

Appendix A - Conditions of Approval

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA 1001	Site Analysis & Plan	B	05/04/2013
DA 1801	Typical Unit Plans	B	05/04/2013
DA 1802	Typical Unit Plans	B	05/04/2013
PP 1102	Basement Level 1 Plan	P5	10/05/2013
DA 1101	Basement Level 2 Plan	B	05/04/2013
PP 1103	Lower Ground Level Plan	P5	10/05/2013
DA 1104	Upper Ground Level Plan	B	05/04/2013
DA 1105	Typical Level Plan	B	05/04/2013
DA 1106	Roof Plan	B	05/04/2013
DA 1850	Lower & Upper Ground Level Plan	B	05/04/2013
DA 1201	Sections	B	05/04/2013
DA 1202	Sections	B	05/04/2013
DA 1301	Elevations	B	05/04/2013
DA 1302	Elevations	B	05/04/2013
ED-016-001	Landscape Concept Plan	B	09/04/2013
ED-016-002	Landscape Detail Areas & Plant Schedule	B	09/04/2013

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

2. Construction Certificate

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

3. Provision of Parking Spaces

The development is required to be provided with 207 off-street car parking spaces (comprising 157 resident spaces, 40 visitor spaces and 10 accessible spaces). These car parking spaces shall be available for off street parking at all times.

4. External Finishes

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

5. 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.

6. NSW Office of Water General Terms of Approval

The development shall comply with the NSW Office of Water General Terms of Approval dated 9 May 2013 and attached to this consent as Appendix A.

7. Compliance with Rural Fire Service Requirements

The development shall comply with the following NSW Rural Fire Service requirements:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the issue of construction certificate and in perpetuity, the land surrounding the building(s) to a distance of 10 metres to the north and to the boundary on the east, south and west, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- b) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- c) Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- d) All new fencing shall be non-combustible.
- e) New construction shall comply with Sections 3, 6 (BAL 19) and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' in accordance with the construction levels indicated on the Plan A11063 dated 12/07/11 by Travers Bushfire & Ecology.

Landscaping

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

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
- Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;

- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
- Use of low flammability vegetation species.

8. Compliance with Roads and Maritime Services Requirements

The development shall comply with the following NSW Roads and Maritime Services requirements:

- a) The intersection of Windsor Road – Church Street/North Rocks Road currently operates at capacity during both the AM and PM peak travelling periods because of extensive queues in North Rocks Road and along Windsor Road.

To address the additional traffic and congestion caused by this development proposal along the North Rocks Road approach, RMS requires that the applicant extends the storage within the left turn slip lane along North Rocks Road in accordance with the concept plan attached to this consent as Appendix C.

In addition, the applicant is required to construct a central turning lane on North Rocks Road, fronting the development site. The developer of No. 25 North Rocks Road shall be consulted in this regard.

The above works have also been conditioned upon No. 25 North Rocks Road, North Rocks, therefore, a cost sharing arrangement is to be entered into between both development sites.

The level of contribution payable by each party is to be calculated based on the following:

- The additional amount of traffic to be generated by each development at 25 North Rocks, North Rocks and 27-33 North Rocks, North Rocks as a percentage of the total amount of traffic currently using the intersection. Calculations are to be based on traffic volumes in the peak periods between 7-9AM and 4-6PM.

Prior to the issue of a Construction Certificate, written evidence shall be provided that a cost sharing arrangement has been entered into by the two parties. The evidence shall be documented into a legally binding agreement, which shall be reviewed by the RMS and Council prior to the issue of a Construction Certificate.

The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities.

- b) James Ruse Drive is a Controlled Access Road and therefore access is denied to this corridor.

- c) To facilitate the proposed right turning bays and subject to Council's Local Traffic Committee's approval, full time "No Stopping" restrictions are to be installed along both sides of North Rocks Road, covering the subject property frontage.
- d) Geotechnical and design details for the excavation and retaining structures are to be submitted to the RMS for review and approval. The developer is to pay for the full cost of the review by the RMS.
- e) Permanent or temporary anchors are not permitted within the James Ruse Drive road reserve.
- f) The development shall be designed such that road traffic noise from James Ruse Drive is mitigated by durable materials and complies with the requirements of Clause 102- (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- g) All works/regulatory signposting associated with the development are to be at no cost to the RMS.

9. Compliance with NSW Police Requirements

The development shall comply with the following NSW Police requirements:

- a) The basement car parking areas shall be painted white to assist in reflecting light.
- b) All vegetation, especially the shrubs and shade trees, are to be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.
- c) Bicycle parking areas should be located within view of capable guardians. The provision of covered, lockable racks to secure bicycles increases the effort required to commit crime.
- d) The access/exit driveways are to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended.
- e) A CCTV system is to be installed to monitor common open space areas and the access/exit driveways of the underground car parks.
- f) All public access points are to be well marked.
- g) Police recommend the use of roller shutters placed at the vehicular entrance to the residential parking areas and further access control both into the grounds of the development or the residential buildings. Police recommend separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building.
- h) All fire exit stairwells are to be properly secured so as to only allow downwards travel and exit from the building. No person should be able to move up a level in the building through a fire escape stairwell without a key.
- i) Police recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

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

The responsibility for property numbering is vested solely in Council.

The property address for this development is:-

**Units 1-101 / 27 North Rocks Road
North Rocks NSW 2151**

Please refer to the below table, approved numbering correspondence and plans marked with unit number allocation. These unit numbers, as issued, are to be displayed clearly on all unit door entrances.

	Upper Ground Level Drawing DA 1104	Level 1 Drawing DA1105	Level 2 Drawing DA1105	Level 3 Drawing DA1105	Level 4 Drawing DA1105	Lower Ground Level Drawing PP1103
	Unit Numbers	Unit Numbers	Unit Numbers	Unit Numbers	Unit Numbers	Unit Numbers
Building A	1-3	4-6	7-9	10-12	13-15	N/A
Building B	16-18	19-21	22-24	25-27	28-30	N/A
Building C	31-34	35-38	39-42	43-46	47-50	N/A
Building D	51-53	54-56	57-59	60-62	63-65	N/A
Building E	66-68	69-71	72-74	75-77	78-80	N/A
Building F	81-83	84-86	87-89	90-92	93-95	N/A
Building G	N/A	N/A	N/A	N/A	N/A	96-101

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

11. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

12. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report Number E1558.1 AA dated 30th March 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

1. Preparation of an Asbestos Management and Work Plan prior to the commencement of any excavations works on site.
2. During site redevelopment and bulk excavation works, removal of the asbestos impacted fill soils at the north-eastern (BH12 and BH13) and central (BH21) parts of the site in accordance with Work Cover NSW Authority guidelines.
3. Classification and off-site disposal of asbestos impacted soils in accordance with the DECCW (2009) Waste Classification Guidelines.

4. Validate that the excavated areas are left free of contamination by visual inspection and validation sampling by comparing analytical results for excavation surfaces and any backfill material, against the respective DECC/EPA thresholds.
5. Preparation of a validation report by a qualified environmental consultant, certifying site suitability for the proposed development.

13. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Noise Assessment Project Number 20111086.1, dated 8/12/2011 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6.1 Glazing – Table 4- Recommended Glazing Construction
- 6.2 External Doors – Any glass door should be constructed using glazing thickness set out in table 4. Full perimeter acoustic seals around the doors are required. Any timber external doors shall be a minimum 40mm solid core timber with Raven RP10 to the top and Raven RP38 to the underside of the door.
- 6.3 Roof / Ceiling – The proposed concrete slab roof is acoustically acceptable. No details of ceiling construction or corner junctions are required as the necessary acoustic performance is achieved by the concrete. Penetrations in all sleeping area ceilings (such as for light fittings etc) must be acoustically treated and sealed gap free with a flexible sealant.
- 6.4 External Walls – External walls composed of concrete or masonry will not require upgrading.
- 6.5 Ventilation – AS3671-1989 requires the installation of mechanical ventilation or air conditioning systems for development affected by traffic noise. As internal noise levels cannot be achieved with the windows opened it is required that an alternative outside air supply system or air conditioning system be installed in accordance with AS 1668.2 requirements. Any mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the roof/ceiling or wall. Noise emitted to the property boundaries by any ventilation shall comply with 5dB(A) above the background noise level.
- Mechanical Plant Recommendations – Detailed review of all mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments should be determined in order to control plant noise emissions to the levels set out in Section 7.3 of this report, being 5dB(A) above Background.

All plant can be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and if necessary standard acoustic treatments such as noise screens, enclosures, in – duct treatments (silencers/lining ducting) or similar.

14. 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. Groundcovers are to be planted at 5/m².

15. Replacement Planting Requirements

Trees to be planted as part of approved landscape plan and approved vegetation management plan for riparian area are to be selected on priority basis from the following list of locally indigenous trees that originate in vegetation community Sydney Sandstone Gully Forest.

Angophora bakerii	Narrow-leaved Apple
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Angophora costata	Smooth-barked Apple
Corymbia gummifera	Red Bloodwood
Eucalyptus pilularis	Blackbutt
Eucalyptus piperita	Sydney Peppermint
Eucalyptus punctata	Grey Gum
Eucalyptus resinifera	Red Mahogany
Eucalyptus saligna	Sydney Blue Gum
Syncarpia glomulifera	Turpentine

The above species are to supersede the following list of proposed species in recommended Planting List Table A1 from VMP prepared by Travers Bushfire and Ecology dated April 2013:

Eucalyptus microcorys

Eucalyptus sideroxylon

Grevillea robusta

16. Adherence to Waste Management Plan

All requirements of the approved Waste Management Plan must be implemented and adhered to during all stages of the development, except where amended by other conditions of consent. A Waste Data File containing the approved Waste Management Plan together with receipts and dockets that verify recycling and disposal must be kept on site at all times and presented to Council when required.

17. Management of Demolition and Construction Waste

Project management must firstly seek to reuse and then secondly to recycle solid waste materials either on or off site. Waste disposal to landfill must be minimised to those materials that are not reusable or recyclable. To maximise reuse and recycling, the following waste materials must be separated and sent for recycling:

- (1) Masonry products;
- (2) Timber waste;
- (3) Metals;
- (4) Clean waste plasterboard; and
- (5) Mixed waste (plastic wrapping, cardboard etc).

Waste must be adequately secured and contained within designated waste areas on site and must not leave the site onto neighbouring public or private property. No waste is to be placed on the public way at any time unless formally approved by Council for the storage of waste in a public place. Any waste material moved off site is to be transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)* and only to a place that can lawfully be used as a waste facility.

18. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licensed waste facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised 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.

19. Commencement of Council Waste Service

The property owner must ensure to arrange the commencement of their waste service with Council no later than two days after occupancy, and no earlier than two days prior to occupancy of the development. Notification is to be received by the property owner or agent acting for the owner by contacting Council on (02) 9843 0310.

20. Construction of Waste Storage Areas

All work involving construction of the waste storage areas shall comply with the requirements of Council's *Information for Waste Management in Multi Unit Dwelling Developments – Baulkham Hills Shire Council Bin Storage Facility Design Specifications* and in addition ensure that:

- (a) Storage facility is provided for a minimum of eleven 1,100 litre bulk garbage bins and forty-two 240 litre comingled recycling bins;
- (b) Paths for movement of bins to and from their storage areas and the collection point incorporate a minimum width of 1.5 metres;
- (c) The collection point is of dimensions which will store and manoeuvre the minimum number of allocated bins;
- (d) Adequate provision is made for the treatment of odours.

21. Protection of Public Infrastructure

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

22. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

23. Structures Adjacent to Piped Drainage Easements

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

24. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

25. Street Trees

Street trees and tree guards must be provided for the section of North Rocks Road fronting the development site. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

26. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. The driveway to the basement carpark access must be designed to provide crest to a minimum RL 21.6m AHD (i.e 500mm above the 1 in 100 year ARI level) in accordance with the proposal to protect the basement car park from flood inundation.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

27. Gutter and Footpath Crossing Application

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

28. Separate Application for Strata Subdivision

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

29. Flood Emergency Response Plan

Prior to the issue of an Occupation Certificate the applicant is to prepare and submit to Council for approval a site specific Flood Emergency Response Plan. The Flood Emergency Response Plan is to be specifically focused on the proposed landuse and the site conditions in conjunction with flood behaviour up to and greater than the 100 year ARI flood event experienced at the site.

Preparation of the Flood Emergency Response Plan shall be in accordance with the Upper Parramatta River Catchment Flood Risk Management Plan and rely on the State Emergency Service (SES) Floodsafe & Stormsafe, available at the SES website <http://www.ses.nsw.gov.au/topics>, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

NOTE: The site specific Flood Emergency Response Plan is to be certified by a suitably qualified emergency management specialist, experienced in emergency urban flash flooding response prior to submission to Council.

30. Process for Council Endorsement of Legal Documentation

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

31. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.

or telephone 13 20 92.

32. Street Numbering Identification and Letterbox Location

Prior to any Construction Certificate being issued, a plan showing the layout and location of a street blade sign at the intersection of North Rocks Road and the proposed private road must be submitted to Council's Team Leader – Land and Information Management for written approval. There must be two separate blades, one being "Private Road" and the second being "23, 25 & 27 North Rocks Road".

The plan must also clearly show the layout and location of the letterbox for the development. Written correspondence from Australia Post certifying that they have agreed to the proposed location of the letterbox must accompany this plan.

33. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of all of the the buildings complies with the following noise criteria as outlined in Schedule 2 of the Infrastructure SEPP

- The following LAeq levels are not to be exceeded;
- In any bedroom in the building : 35dB(A) at any time 10pm-7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) : 40 cB(A) at any time.

A copy of this certification shall be submitted to Council prior to the issue of a Occupation Certificate.

34. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. Details of the stormwater treatment device are to be submitted to Council.

35. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$25,000.00 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 Final 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 maintained in accordance with the approved landscape plan.

36. Internal Pavement Structural Design Certification

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

37. Section 94 Contribution

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

Payments comprise of the following:-

	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: Credit</i>	<i>No. Of 1 bedroom units: 36</i>	<i>No. of 2 bedroom units: 65</i>	<i>Sum of Units</i>	<i>No. of Credits: 5</i>	<i>Total S\$4</i>
Roads & Traffic - Capital	\$ 4.77	\$ 6.59	\$ 12.82	\$ 171.72	\$ 428.35	\$ 600.07	\$ 64.10	\$ 535.97
Open Space - Land	\$ 1,422.82	\$ 1,970.06	\$ 3,830.66	\$ 51,221.52	\$ 128,053.90	\$ 179,275.42	\$ 19,153.30	\$ 160,122.12
Open Space - Capital	\$ 114.49	\$ 158.47	\$ 308.08	\$ 4,121.64	\$ 10,300.55	\$ 14,422.19	\$ 1,540.40	\$ 12,881.79
Community Facilities - Land	\$ 6.36	\$ 8.80	\$ 17.11	\$ 228.96	\$ 572.00	\$ 800.96	\$ 85.55	\$ 715.41
Community Facilities - Capital	\$ 97.61	\$ 135.12	\$ 262.71	\$ 3,513.96	\$ 8,782.80	\$ 12,296.76	\$ 1,313.55	\$ 10,983.21
Total	\$ 1,646.05	\$ 2,279.04	\$ 4,431.38	\$ 59,257.80	\$ 148,137.60	\$ 207,395.40	\$ 22,156.90	\$ 185,238.50

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 7.

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

38. Draft Legal Documents

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

39. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

40. Engineering Works and Design

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

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

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

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

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

Council because Council will have an ongoing risk exposure and management/maintenance liability with respect to these assets once completed.

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

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

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

The following engineering works are required:

i. RMS Requirements

Submission of a set of construction plans endorsed by the RMS for the works required as part of the development.

ii. Works on Adjoining land/ Easement(s)

Where the engineering works included in the scope of this approval extend into adjoining land or within easements affecting the property, written consent from all affected adjoining property owners/ the beneficiaries of the easement must be obtained and submitted to the Principal Certifying Authority before a Construction Certificate is issued.

iii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps, must be provided on North Rocks frontage of the development site.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Disused Layback/ Driveway Removal

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

vi. Flooding

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour and provision of adequate flood protection measures to the development based on best engineering practices on river management and floodplain risk management principles and infrastructure assets, detailed design and construction drawings shall include:

(a) Design Levels

Finish levels of the habitable floors to be minimum 500m above the respective 1 in 100 year flood level along Darling Mills Creek as referenced in the Flood Impact Report prepared by HKMA Engineers dated December 2011.

All access to the building and basement car park shall be designed to incorporate adequate flood protection measures up to 500m above the respective 1 in 100 year ARI flood level.

Driveway access to the basement carpark at the entry shall provide a crest to a minimum RL 21.6m AHD i.e 500m above the respective 1 in 100 year flood level.

Note: Survey report confirming the construction compliance must be submitted upon completion of such works.

(b) Flood Compatible Materials

All structural components of the development must be flood compatible below the Flood Planning Level (500m above the respective 1 in 100 year flood level).

(c) Structural Design

All structural design must be considerate to withstand the forces of floodwater and buoyancy up to the Flood Planning Level (500m above the respective 1 in 100 year flood level).

(d) Flood Warning

Provision of adequate flood warning measures must including signs, emergency response plan and flood level indicators with the development in accordance with the Flood Impact Report prepared by HKMA Engineers to ensure the building occupants are advised of the possible flood risks and appropriate emergency evacuation procedures.

vii. Stormwater Discharge

Stormwater Discharge to the Darling Mills Creek must comply with the requirements of NSW Office of Water.

41. Basement Car Park and Subsurface Drainage

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

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

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

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 of \$77,000.00 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 99m plus an additional 50m on either side 199m and the width of the road measured from face of kerb on both sides 13m.

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

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 is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

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 Requirements

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 776/2012/JP;
- c) Specifically reference the items 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 days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

45. Onsite Stormwater Detention & Water Sensitive Urban Design Elements

An integrated stormwater drainage system including Onsite Stormwater Detention (OSD) system, Bio Retention Systems and Rainwater Tank is required in accordance with the stormwater concept plan prepared by HKMA Consulting Engineers Stormwater Drainage Layout Drawing 1142-C DA02 Issue D dated (signed) 05/11/2013 and the MUSIC Modelling referenced in the Stormwater Quality Management Plan prepared by HKMA Engineers Revision A dated December 2011.

The concept plan is considered for DA purposes only and is not to be used for construction.

The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The OSD must be provided in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

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

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

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

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

- i. A completed application form;
 - ii. Four copies of the design plans and specifications;
 - iii. Payment of the applicable application and inspection fees.
- b) Water sensitive urban design elements, consisting of Bio Retention Systems and Rainwater Tanks, are to be provided in accordance with the approved concept plan and the above MUSIC modelling and concept plans demonstrating a reduction in annual average pollution export loads from the development site in line with the following environmental targets:
- 90% reduction in the annual average load of gross pollutants
 - 85% reduction in the annual average load of total suspended solids
 - 65% reduction in the annual average load of total phosphorous
 - 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

Detailed plans for the OSD & Water Sensitive Urban Design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling.

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

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

PRIOR TO WORK COMMENCING ON THE SITE

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. 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.

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. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

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. Notification of Asbestos Removal

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

52. 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.

53. Demolition Works and Removal/Disposal of Asbestos

The demolition of any structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by a licenced asbestos removalist who is licensed to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover Authority, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

54. Discontinuation of Council Waste Service

Prior to the commencement of works, the property owner must ensure to arrange the discontinuation of their domestic waste service with Council where the site ceases to be occupied during works. Private contractors are not permitted to use Council's domestic waste service for the disposal of any waste. Notification is to be received by the property owner, agent acting for the owner or site supervisor by contacting Council on (02) 9843 0310.

55. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RMS Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RMS accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

56. Separate OSD & WSUD Detailed Design Approval

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

57. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

58. 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.

59. 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. 408350M_03 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

60. 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.

61. Rock Breaking Noise

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

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

62. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

63. Washing of Vehicles

The car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under the Trade Waste Agreement from Sydney Water.

64. Contamination

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

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

65. Stockpiles

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

66. Asbestos Removal

Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment, Climate Change and Water (DECCW). All dockets and paper work for the disposal shall be retained and made available to Council upon request.

67. Dust Control

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

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

68. Standard of Works

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

69. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Formwork for concrete structures;
- d) Road crossing; and
- e) Final inspection.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

70. Supervision – Fuel Pipeline

Where works are proposed in the vicinity of existing fuel pipeline easement, the construction must be carried out to the Caltex requirements. During construction Caltex are to be notified and arrangements are to be made for supervision of works onsite.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

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

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

72. Provision of Electricity Services

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

73. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

74. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings
- b) Australian Standard AS 1668.2 – 2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control

- c) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- d) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings – Microbial Control – Operation and maintenance
- e) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings – Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health (Microbial Control) Regulation 2000

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

75. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Noise Assessment Project Number 20111086.1 prepared by Acoustic Logic dated 8/12/2011.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

76. Occupational Hygienist Report for Asbestos Removal

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

77. Internal Pavement Construction

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

78. Final Inspection of Waste Storage Areas

Prior to an Occupation Certificate being issued, a final inspection of the waste storage areas must be arranged by the Principal Certifying Authority and must be undertaken by Council, to ensure compliance with the approved plans and Council's design specifications. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

79. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council by the applicant, completed, signed and returned to Council to enable the ongoing onsite collection of waste from the use of the development.

80. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

81. Completion of Engineering Works

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

82. Pump System Certification

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

83. OSD and WSUD System Certification

An integrated stormwater drainage system including Onsite Stormwater Detention system, Bio Retention Systems and Rainwater Tank is required to be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an

Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater system and prior to a final inspection:

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

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

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

84. Completion of Water Sensitive Urban Design Elements

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

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

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

85. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

86. Post Construction Public Infrastructure Dilapidation Report

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

87. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

88. Flood Extent Plan and Certification

Flood protection measures as required under this consent 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) A plan of survey prepared by a registered surveyor that shows the 1:100 year ARI storm flood levels associated with the adjacent drainage system. The plan must reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm event(s).
- b) A certificate from a suitably accredited engineer verifying that the design levels of the building and the driveway crest levels comply with the freeboard requirements;

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

89. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant. Standard wording is available on Council's website and must be used.

i. Restriction – OSD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed onsite stormwater detention system at the expense of the property owner.

iii. Restriction – WSUD Modification

A restriction restricting development over or the varying of any finished levels and layout of the constructed water sensitive urban design elements.

iv. Positive Covenant – WSUD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed water sensitive urban design elements at the expense of the property owner.

v. Restricting Development – Riparian corridor Modification

A restriction as to user restricting development over or the varying of any finished levels of the riparian corridor or the vegetation completed within the corridor;

vi. Positive Covenant – Waterway and Riparian corridor Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the the landscape associated with the riparian corridor.

vii. Positive Covenant – Stormwater Pump Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

viii. Restriction – Driveway Levels

Restricting alterations of the finished level of the driveway crest ie. RL 21.60m AHD. This is to ensure protection of the basement carpark from flood inundation.

ix. Positive Covenant – Flood Emergency Response Plan

A positive covenant to ensure the implementation of the Flood Emergency Response Plan required under this consent.

x. Positive Covenant – Flood Warning measures

Creation of a positive covenant over the title of the property to ensure the maintenance of flood warning measures identified in Flood Emergency response plan required under this consent.

xi. Restriction – Bedroom Numbers

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

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

THE USE OF THE SITE

90. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

91. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

92. Maintenance of Car Park Stormwater Treatment Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps), shall be regularly maintained in order to remain effective.

All solid and liquid waste is to be collected and removed by a licenced contractor.

93. Ongoing Management of Council Waste Service

An active caretaker is to be employed to ensure the effective ongoing management of waste and recycling from the development. The caretaker must ensure to:

- (a) Liaise with Council and its collection contractor as to collection arrangements;
- (b) Move the allocated bins to and from their storage areas to the collection point;
- (c) Keep the storage areas clean, tidy and free from offensive odours at all times;
- (d) Inform all residents of the waste and recycling arrangements.