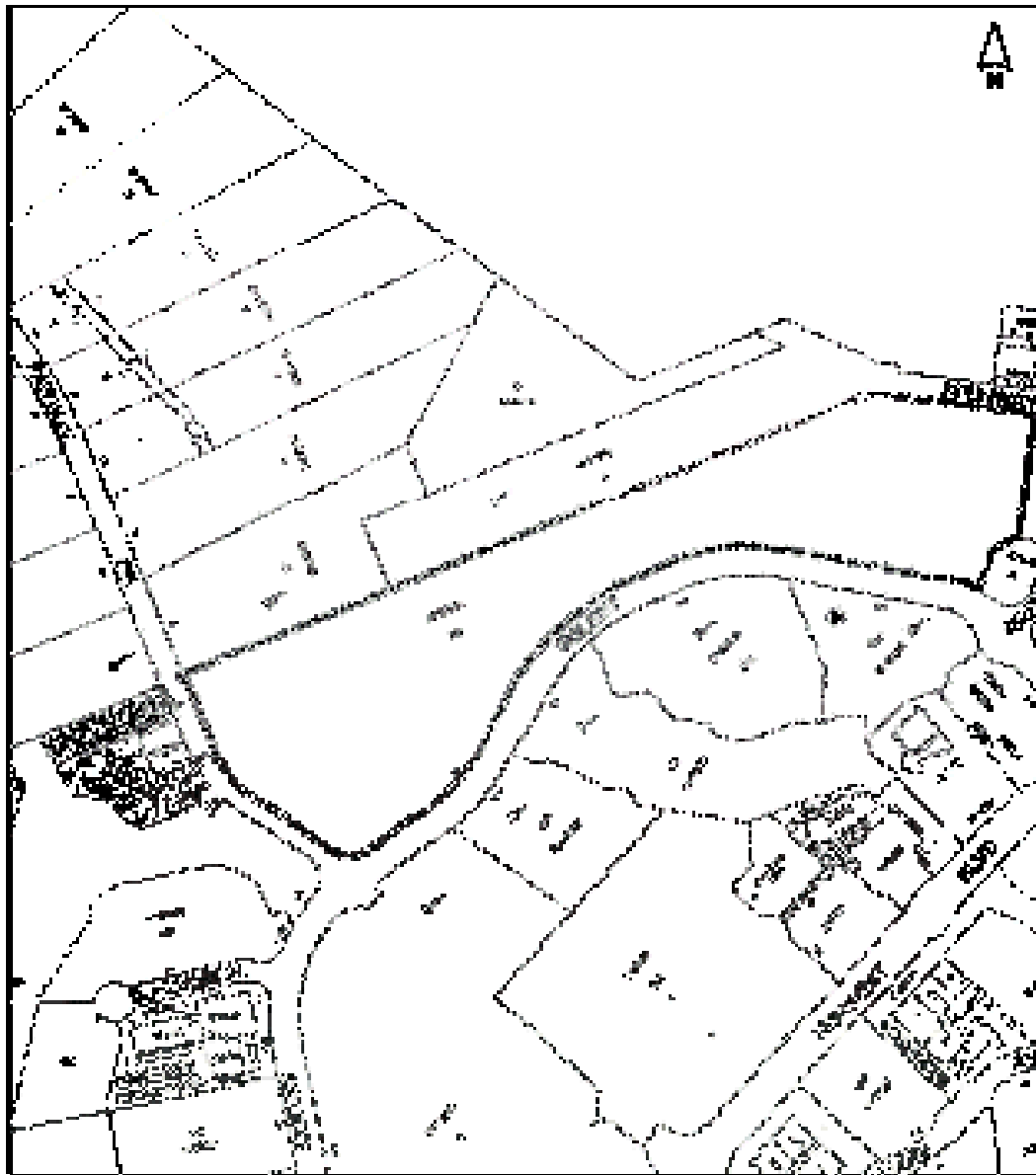
Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Central & Eastern Master Plan
4. Site Analysis Plan
5. Site Plan
6. Development Staging Plan
7. Vehicle Movement Diagrams
8. Housing Types (Floor and Elevation Plans)
9. Street Elevations / Boundary Elevations
10. Shadow Diagrams
11. Landscape Master Plan
12. Landscape Plans
13. Landscape Sections
14. Landscape Details
15. Site Images
16. Draft Strata Plan (Stage 1)
17. Draft Strata Plan (Stage 2)
18. Draft Strata Plan (Stage 3)
19. Draft Strata Plan (Stage 4)
20. Draft Strata Plan (Stage 5)
21. Draft Strata Plan (Stage 6)
22. Bulk Earthworks Details
23. Comments from the NSW Police
24. Comments from the NSW RTA
25. Comments from NSW Office of Water

26. Comments from Sydney Water
27. Comments from Norwest Association
28. Previous Central Precinct (241/2008/HC)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ MAGNET WIRE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED



THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE
 TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

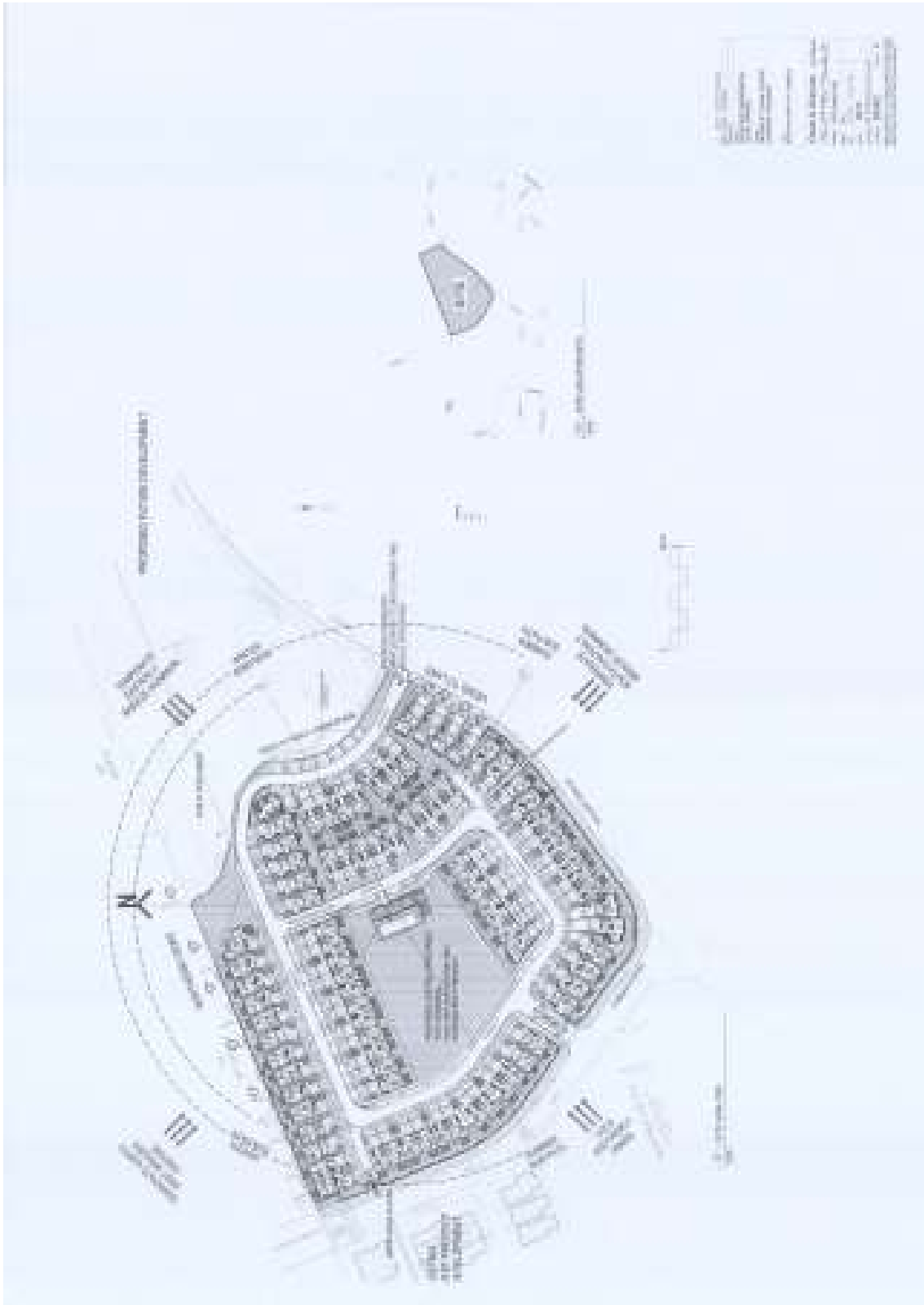
BASIC CADASTRAL COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI) CADASTRAL UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT
 TO THIS COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



[illegible]

ATTACHMENT 4 – SITE ANALYSIS PLAN



ATTACHMENT 5 – SITE PLAN



ATTACHMENT 6 - DEVELOPMENT STAGING PLAN

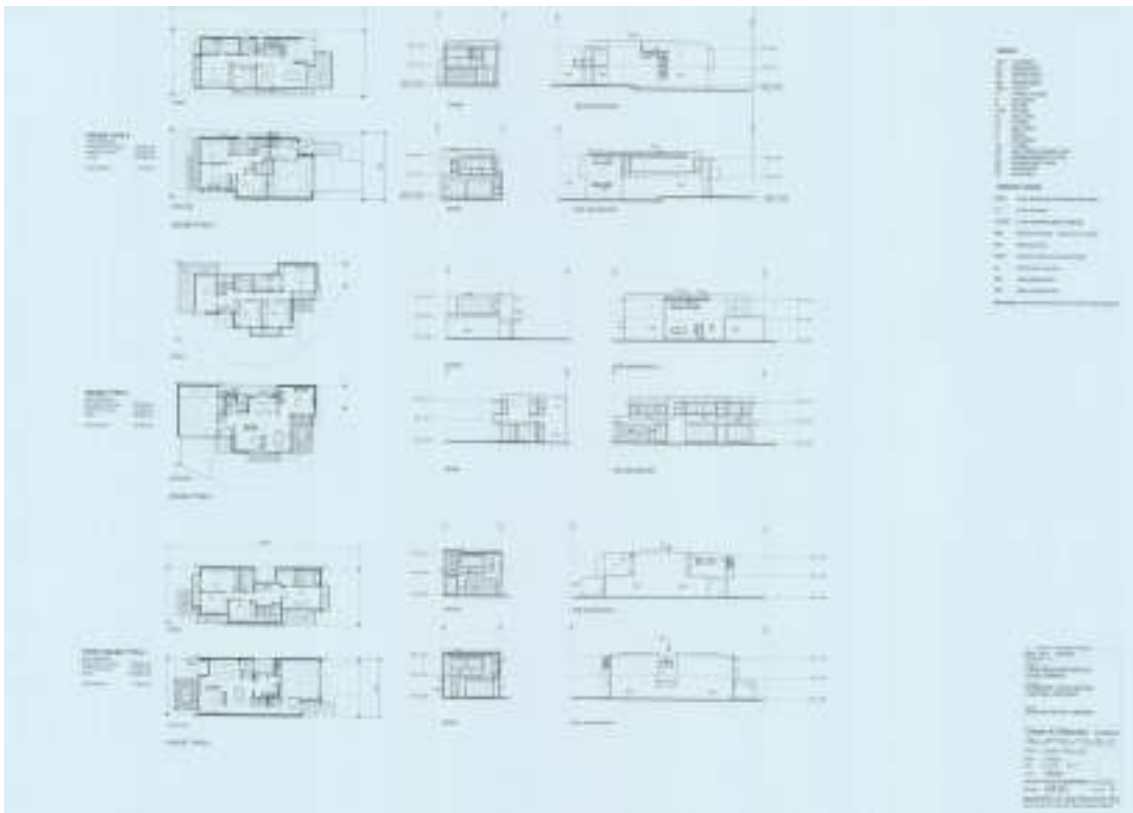
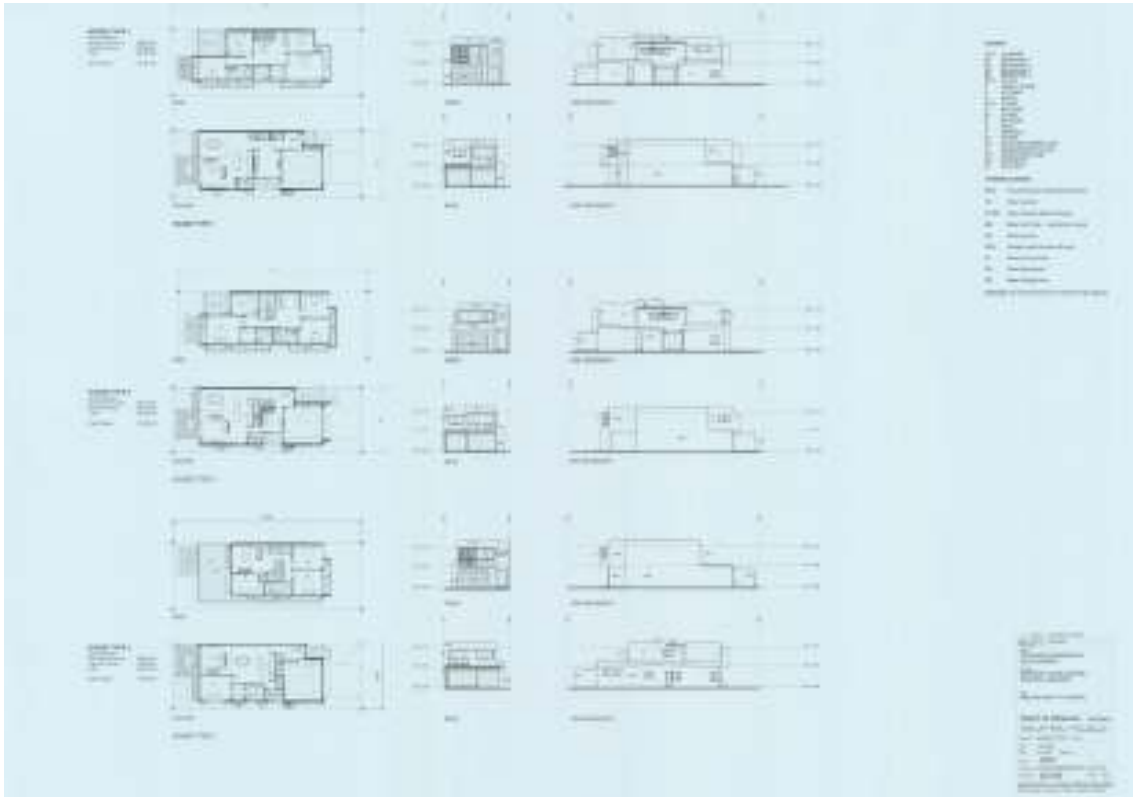


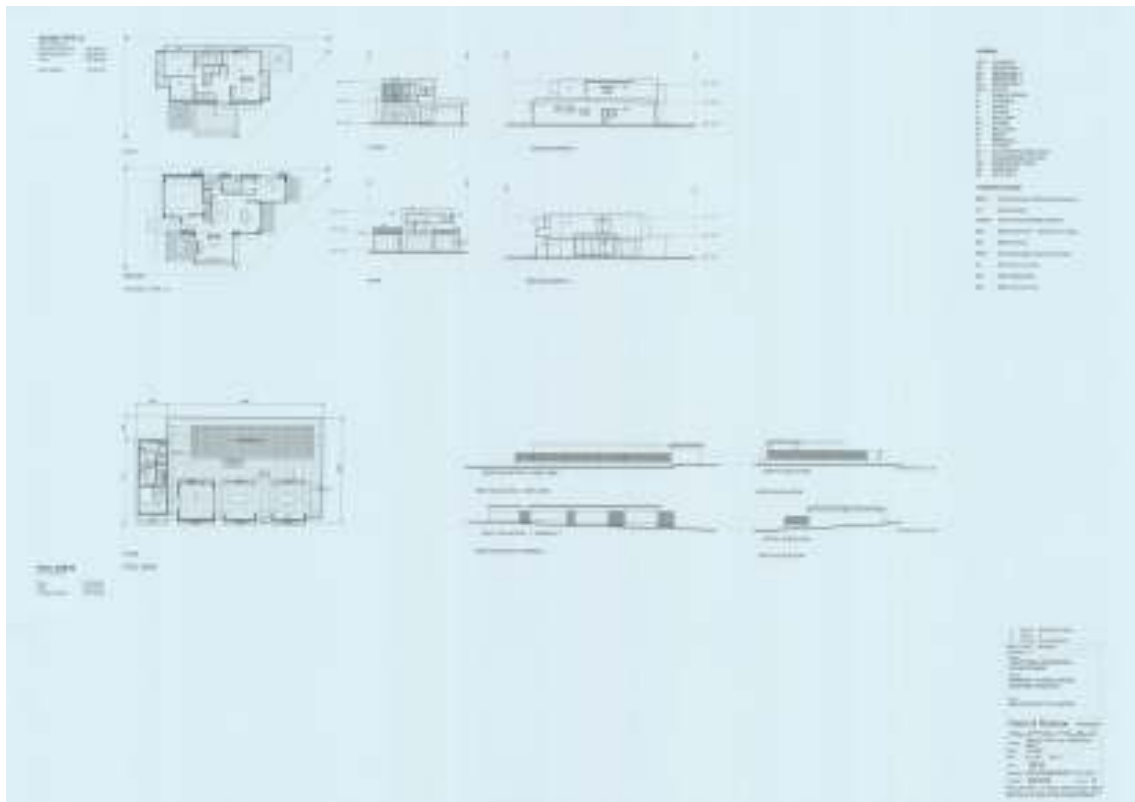
DEVELOPMENT STAGING PLAN

ATTACHMENT 7 - VEHICLE MOVEMENT DIAGRAMS

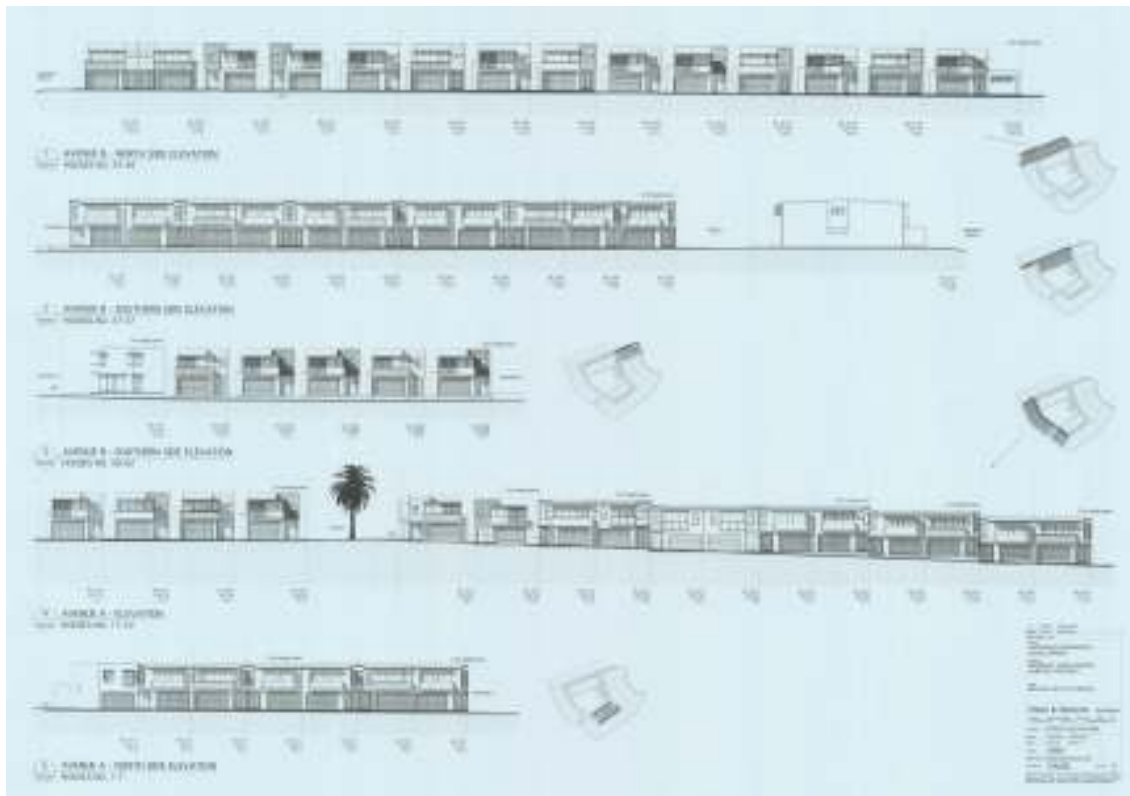


ATTACHMENT 8 - HOUSING TYPES (FLOOR AND ELEVATION PLANS)

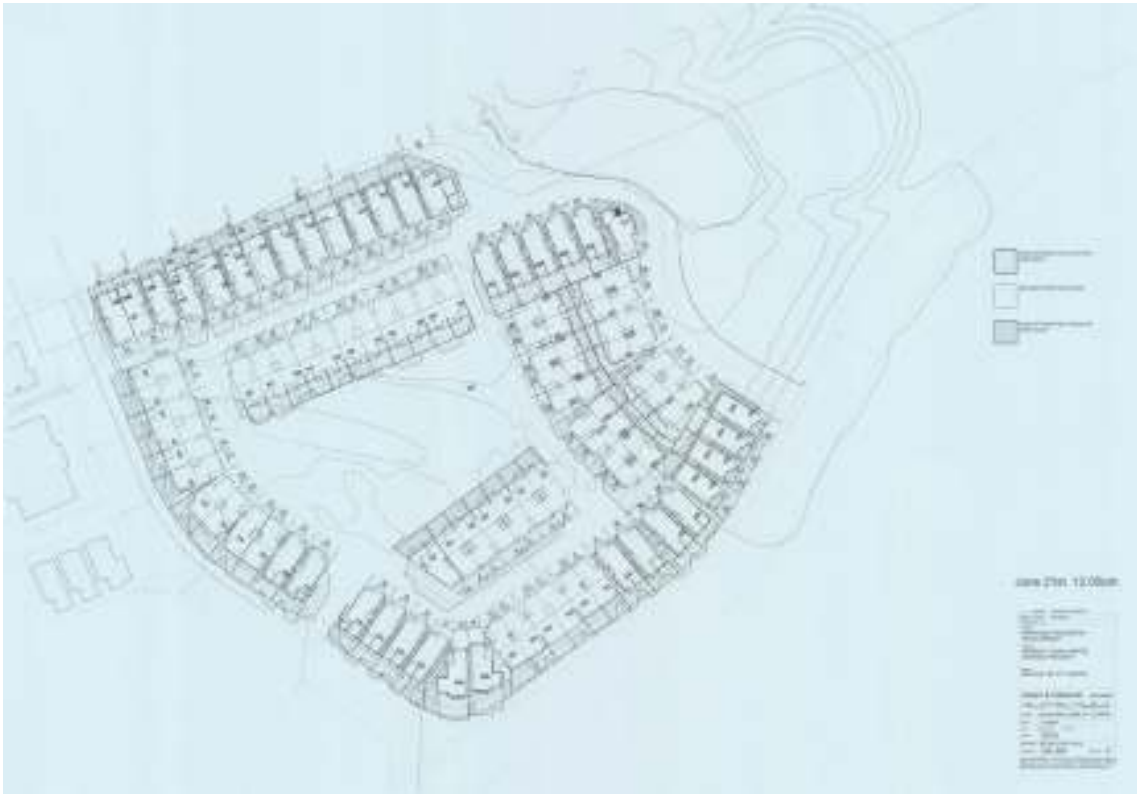
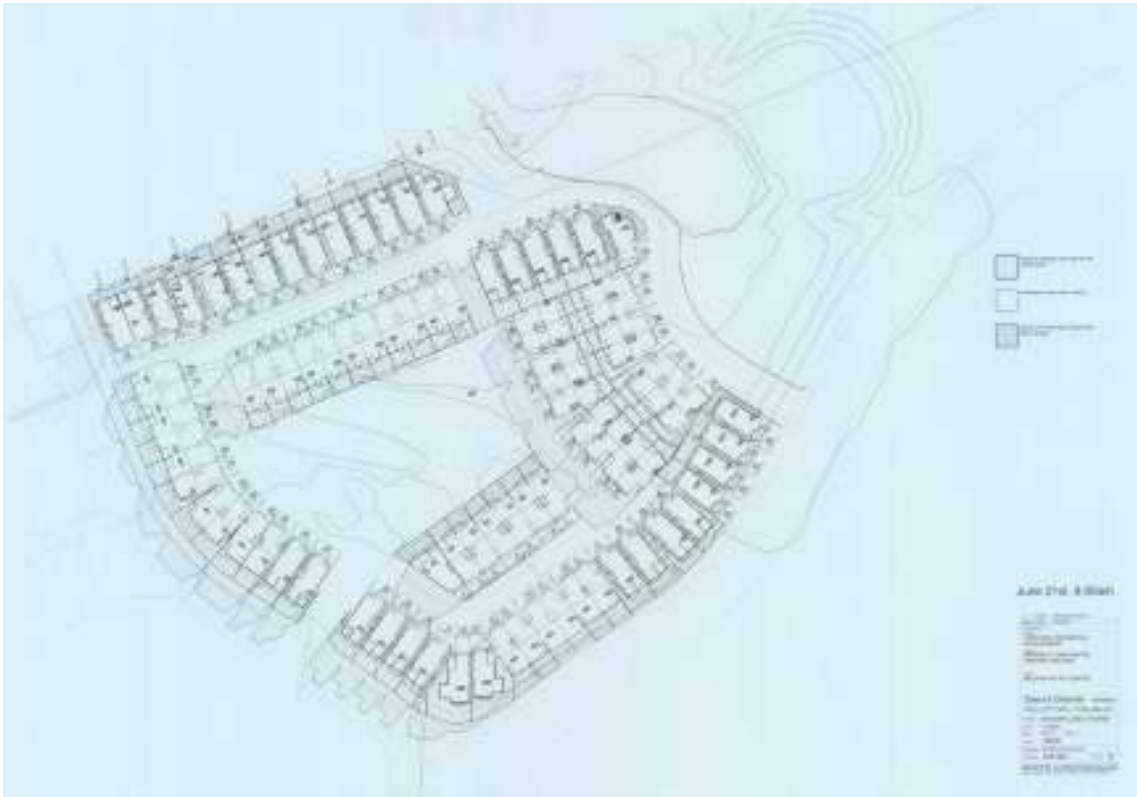




ATTACHMENT 9 - STREET ELEVATIONS / BOUNDARY ELEVATIONS



ATTACHMENT 10 - SHADOW DIAGRAMS



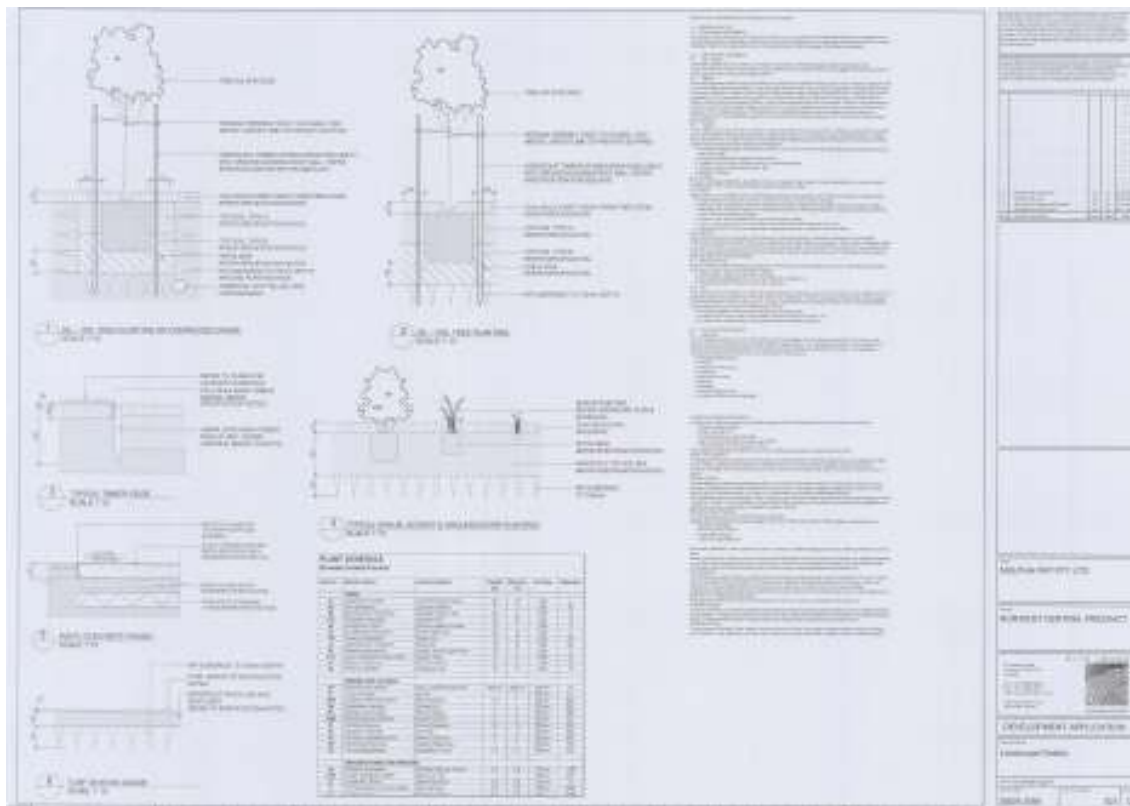
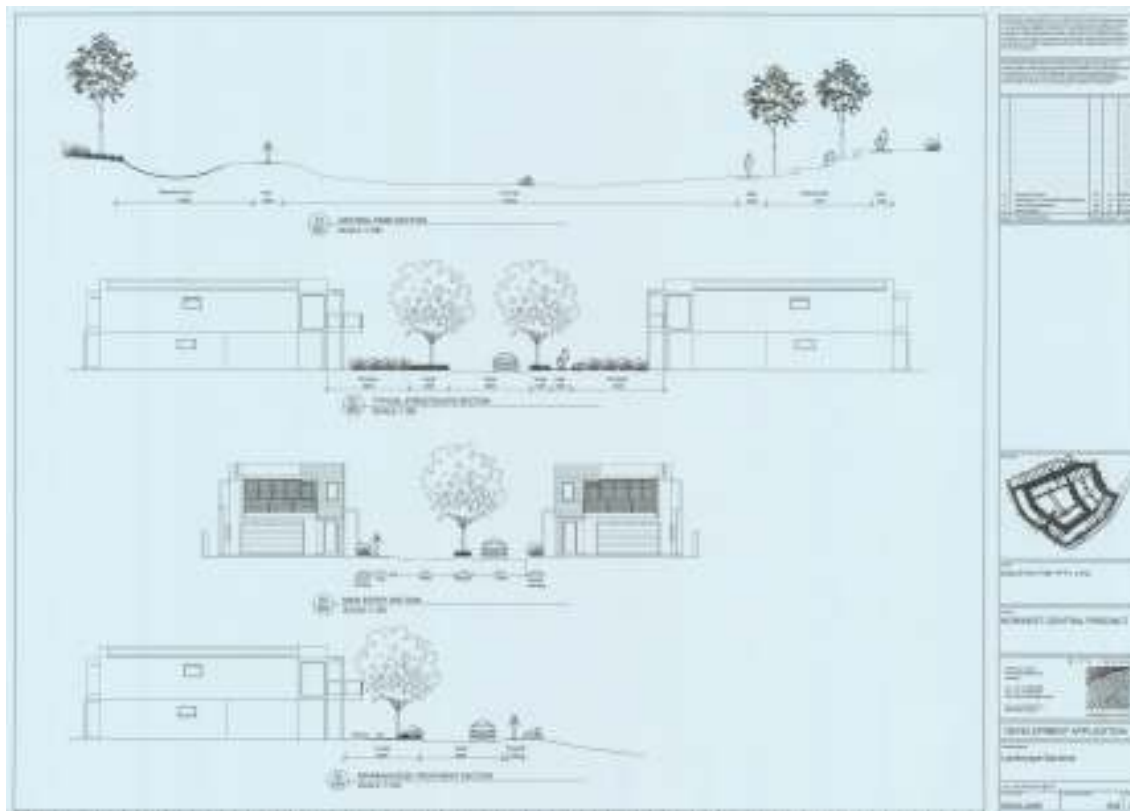
ATTACHMENT 11 - LANDSCAPE MASTER PLAN



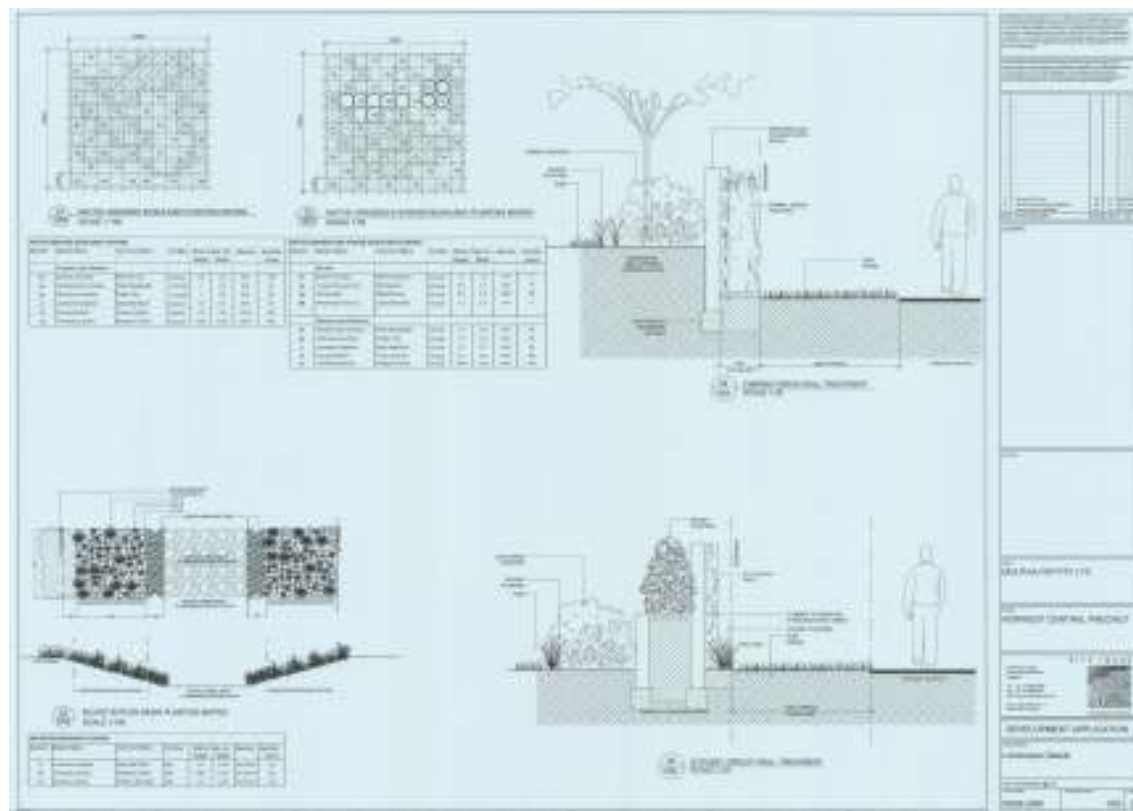
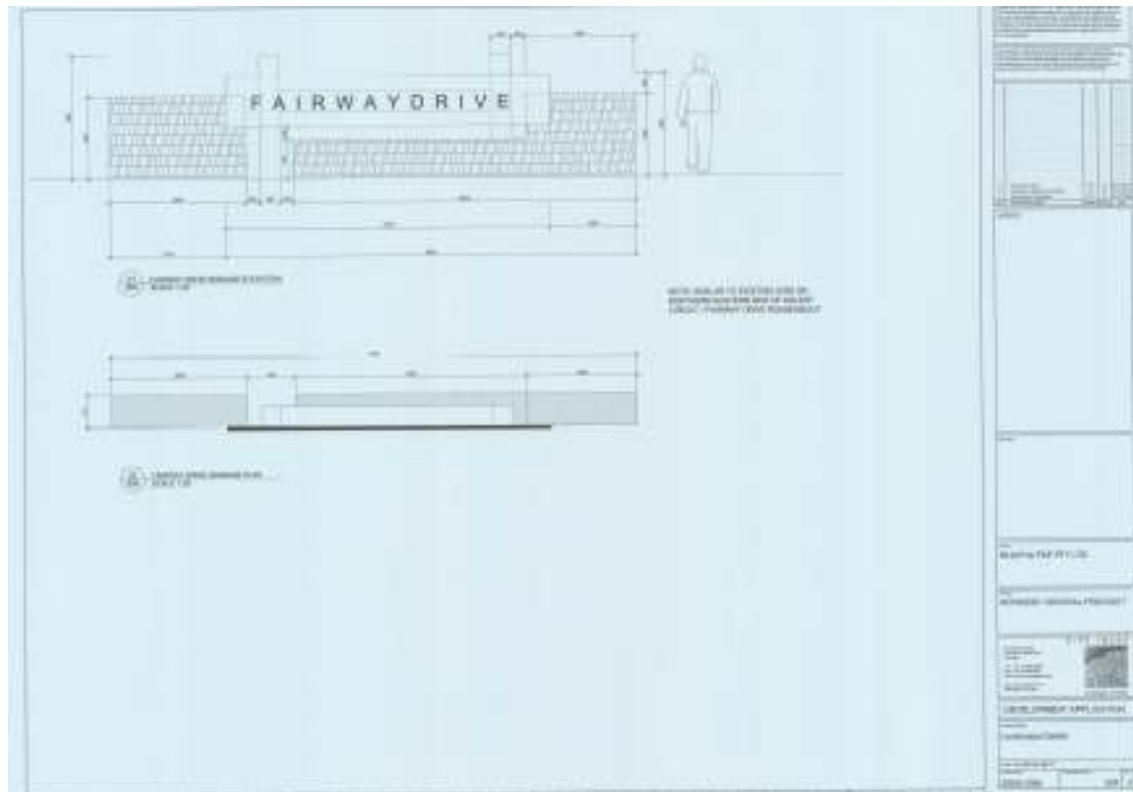
ATTACHMENT 12 - LANDSCAPE PLANS



ATTACHMENT 13 - LANDSCAPE SECTIONS



ATTACHMENT 14 - LANDSCAPE DETAILS



ATTACHMENT 15 - SITE IMAGES



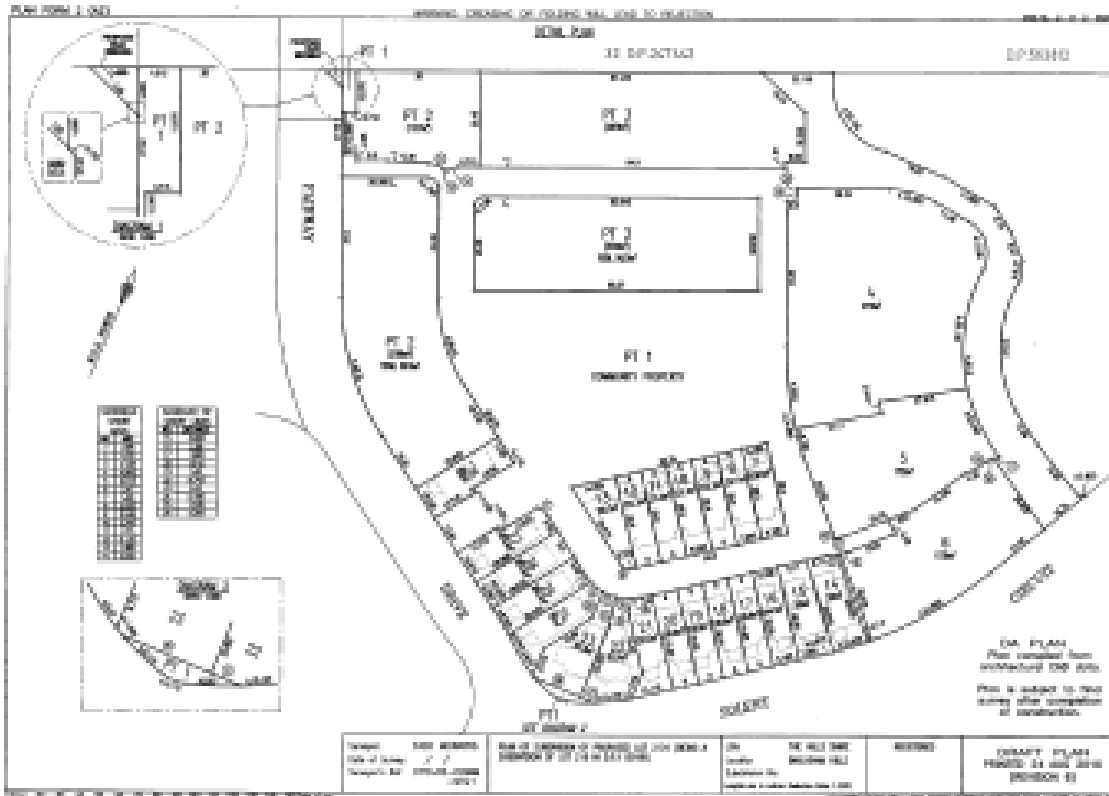
View towards community space along Avenue A



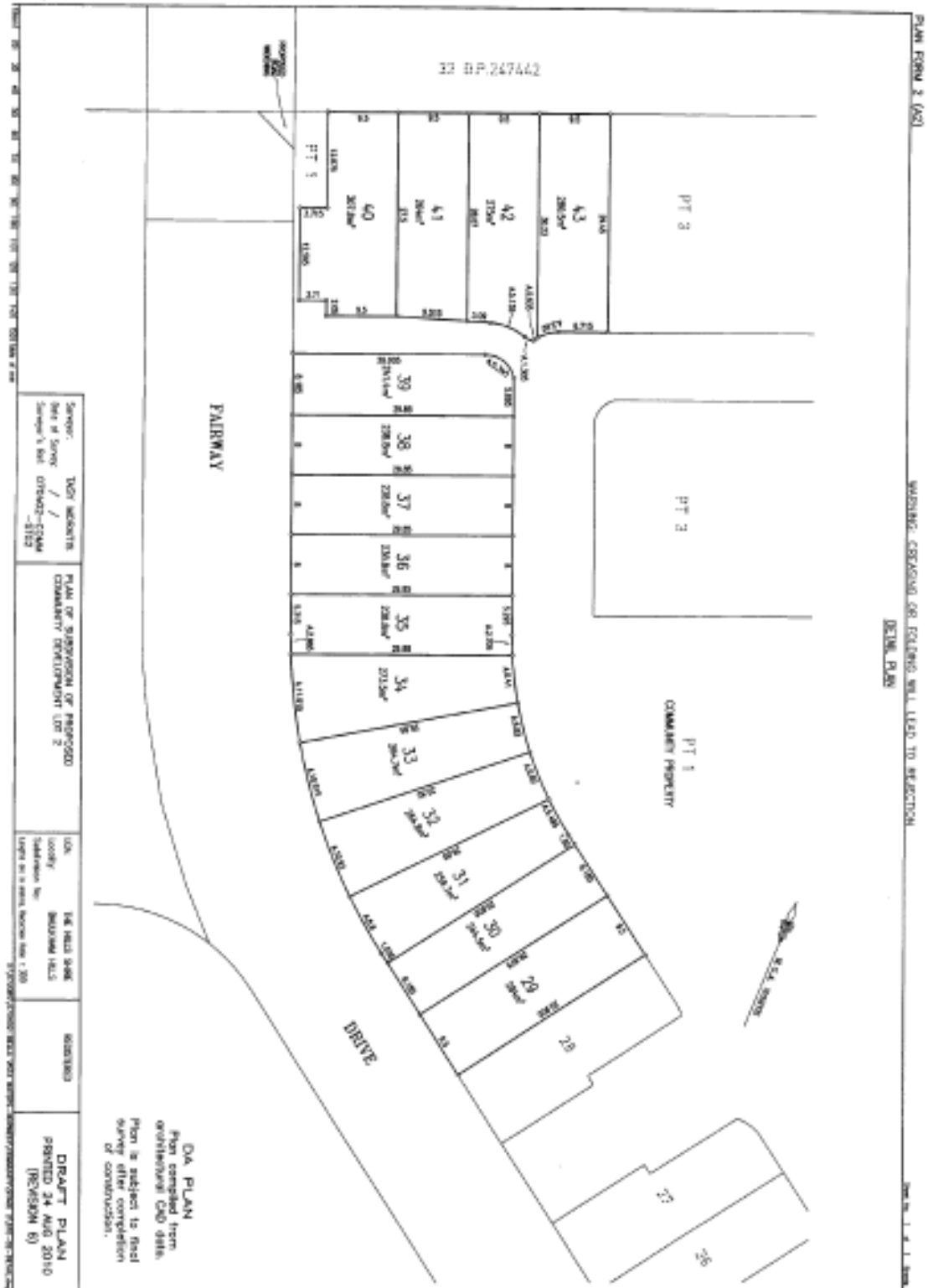
View towards community space from development access



View towards community space along Avenue B

[illegible]

ATTACHMENT 17 - DRAFT STRATA PLAN (STAGE 2)



PLAN 10114 2 (2)

RECORD: ORIGINAL OR REPRODUCED WILL LEAD TO REJECTION

DATE: 11-11-2011

CO. PLANS
Plan compiled from
architectural data file.

Plan is subject to final
survey after completion
of construction.

33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

PT 1
CONCRETE BRIDGE

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57

[illegible]

The image is a detailed site plan for a proposed development. It shows a series of lots, numbered 1 through 12, arranged in a grid-like fashion. The lots are separated by easements and property boundaries. The plan includes a north arrow pointing towards the top right and a scale bar at the bottom left. The title 'DRAFT PLAN' is prominently displayed at the top, and 'PROPOSED DEVELOPMENT' is written below it. The plan also includes a legend at the bottom right, which defines the symbols used for easements, property boundaries, and other features. The overall layout is a technical drawing typical of a site plan for a proposed development.

DRAFT PLAN
PROPOSED DEVELOPMENT

LEGEND

- EASEMENT
- PROPERTY BOUNDARY
- PROPOSED DEVELOPMENT

NOTES

1. The plan is subject to final review after completion of construction.
2. The plan is subject to final review after completion of construction.

SCALE

1" = 100'

DATE

10/1/2010

BY

10/1/2010

FOR

10/1/2010

PROJECT

10/1/2010

LOCATION

10/1/2010

OWNER

10/1/2010

DESIGNER

10/1/2010

REVIEWER

10/1/2010

APPROVED

10/1/2010

DATE

10/1/2010

BY

10/1/2010

FOR

10/1/2010

PROJECT

10/1/2010

LOCATION

10/1/2010

OWNER

10/1/2010

DESIGNER

10/1/2010

REVIEWER

10/1/2010

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10/1/2010

REVIEWER

10/1/2010

APPROVED

10/1/2010

DATE

10/1/2010

BY

10/1/2010

FOR

10/1/2010

PROJECT

10/1/2010

LOCATION

10/1/2010

OWNER

10/1/2010

DESIGNER

10/1/2010

REVIEWER

10/1/2010

APPROVED

10/1/2010

DATE

10/1/2010

BY

10/1/2010

FOR

10/1/2010

PROJECT

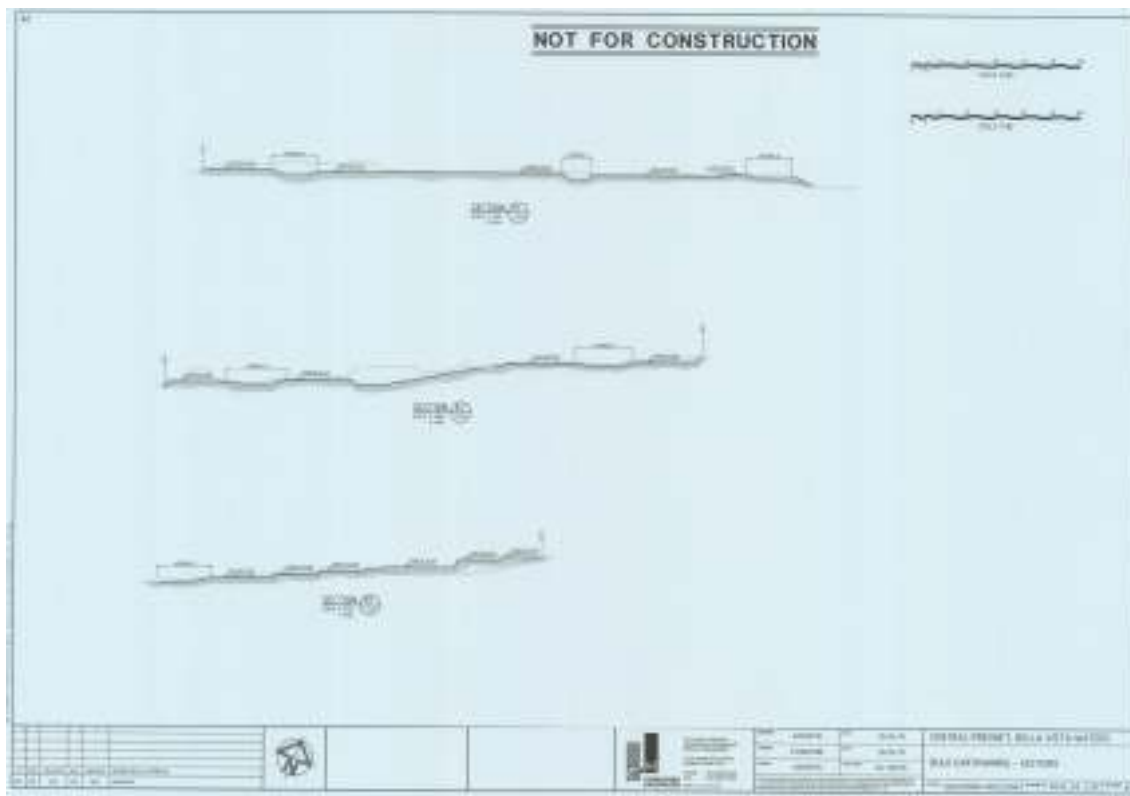
10/1/2010

LOCATION

10/1/2010

OWNER

ATTACHMENT 22 – BULK EARTHWORKS DETAILS



ATTACHMENT 23 - NSW POLICE COMMENTS



NSW POLICE FORCE **THE HILLS LOCAL AREA COMMAND**

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2154
Ph. 9680 5399
Fax: 9680 5303

Friday 22nd January 2010

Gavin Cherry
Town Planning Co-ordinator
Baulkham Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765

DOC. No.:	
BOX No.:	
- 1 FEB 2010	
THE HILLS SHIRE COUNCIL	

Dear Mr Cherry,

**Subject: Development Application No. 993/2010/JP – Norwest Town
Centre – Central Precinct – Medium Density Residential Development**

**Property: Lot 210 DP 1129196, 1-34/2-54 Central Park Avenue, Baulkham
Hills**

Police Ref: 2010_9273

We refer to your development application which seeks approval for the medium density residential development of Central Precinct in Norwest Town Centre.

After perusing the paperwork and plans associated with this proposal, Police have concerns with the request. There are a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered in this development.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points to the Community Facilities and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

- **Landscaping**

The safety objective of "to see and be seen" is important in landscaped areas. Dense vegetation can provide concealment and entrapment opportunities. As this development proposes to have shrubs and trees throughout the site, it must be emphasised that the vegetation be kept trimmed at all times.

Owing to the potential drawback the Community Facilities may have for malicious damage and/or anti-social behaviour Police would suggest the use of CCTV to monitor the facilities.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Police strongly recommend that fencing, at least 5 foot in height, be installed as a security measure to restrict access to the community facilities, especially the pool area. There is a similar residential complex, featuring a community pool, in the southern area of Bella Vista. Residents in this complex are consistent placing calls to Castle Hill Police regarding trespassing issues. The pool in this complex is not fenced adequately to discourage trespassers. An open air pool within a residential complex, as proposed in this application, often attracts juvenile trespassers in the summer months. Ensuring the community facilities proposed in this application are adequately secured is vital.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Other Matters

Unfortunately, offenders target this type of development, both in its construction phase and when the units are occupied. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaking into residential premises via garages. Many of the residential premises in this area feature internal access door from the garage into the premises. Police strongly recommend good quality locking mechanisms be fitted to all internal access doors from garages proposed as part of the development.

In relation to traffic matters, Police strongly support the implementation of a left in/left out only provision to be applied to the vehicular access point via Solent Circuit. Additional to this, Police recommend the internal roads/avenues all bear parking restrictions of 'no standing' at any time. The proposed road width of 6 metres is insufficient and unsafe to cater for two way directional travel as well as parallel parked vehicles. With consideration to the density of this proposed residential development, parking complaints in these types of communities can often be the route of many neighbour disputes. A condition restricting/prohibiting parallel parking in the internal roads/avenues may prevent neighbour dispute related offences occurring.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Callie Walker
Constable
Crime Prevention Officer
Castle Hill Police

The NSW Police (NSWP) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- It is not possible to make areas evaluated by the NSWP absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWP at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- The NSW Police hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

ATTACHMENT 24 - NSW RTA COMMENTS

Our Reference: RDC 10M108 – SYD10/00038
Your Reference: 993/2010/JP
Contact: Edmond Platon
Telephone: 8849 2906

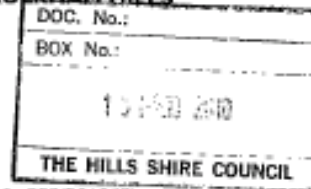
SRDAC

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

The General Manager
The Hills Shire Council
DX 8455
Castle Hill

**PROPOSED MEDIUM DENSITY RESIDENTIAL DEVELOPMENT AT
NORWEST TOWN CENTRE – CENTRAL PRECINCT,
1-34/2-54 CENTRAL PARK AVENUE, BAULKHAM HILLS**

Attention: Gavin Cherry



Dear Sir/Madam,

I refer to your letter of 13 January 2010 (Council Ref: 993/2010/JP), concerning the abovementioned Development Application which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007.

I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 28 January 2010 and the RTA provides the following comments to Council for consideration in its determination of the development application:

1. The intersection of Norwest Boulevard/Solent Circuit (east) is currently experiencing significant delays. The performance of the intersection would greatly improve with the installation of traffic signals.

The development application is for the Central Precinct of the Norwest Town Centre Residential Master Plan which also includes the Western Precinct (completed) and the Eastern Precinct (Future). The Master Plan was approved by Council in 2006 (DA 790/2006/HC) and Condition 5 of the consent states:

"A signalised intersection at Norwest Boulevard/Solent Circuit (east) shall be provided at the expense of the applicant prior to the occupation of 400 units within the proposed development. The design of this signalised intersection shall be prepared by Council and approved by the RTA".

It is understood that the current application reduces the amount of dwellings proposed in the Central Precinct which may affect the trigger point for the installation of the traffic signals. Worse still, if the number of dwellings in the Eastern Precinct is also reduced, the amount of dwellings for the entire Master Plan could end up less than 400 dwellings and not trigger the installation of the traffic signals. Council should revise the trigger point for the installation of traffic signals at the intersection of Norwest Boulevard/ Solent Circuit (east).

Roads and Traffic Authority
ABN 68 480 155 255



27-31 Argyle Street,
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124
DX 28555 Parramatta

T 131 782

www.rta.nsw.gov.au

2. Comments 1 and 3-6 provided in the RTA letter dated 8 January 2008 (RTA Ref: RDC 07M3293, attached) with regard to the previous residential development application (Council Ref: 241/2006/HIC) proposed also within the Central Precinct remain valid to this new development application.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of the Department's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any inquiries in relation to this development application can be directed to Edmond Platon on telephone 8849 2041 or facsimile 8849 2918.

Yours sincerely,



Ken Moon
Landuse Planning & Assessment Manager
Transport Planning, Sydney Region

11 February 2010
end

RDC 07M13293

Andrew Popoff

The General Manager
Baulkham Hills Shire Council
DX 8455
Castle Hill

Attention: Gavin Cherry

COPY

SRDAC

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

**PROPOSED APARTMENT BUILDINGS, INTEGRATED HOUSING AND TOWN HOUSE
DEVELOPMENT AT NORWEST TOWN CENTRE – CENTRAL PRECINCT, LOT 21 DP
1034506, SOLENT CIRCUIT, BAULKHAM HILLS.**

Dear Sir / Madam,

I refer to your letter of 28 August 2007 (Council Ref: 241/2008/HC), concerning the above mentioned Development Application referral to the Roads and Traffic Authority (RTA) for comment in accordance with the provisions of Schedule 1 of State Environmental Planning Policy No 11 (SEPP 11). I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 26 September 2007.

Below are the Committee's recommendations and RTA's comments on the subject application:

1. To ensure that there is adequate provision for on-street parking for visitors, Council's Local Traffic Committee should consider the installation of 2 Hour Parking (8am – 5pm, Mon – Fri) along the proposed eastern road and the internal loop road.
2. Council's representative advised that as part of the Master Plan for the Residential Precinct that the developer is required to signalise the Norwest Boulevard / Solent Circuit (East) intersection. However the implementation of the proposed traffic signals will not be required until development occurs on the Eastern Residential Precinct. Funding for the signalisation and associated civil works is to be provided by development within the Norwest Business Park.
3. The layout of the proposed car parking areas associated with the subject development (including, driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
4. Council is to ensure that provision be made for secure bicycle parking on site.
5. Car parking provision is to Council's satisfaction.
6. All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.

Roads and Traffic Authority
ABN 64 480 155 255



27-31 Argyle Street,
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124
DX 28555 Parramatta

T 131 782

RDC 07M13293.doc

www.rta.nsw.gov.au

(2)

In accordance with State Environmental Planning Policy No. 11, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the Committee at the same time it is sent to the developer.

Any inquiries in relation to this development application can be directed to the nominated Land Use & Transport Planner, Andrew Popoff, on telephone 8849 2180 or facsimile 8849 2918.

Yours sincerely



Ken Moon
Chairman, Sydney Regional Development Advisory Committee

8 January 2008

copy

RDC 67M3293.doc

ATTACHMENT 25 - NSW OFFICE OF WATER COMMENTS



**Office
of Water**

DOC. No.:	
BOX No.:	
THE HILLS SHIRE COUNCIL	

Contact: Gina Potter
Phone: 02 9885 7259
Fax: 02 9885 7501
Email: gina.potter@water.nsw.gov.au

Our ref: 10 ERM2010/0092
Our file: 9053117
Your ref: 993/2010/UP

The General Manager
Baulkham Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Gavin Cherry

8 July 2010

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval
993/2010/JP - Norwest Town Centre - Central Precinct - Medium Density
Residential Development,
1-34, 2-54 Central Park Avenue BAULKHAM HILLS Cnr Solent and Fairway**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

www.water.nsw.gov.au | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | PO Box 3720 Parramatta NSW 2124 Australia
t +61 2 9885 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTÁ are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Gina Potter
Licensing Officer (Controlled Activities)
NSW Office of Water
Licensing South



Office
of Water

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2010/0092	File No:	9053117
Site Address	1-34, 2-54 Central Park Avenue BAULKHAM HILLS Cnr Solent and Fairway		
DA Number	993/2010/JP		
LGA	Baulkham Hills Shire Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 993/2010/JP and provided by Council:</p> <p>(i) Landscape Master Plan 001 C, dated 29/04/2010, prepared by Site Image Landscape Architects</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river/identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan</p> <p>(ii) Soil and Water Management Plan</p>		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</p> <p>(i) Outlet structures</p>		
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>		
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p>		
8	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.</p>		
Security deposits			

www.water.nsw.gov.au | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | PO Box 3720 Parramatta NSW 2124 Australia
t +61 2 9895 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference	10 ERM2010/0092	File No:	9053117
Site Address	1-34, 2-54 Central Park Avenue BAULKHAM HILLS Cnr Solent and Fairway		
DA Number	993/2010/JP		
LGA	Baulkham Hills Shire Council		
Number	Condition		
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
22	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 15 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.		
END OF CONDITIONS			

ATTACHMENT 26 – SYDNEY WATER COMMENTS

31 May 2010

Gavin Cherry
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765



Dear Mr Cherry,

Re: DA993/2010/JP Central Residential Precinct Development within the Norwest Residential Town Centre, Central Park Avenue, Baulkham Hills

Thank you for your letter of 5 May 2010 regarding DA993/2010/JP for a central residential precinct development within the Norwest Residential Town Centre, Central Park Avenue, Baulkham Hills. Sydney Water has reviewed the proposal and provides the following comments for Council's consideration.

Stormwater

Sydney Water Stormwater Group has no objection to the proposed development, however it is important, as previously mentioned in Sydney Water's previous advice dated 4 March 2010, that Council ensure that the appropriate positive covenant documents are put in place to ensure the ongoing maintenance obligations for the proposed stormwater management devices are met into the future.

Sydney Water Servicing

Sydney Water will further assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

Sydney Water e-planning

Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the *Environmental Planning and Assessment Act 1979*
- consultations where Sydney Water is an adjoining land owner to a proposed development

Sydney Water Corporation ABN 49 776 235 008
1 Smith St Parramatta 2150 | PO Box 999 Parramatta 2124 | CX 14 Sydney | T 15 20 92 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community

- Major Project applications under Part 3A of the *Environmental Planning and Assessment Act 1979*
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Sewage Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

If you require any further information, please contact Alexandra Plumb of the Urban Growth Branch on 02 8849 6066 or e-mail alexandra.plumb@sydneywater.com.au

Yours sincerely



Adrian Miller
Manager Urban Growth Strategy and Planning

ATTACHMENT 27 – NORWEST ASSOCIATION COMMENTS

NORWEST ASSOCIATION LIMITED CONDITIONS OF DEVELOPMENT CONSENT



Application No: DA 305
Site: Part Lot 21 DP 1034506 – Solent Circuit,
Norwest Business Park, Baulkham Hills
Project: Proposed Residential Development,
Norwest Town Centre
Applicant: Mulpha FKP Pty Ltd
Approval Date: 6 January 2010

Norwest Association Limited
ACN 003 443 883

Suite 402, 5 Celebration Drive
Norwest Business Park
Bella Vista NSW 2153

Telephone (02) 8824 9821
Facsimile (02) 8824 8497

APPROVED PLANS

1. The development is approved in accordance with the details submitted in the Statement of Environmental Effects dated January 2010 and Drawings, as follows:

DA000 – Cover Page
DA001 – Master Plan
DA002 – Site Analysis and Location Plan
DA003 – Site Plan and Ground Floor Level
DA004 – Area Schedule and Staging Plan
DA100 – House Types 1, 2 & 3
DA101 – House Types 3, 4 & 5
DA102 – House Types 7, 8 & 9
DA103 – House Type 10 and Community Area
DA200 – Street Elevations
DA201 – Street Elevations
DA202 – Street Elevations
DA300 – Shadow Diagrams
DA400 – Perspective Views
001 A – Landscape Master Plan
101 A – Landscape Plan – Sheet 1
102 A – Landscape Plan – Sheet 2
103 A – Landscape Plan – Sheet 3
104 A – Landscape Plan – Sheet 4
501 A – Landscape Details
502 B – Landscape Sections
503 A – Landscape Details

2. The provision of a minimum of 206 car parking spaces as part of the overall car parking provision on-site.
4. Landscaping to be provided in accordance with drawings as submitted with the application and including the following:-
 - Retention of existing street trees in Fairway Drive and Solent Circuit.

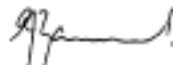
- A brick paver footpath, 1.5m wide for the full frontage of the site to Solent Circuit,
 - Concrete paving as required by Council in Fairway Drive,
 - An automated drip irrigation system to all landscaped areas of the site, connected to stormwater harvesting tanks.
5. Separate applications to be submitted to Norwest Association for consideration and approval for each Stage of the development. ✖

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Plans to be submitted to Norwest Association for consideration and approval showing:-
- Extension of the pedestrian path in Avenue D to connect to Solent Circuit,
 - Enhancement of the main entry from Fairway Drive to include additional landscaping,
 - Landscape treatment of site frontage to Fairway Drive and Solent Circuit showing landscaping external to the proposed masonry wall.
7. Details of building material and finishes are to be submitted to the Norwest Association for consideration and approval.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

8. The applicant/developer is required to certify reinstatement of any works, infrastructure, paving or landscaping adjacent to the site boundary disturbed during the construction phase.
9. The applicant/developer is to provide certification by a suitably qualified landscape architect at the completion of the landscaping that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.



ALAN ZAMMIT AM
Chairman
Norwest Association Limited

ATTACHMENT 28 - APPROVED CENTRAL PRECINCT (DA 241/2008/HC)

