

854/2012/JP – President Road, Kellyville

RECOMMENDATION

The Development Application No. 854/2012/JP be approved subject to the following conditions:

CONDITIONS RELATING TO ALL STAGES

GENERAL MATTERS

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

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

The amendments in red include: -

- Site Analysis Plan amended in red as per Condition No. 29 regarding the relocation and addition of bin bay storage areas;
- Stage 5 Subdivision Plan amended in red to reflect the revised subdivision layout for the integrated dwellings at the corner of Alessandra Drive and York Road illustrated in Site Analysis Plan;
- Acoustic screen at the southern boundary adjacent Apartment Block B amended in red as per Condition No. 35 to provide a 1.8m high acoustic screen with a 2m landscape setback.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
A16972-DA	Staging Plan	1	A	10 September 2012
A16972-DA	Approved proposed street and unit numbers plan (11 pages)	-	-	-
A16972-DA	Site Analysis Plan	1	F	6 June 2012
A16972_DA	Part Basement Carpark	2	E	13 June 2012
A16972_DA	Part Basement Carpark	3	D	3 May 2012
A16972_DA	Part Basement Carpark	4	D	3 May 2012
A16972_DA	Part Basement Carpark	5	G	19 November 2012
A16972_DA	Part Ground Floor Plan	6	E	13 June 2012
A16972_DA	Part Ground Floor Plan	7	D	3 May 2012
A16972_DA	Part Ground Floor Plan	8	D	3 May 2012
A16972_DA	Part Ground Floor Plan	9	D	3 May 2012
A16972_DA	Part First Floor Plan	10	E	13 June 2012
A16972_DA	Part First Floor Plan	11	D	3 May 2012
A16972_DA	Part First Floor Plan	12	D	3 May 2012
A16972_DA	Part First Floor Plan	13	D	19 November

				2012
A16972_DA	Part Second Floor Plan	14	D	3 May 2012
A16972_DA	Part Second Floor Plan	15	D	3 May 2012
A16972_DA	Part Second Floor Plan	16	D	3 May 2012
A16972_DA	Part Second Floor Plan	17	G	19 November 2012
A16972_DA	Part Third Floor Plan	18	D	3 May 2012
A16972_DA	Part Third Floor Plan	19	D	3 May 2012
A16972_DA	Streetscape Elevations	20	D	3 May 2012
A16972_DA	Streetscape Elevations	21	G	19 November 2012
A16972_DA	Streetscape Elevations	22	E	13 June 2012
A16972_DA	Streetscape Elevations	23	D	3 May 2012
A16972_DA	Typical Plans/Elevations Type 1 Facade A	- 28	E	13 June 2012
A16972_DA	Typical Plans/Elevations Type 2 Facade A	- 29	D	3 May 2012
A16972_DA	Typical Plans/Elevations Type 2 Facade B	- 30	D	3 May 2012
A16972_DA	Typical Plans/Elevations Type 3 Facade A	- 31	E	13 June 2012
A16972_DA	Typical Plans/Elevations Type 4 Facade A	- 32	D	3 May 2012
A16972_DA	Typical Plans/Elevations Type 4 Facade B	- 33	D	3 May 2012
A16972_DA	Typical Plans/Elevations Type 5 Facade A	- 34	D	3 May 2012
A16972_DA	Block D Cross Sections	34	G	19 November 2012
A16972-DA	Apartment Block Sections	35	G	19 November 2012
A16972_DA	BASIX Commitments	36	D	3 May 2012
31207 / COM	Stage 1 Subdivision	1	-	31 January 2012
31207 / COM	Stage 2 Subdivision	2	-	31 January 2012
31207 / COM	Stage 3 Subdivision	3	-	31 January 2012
31207 / COM	Stage 4 Subdivision	4	-	31 January 2012
31207 / COM	Stage 5 Subdivision	5	-	31 January 2012
31207 / COM	Staging Plan	6	-	31 January 2012
-	Waste Management Plan	-	-	9 May 2012
-	Access Review prepared by Morris-Goding Accessibility	-	-	10 May 2012

	Consulting			
20111170.2/ 0207A/RO/GW	Acoustic Review Letter prepared by Acoustic Logic	-	-	2 July 2012
-	Colour Schedule	-	-	-
412684M	BASIX Certificate – Block A	-	-	27 January 2012
413085M	BASIX Certificate – Block B	-	-	27 January 2012
413188M	BASIX Certificate – Block C	-	-	27 January 2012
413037M_02	BASIX Certificate – Block D	-	-	3 December 2012
413190M	BASIX Certificate – Block E	-	-	27 January 2012
412446S	BASIX Certificate – D2	-	-	24 January 2012
412448S	BASIX Certificate – D3	-	-	24 January 2012
412449S	BASIX Certificate – D4	-	-	24 January 2012
412546S	BASIX Certificate – D5	-	-	24 January 2012
412548S	BASIX Certificate – D6	-	-	24 January 2012
412550S	BASIX Certificate – D7	-	-	24 January 2012
412553S	BASIX Certificate – D8	-	-	24 January 2012
412557S	BASIX Certificate – D9	-	-	24 January 2012
412558S	BASIX Certificate – D10	-	-	24 January 2012
412560S	BASIX Certificate – D11	-	-	24 January 2012
412565S	BASIX Certificate – D12	-	-	24 January 2012
412594S	BASIX Certificate – D13	-	-	24 January 2012
412595S	BASIX Certificate – D14	-	-	24 January 2012
412596S	BASIX Certificate – D15	-	-	24 January 2012
412597S	BASIX Certificate – D16	-	-	24 January 2012
412598S	BASIX Certificate – D17	-	-	24 January 2012
412599S	BASIX Certificate – D18	-	-	24 January 2012
412600S	BASIX Certificate – D19	-	-	24 January 2012
412601S	BASIX Certificate – D20	-	-	24 January 2012
412608S	BASIX Certificate – D21	-	-	24 January 2012
412609S	BASIX Certificate – D22	-	-	24 January 2012
412610S	BASIX Certificate – D23	-	-	24 January 2012
412611S	BASIX Certificate – D24	-	-	24 January 2012
412612S	BASIX Certificate – D25	-	-	24 January 2012
412613S	BASIX Certificate – D26	-	-	24 January 2012
412614S	BASIX Certificate – D27	-	-	24 January 2012
412615S	BASIX Certificate – D28	-	-	24 January 2012
412616S	BASIX Certificate – D29	-	-	24 January 2012

412617S	BASIX Certificate – D30	-	-	24 January 2012
412618S	BASIX Certificate – D31	-	-	24 January 2012
412619S	BASIX Certificate – D32	-	-	24 January 2012
412620S	BASIX Certificate – D33	-	-	24 January 2012
412621S	BASIX Certificate – D34	-	-	24 January 2012
412622S	BASIX Certificate – D34	-	-	24 January 2012

2. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is as listed below and per numbered plans.

UNIT BUILDINGS

BLOCK A

Lift 1 Units 1 – 16 / 103 York Road Kellyville

Lift 2 Units 17 – 32 / 103 York Road Kellyville

BLOCK B

Lift 3 Units 33 – 47 / 1 'Proposed Road' Kellyville

Lift 4 Units 48 – 62 / 1 'Proposed Road' Kellyville

BLOCK C

Lift 5 Units 63 – 77 / 1 'Proposed Road' Kellyville

Lift 6 Units 78 – 92 / 1 'Proposed Road' Kellyville

Subject to Block D & E sub-strata

BLOCK D

Lift 7 Units 1 – 8 / York Road Kellyville (street number to be advised)

Lift 8 Units 9 – 14 / York Road Kellyville (street number to be advised)

BLOCK E

Lift 9 Units 15 – 24 / York Road Kellyville (street number to be advised)

Unit numbers to Blocks D & E will recommence from unit number 1 subject to these two blocks being a sub strata. If not sub strata, unit numbers will continue on from unit number 93.

INTEGRATED HOUSING

Street numbers:

2 to 52 'Proposed Road' Kellyville

2-4 Alessandra Drive Kellyville

1-11 Alessandra Drive Kellyville

PPOPOSED SHOP

105 York Road Kellyville

The unit numbers, as issued, are to be displayed on each unit door. Applicable unit numbers are also to be clearly listed on all lift, stairwell, lobby and basement entrances.

A diagrammatic plan of the complex must be positioned at both site entry points, showing relevant blocks and the units contained therein.

Street numbers allocated to the integrated housing must be clearly displayed at the front entrance of each property.

Future development is required along York Road to determine the correct street number for Block D & Block E. At this time you will be advised of the approved street number.

The proposed private road is to be named and approved by Council's Subdivision Section.

Two banks of mail boxes are to be located at the entrance to the visitors parking located off York Road for Block A. Each bank of mailboxes is to clearly identify relevant unit numbers and the approved street number.

A plan for positioning of letterboxes outside the security gate is to be submitted to Australia Post for approval prior to erection in order to comply with Australia Post Standards regarding positioning for safe delivery of mail.

Clear and accurate external directional signage is to be erected throughout and on all buildings. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

3. Construction Certificate

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

4. Building Work to be in Accordance with BCA

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

5. Use of Neighbourhood Shop

A separate application is to be submitted to, and approved by, Council for the use of the Neighbourhood Shop.

6. External Finishes

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

7. Acoustic Wall Construction

The proposed Acoustic Wall located along the boundary with the shopping centre (No. 88 Wrights Road) shall be constructed of Masonry and is to be connected to the existing Acoustic Wall in a manner that ensures that the noise levels as outlined in the Acoustic Report prepared by Acoustic Logic, dated July 2012 are complied with.

8. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Environmental Noise Assessment Residential Development, Lots A & B, President Road, Kellyville dated 2 July 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 9 – Recommendation

9.1 Acoustic Screen

An acoustic screen is required along the southern boundary of the project site to mitigate noise impact from Woolworths and Coles. Detailed acoustic screen requirements are outlined in the Acoustic Report.

9.2 Glazing Structure Requirements

The recommended glazing assemblies were specified as an attachment to the acoustic report and are required to be provided as recommended. The design of the window is to ensure the STC rating as provided in Table 15 of the acoustic report.

9.3 Roof/ Ceiling Constructions

The roof / ceiling construction for Block E and the integrated Housing Units adjacent to Woolworths & Coles is to comply with the standard shown in Figure 3 of the acoustic report as a minimum.

9.3.1 Plasterboard Corner details

The plasterboard corner details are to comply with either of the two options provided in Figure 4, Section 9.3.1 of the acoustic report.

9.4 Cafe

As recommended in the acoustic report, when more details of the proposed cafe development are known a detailed acoustic assessment is to be undertaken to determine the required acoustic control elements and management measures and the identified elements and measures are to be incorporated into the development.

9.5 Mechanical Services

The mechanical services are to be acoustically designed and located to ensure that they shall not either singularly or in total emit noise levels which exceed the noise limits specified in Table 14 of the acoustic report.

9. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigations Pty Ltd, referenced as Report No E1349.1 AF, dated 20th June 2012 and submitted as part of the Development Application shall be implemented as part of this approval.

10. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

11. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

12. Street Naming

A written application for street naming must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

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

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

13. Street Trees

Street trees and tree guards must be provided for the sections of York Road and Alessandra Drive within the development site in accordance with the approved landscape plans listed within Condition No. 1. 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.

14. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

15. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

16. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate Engineering Construction Certificate required to be obtained by Council, as outlined elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required or not.

17. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Chadwick Cheng Consulting Surveyors Drawing 31207/COM dated 31/01/2012 except where amended by other conditions of consent.

18. 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.

19. 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.

20. 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 D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. 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.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

21. 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.

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. 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.

24. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by 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.

Note:

- Council's recycling service is fortnightly and not weekly therefore 67 bins are required to be allocated to the bin bays throughout the development.
- Council's bulk bins are 1.1 Litres in size not 1.5 Litres in size.

25. Waste Storage and Separation - Construction

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

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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. 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 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. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

27. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

28. Domestic Waste Management –Integrated Dwellings

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 240 litre 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.

29. Domestic Waste Management – Apartment Building Units

Construction of the garbage and recycling bin storage area(s) is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Bin Storage facility is to be provided for a minimum of 8 x 1100 Litre bulk garbage bin(s) and 67 x 240 Litre recycling bins.

An additional bin storage facility is to be provided at the York Road frontage between Neighbourhood Shop and Apartment Block A.

The Apartment Block B bin storage facility is to be relocated to the south western corner of Apartment Block B adjoining the internal road and walkway.

Detailed plans indicating the relocation of the bin storage facilities are to be submitted to the satisfaction of Council prior to issue of a Construction Certificate.

30. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water as follows:

- (i) Water

The development does not front an available drinking water main and an extension will be necessary. The 150mm drinking water main in York Road is to be extended along York Road and is to be linked to the 100mm drinking water main in Alessandra Drive.

The accredited Water Servicing Coordinator/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(ii) Recycled Water

The development does not front an available recycled water main and an extension will be necessary. The 150mm recycled water main in York Road is to be extended along York Road and is to be linked to the 100mm recycled water main in Alessandra Drive.

An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed recycled water infrastructure for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the design. Detailed requirements will be provided at the Section 73 Application phase.

(iii) Wastewater

The current wastewater system has sufficient capacity to service the proposed development. The proposed lots can be serviced by extending either the 150mm wastewater main located to the west of the site or the 150mm wastewater main to the east of the site. The proposed wastewater infrastructure for this development will be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

(iv) Trade Waste

In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.

31. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force – The Hills Local Area Command for the development to comply with recommendations under Crime Prevention Through Environmental Design (CPTED) including the following:

- (i) The car parking area in the basement is to be painted white;
- (ii) Bicycle parking areas are to be covered, lockable racks to secure bicycles;
- (iii) A CCTV system to monitor the common open spaces throughout the use of the development;
- (iv) The use of a CCTV system to monitor access/exit driveways of the underground car parks and entrances to the unit blocks; and
- (v) Separate shutters restricting access to each of the basement levels and an intercom system to restrict both pedestrian and vehicular access to the building. A similar system should be in place to restrict access to the grounds of the development.

32. Compliance with RMS Requirements

Compliance with the requirements of the Roads and Maritime Services as follows:

- (i) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1-2004.

- (ii) Car parking provision to Council's satisfaction.
- (iii) All works associated with the proposal shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

33. Payment of Section 94 Contributions

Section 94 Contributions applicable to each stage of the development shall be paid in full in accordance with Condition No.'s 108, 119, 120, 121, 122, 123 and 124 prior to the issue of the Construction Certificate for the stage.

34. Acoustic Wall Details

A detailed design for the acoustic wall must be submitted to Council's Manager Development Assessment for approval prior to the issue of the Construction Certificate. The acoustic wall shall be constructed with Hebel panel and shall include decorative treatments.

35. Acoustic Screen

To mitigate noise impact from Woolworths and Coles, a 4 metre high acoustic screen is required along the southern boundary integrated dwellings D2 to D7. The minimum 2.5 metre high acoustic screen along the southern boundary and portion of the York Street boundary around Apartment Block E is to be reduced to a maximum 1.8 metres with a 2 metre landscape setback from the property boundary at York Road.

Amended plans reflecting the above is to be submitted to Council prior to the issue of a Construction Certificate.

36. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$50,000 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 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.

37. Landscape Plan

A detailed Landscape Plan is to be submitted to Council's Manager Development Assessment prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified person and screen the proposal from public places. The plan should include:

- All existing trees clearly marked for retention or removal.
- Location of plant species and quantities clearly shown
- A schedule of proposed planting, including botanic name, common name, size at planting, quantities, staking requirements, expected mature height.
- Details indicating a minimum of 300mm of good quality garden mix to all garden beds
- Details showing good quality topsoil to all lawn areas
- All garden bed areas to be clearly defined by brick/stone edging with its edge finishing flush with the surface of adjacent grass areas.
- All garden bed areas to have drip irrigation.

38. 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).

39. 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.

40. Concept Engineering Design Approval

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

41. Sediment and Erosion Control Plan

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

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

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 \$78,300 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 (190m) plus an additional 50m on either side (290m) and the width of the road measured from face of kerb on both sides (9m). The minimum bond amount is \$10,000.00.

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 854/2012/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. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising 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 axle load) from the boundary to the waste collection point including any manoeuvring areas.

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. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits 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.

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. 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.

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.

53. 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.

54. 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 RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

55. Erection of Signage – Supervision of Work

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

- a) The name, address and telephone number of the Principal Certifying Authority (PCA). Where Council is the nominated PCA for the development, the following is to be displayed:
The Hills Shire Council
PO Box 75
CASTLE HILL NSW 1765
Phone (02) 9843 0555
- b) The name of the person responsible for carrying out the works;
- c) A telephone number on which the person responsible for carrying out the works can be contacted after hours;
- d) That unauthorised entry to the work site is prohibited.

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

56. Contractors Details

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

57. Sediment and Erosion Control

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

58. 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

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 the BASIX Certificate's listed in Condition No. 1 be complied with. Any subsequent version of the BASIX Certificate(s) will supersede all previous versions of the certificate(s).

A Section 96 Application **may** be required should the subsequent version of the BASIX Certificate(s) 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. 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.

62. 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.

63. Dust Control

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

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

64. Internal Sleep Arousal Noise Criteria – Compliance

Option 2 of section 9.2 of the Acoustic Report prepared by Acoustic Logic dated 2nd July 2012 shall be complied with. Option 2 reads as follows;

As internal noise levels cannot be achieved with marked windows open it is required that an alternative outside air supply system or air conditioning unit be installed in accordance with AS 1668.2 requirements. The mechanical ventilation system that is installed should be designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof.

65. 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.

66. 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).

67. 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.

68. 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.

69. 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.

70. Pool Discharge Water

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

71. 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.

72. 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.

73. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the relevant stage of the development is occupied.

74. Temporary Fencing of Pools

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 site (dwelling) has been approved for occupation.

75. 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.

76. Subdivision Earthworks – Allotment Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

77. Documentation

A copy of the following documents must be kept on site and made available upon request:

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan

- d) Traffic Control Plan
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. 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.

79. Compliance Statement – Mechanical Plant

A Compliance statement from an appropriately qualified Acoustic Consultant is to be submitted prior to the issue of the Occupation Certificate. This compliance statement is to confirm that the Mechanical Plant as built complies with the below mentioned criteria.

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

If the abovementioned criteria are not satisfied then the Acoustic Consultant is to provide recommended measures to achieve compliance. These measures are then to be implemented.

A copy of the Compliance Statement and any recommended compliance measures is to be submitted to Council.

80. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Environmental Noise Assessment – Residential Development, Lots A & B, President Road, Kellyville prepared by Acoustic Logic dated 2 July 2012.

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

81. Spa Pool Construction

The spa pool shall be constructed to comply with Australian Standard AS2610.2 – Private Spas. With respect to entrapment hazards, the spa pool shall:

- a) Be designed so pressure will be immediately released at a suction point from the spa pool if it becomes blocked;
- b) Each pump should have a minimum of two operative suction points connected by a common line;

- c) Suction points should be fitted as close as possible to the water surface as is practical without affecting the operation of the system;
- d) The suction points shall not be closer than 600mm;
- e) An emergency stop switch controlling all spa pool pumps, blowers and heaters shall be provided within three (3) metres of the spa pool and shall be visible at all times.

Certification of the above matters shall be provided from the spa manufacturer/installer to the PCA prior to the issue of any Occupation Certificate.

82. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

83. Construction of Swimming Pool Barrier

The required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings including the cabana, on the site prior to any occupation certificate (interim or final) being issued for the development.

84. Completion of Subdivision Works

A Subdivision Certificate must not be issued prior to the completion of all subdivision works covered by this consent, in accordance with this consent.

85. 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.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

86. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

87. Final Subdivision Fees

All outstanding fees must be paid before a Subdivision Certificate can be issued. The final fees that remain outstanding will be assessed following the submission of written advice confirming all works have been completed.

88. Removal of Sediment and Erosion Control Measures

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

89. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. 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, all of the lots created and Development Consent DA 854/2012/JP.

90. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

91. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation 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 Council or the relevant telecommunications carrier. Consultation should also occur with the National Broadband Network Provider.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 854/2012/JP.

92. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) The final plan and administration sheet, along with seven copies of both.
- b) The original plus one copy of the 88B Instrument.
- c) All certificates and supplementary information as required by this consent.
- d) A completed copy of the attached checklist confirming compliance with all conditions.
- e) An electronic copy of the final plan on disk in ".dwg" format.
- f) One copy of the strata or community titled subdivision plan that includes house/unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

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

93. Geotechnical Report (Lot Classification)

Submission of a lot classification report, prepared by a suitably qualified geotechnical engineer, following the completion of all subdivision works confirming that all residential allotments are compliant with AS2870 and are suitable for residential development. The lot classification report must be accompanied by a separate table which clearly shows the classification of all lots created as part of the subdivision.

94. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council the following information must be submitted to Council within seven days of the certificate being issued:

- a) A copy of the strata certificate.
- b) A soft copy of the final plan on disk in ".dwg" format.

- c) A copy of the 88B Instrument, where applicable.
- d) Copies of all service authority certificates.
- e) A letter from the certifier confirming all conditions have been complied with.

95. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council’s website and must be used.

a) Dedication of Public Roads

The proposed roads within the subdivision must be dedicated as public road at no cost to Council. All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided 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 Council’s Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with DCP Part C Section 3.

d) Restriction – Site Slope 6% or Greater

A restriction must be placed on the title of all lots with a grade of 6% or greater. Where there are no lots that fall into this category this restriction is not required, as determined by the works as executed drawings.

e) Restriction – Site Coverage (Kellyville/ Rouse Hill)

Restricting development of all residential lots to reinforce the maximum site coverage

f) Restriction – Bedroom Numbers

A restriction must be placed on the title of all proposed lots 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.

g) 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.

96. 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.

97. 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.

98. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practising Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

99. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

THE USE OF THE SITE

100. 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*.

101. Mechanical Services – Acoustic Compliance

Noise from the mechanical plant shall not exceed the criteria as outlined in the Acoustic Report dated 2/7/2012, prepared by Acoustic Logic. This criterion is as follows;

Noise Receiver	Time Period	Noise objective
The boundary of the nearest residential receiver	Day	41 dB(A) leq 15min
The boundary of the nearest residential receiver	Evening	42 dB(A) leq 15min
The boundary of the nearest residential receiver	Night	35 dB(A) leq 15min 45dB(A) L1

Acoustical assessment of the mechanical services shall be undertaken during detail design phase of the development to ensure that they shall not singularly or in total emit noise levels exceeding the noise criteria above.

102. 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.

103. 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.

104. Collection of Bins

Integrated Housing

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

Bin Bays Storage Facilities

All recycling/garden organic bins will need to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins. Alternatively, a caretaker will need to be appointed to attend to this requirement.

105. Communal Areas

The communal areas within the site are to be limited to the use of occupants of the development with no public access.

106. Graffiti-free Treatment

The acoustic screens to the southern boundary shall include graffiti free treatment.

STAGE 1:

GENERAL MATTERS

107. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require an Engineering Construction Certificate (ECC) to be obtained prior to the commencement of any works.

An ECC can only be issued by Council.

For Council to issue an ECC the following must be provided:

- A completed application form.
- Four copies of the design plans and specifications.
- Payment of the applicable application and inspection fees.
- Payment of any required security bonds.
- Payment of a long service levy.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

108. 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:-

STAGE 1	2br per Unit	3br per Unit	Credit per Unit	2 Bedroom ¹⁴	3 Bedroom- 48 ⁴⁸	Sum of Units	Credits ¹	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40	\$ 80,352.58	\$ 354,207.36	\$ 434,559.94	\$ 10,112.40	\$ 424,447.54
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19	\$ 33,048.68	\$ 145,683.84	\$ 178,732.52	\$ 4,159.19	\$ 174,573.33
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 217.91	\$ 1,731.52	\$ 7,632.96	\$ 9,364.48	\$ 217.91	\$ 9,146.57
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55	\$ 14,990.50	\$ 66,080.16	\$ 81,070.66	\$ 1,886.55	\$ 79,184.11
Studies and Administration	\$ 164.65	\$ 211.70	\$ 290.11	\$ 2,305.10	\$ 10,161.60	\$ 12,466.70	\$ 290.11	\$ 12,176.59
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 1,666.16	\$ 13,239.24	\$ 58,360.80	\$ 71,600.04	\$ 1,666.16	\$ 69,933.88
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28	\$ 31,476.06	\$ 138,751.68	\$ 170,227.74	\$ 3,961.28	\$ 166,266.46
Total	\$ 12,653.12	\$ 16,268.30	\$ 22,293.60	\$ 177,143.68	\$ 780,878.40	\$ 958,022.08	\$ 22,293.60	\$ 935,728.48

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

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.

109. Basement Car Park and Subsurface Drainage

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

- A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- 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;
- An alarm system to alert a pump failure;
- 100mm freeboard to all nearby parking spaces;
- 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.

110. Works on Adjoining Land

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

111. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Full Width Road Construction

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

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
York Road	Road Type: Collector Road 5.3m/ 9.5m/ 5.3m (20.1m)	1 x 10 ⁶
Alessandra Drive	Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m)	5 x 10 ⁵

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

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

ii. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of York Road and northern side of Alessandra Drive in accordance with the DCP and the above documents.

iii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern/eastern side of York Road in accordance with the DCP and the above documents.

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. Gutter Crossings

Gutter crossings to each of the proposed new allotments are required.

vi. 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.

vii. Street Names Signs

Street name signs and posts are required, as approved by Council.

viii. Service Conduits

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

ix. 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 must be provided, 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.

Where OSD is required to be provided on each lot within the subdivision, a minimum level difference of 1m measured to the invert must be provided in the stormwater pit on each lot.

DURING CONSTRUCTION

112. 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) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

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.

PRIOR TO THE ISSUE OF A OCCUPATION / SUBDIVISION CERTIFICATE

113. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA 1639/2011/ZA unless the two are issued and registered concurrently.

114. Confirmation of Pipe Locations

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

115. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

116. 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.

117. Dedication of Public Road

An Occupation Certificate must not be issued until York Road and Alessandra Drive have been dedicated as public road at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

118. 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.

STAGE 1A:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

119. 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:-

STAGE 1A	<i>2br per Unit</i>	<i>3br per Unit</i>	<i>2 Bedroom</i>	<i>3 Bedroom</i>	<i>Sum of Units</i>	<i>Total Section 94</i>
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 34,436.82	\$ 177,103.68	\$ 211,540.50	\$ 211,540.50
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 14,163.72	\$ 72,841.92	\$ 87,005.64	\$ 87,005.64
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 742.08	\$ 3,816.48	\$ 4,558.56	\$ 4,558.56
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 6,424.50	\$ 33,040.08	\$ 39,464.58	\$ 39,464.58
Studies and Administration	\$ 164.65	\$ 211.70	\$ 987.90	\$ 5,080.80	\$ 6,068.70	\$ 6,068.70
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 5,673.96	\$ 29,180.40	\$ 34,854.36	\$ 34,854.36
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 13,489.74	\$ 69,375.84	\$ 82,865.58	\$ 82,865.58
Total	\$ 12,653.12	\$ 16,268.30	\$ 75,918.72	\$ 390,439.20	\$ 466,357.92	\$ 466,357.92

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September)

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.

STAGE 1B:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

120. 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:-

STAGE 1B	2br per Unit	3br per Unit	2 Bedroom ⁶	3 Bedroom ²⁸	Sum of Units	Credits ⁰	Total Section 94
Open Space - Land	\$ 5,739.47	\$ 7,379.32	\$ 34,436.82	\$ 206,620.96	\$ 241,057.78	\$ -	\$ 241,057.78
Open Space - Capital	\$ 2,360.62	\$ 3,035.08	\$ 14,163.72	\$ 84,982.24	\$ 99,145.96	\$ -	\$ 99,145.96
Community Facilities - Land	\$ 123.68	\$ 159.02	\$ 742.08	\$ 4,452.56	\$ 5,194.64	\$ -	\$ 5,194.64
Community Facilities - Capital	\$ 1,070.75	\$ 1,376.67	\$ 6,424.50	\$ 38,546.76	\$ 44,971.26	\$ -	\$ 44,971.26
Studies and Administration	\$ 164.65	\$ 211.70	\$ 987.90	\$ 5,927.60	\$ 6,915.50	\$ -	\$ 6,915.50
Roadworks - Land	\$ 945.66	\$ 1,215.85	\$ 5,673.96	\$ 34,043.80	\$ 39,717.76	\$ -	\$ 39,717.76
Roadworks - Capital	\$ 2,248.29	\$ 2,890.66	\$ 13,489.74	\$ 80,938.48	\$ 94,428.22	\$ -	\$ 94,428.22
Total	\$ 12,653.12	\$ 16,268.30	\$ 75,918.72	\$ 455,512.40	\$ 531,431.12	\$ -	\$ 531,431.12

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. 8. The CPI at time of consent was 180.4 Quarter 2, October-December 2012.

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.

STAGE 2:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

121. 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:-

STAGE 2	Purpose	8		TOTAL
	Per Small Lot(<450m2)	Small Lots		
Open Space - Land	\$ 8,199.25	\$ 65,594.00	\$	\$ 65,594.00
Open Space - Capital	\$ 3,372.32	\$ 26,978.56	\$	\$ 26,978.56
Community Facilities - Land	\$ 176.69	\$ 1,413.52	\$	\$ 1,413.52
Community Facilities - Capital	\$ 1,529.64	\$ 12,237.12	\$	\$ 12,237.12
Studies and Administration	\$ 235.22	\$ 1,881.76	\$	\$ 1,881.76
Roadworks - Land	\$ 1,350.94	\$ 10,807.52	\$	\$ 10,807.52
Roadworks - Capital	\$ 3,211.85	\$ 25,694.80	\$	\$ 25,694.80
Total	\$ 18,075.91	\$ 144,607.28	\$	\$ 144,607.28

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 3:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

122. 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:-

STAGE 3	Purpose	9		TOTAL
	Per Small Lot(<450m2)	Small Lots		
Open Space - Land	\$ 8,199.25	\$ 73,793.25		\$ 73,793.25
Open Space - Capital	\$ 3,372.32	\$ 30,350.88		\$ 30,350.88
Community Facilities - Land	\$ 176.69	\$ 1,590.21		\$ 1,590.21
Community Facilities - Capital	\$ 1,529.64	\$ 13,766.76		\$ 13,766.76
Studies and Administration	\$ 235.22	\$ 2,116.98		\$ 2,116.98
Roadworks - Land	\$ 1,350.94	\$ 12,158.46		\$ 12,158.46
Roadworks - Capital	\$ 3,211.85	\$ 28,906.65		\$ 28,906.65
Total	\$ 18,075.91	\$ 162,683.19		\$ 162,683.19

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 4:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

123. 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:-

STAGE 4	Purpose		11	
	Per Small Lot(<450m2)		Small Lots	TOTAL
Open Space - Land	\$ 8,199.25		\$ 90,191.75	\$ 90,191.75
Open Space - Capital	\$ 3,372.32		\$ 37,095.52	\$ 37,095.52
Community Facilities - Land	\$ 176.69		\$ 1,943.59	\$ 1,943.59
Community Facilities - Capital	\$ 1,529.64		\$ 16,826.04	\$ 16,826.04
Studies and Administration	\$ 235.22		\$ 2,587.42	\$ 2,587.42
Roadworks - Land	\$ 1,350.94		\$ 14,860.34	\$ 14,860.34
Roadworks - Capital	\$ 3,211.85		\$ 35,330.35	\$ 35,330.35
Total	\$ 18,075.91		\$ 198,835.01	\$ 198,835.01

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.

STAGE 5:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

124. 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:-

STAGE 5	Purpose		6	
	Per Small Lot(<450m2)		Small Lots	TOTAL
Open Space - Land	\$ 8,199.25		\$ 49,195.50	\$ 49,195.50
Open Space - Capital	\$ 3,372.32		\$ 20,233.92	\$ 20,233.92
Community Facilities - Land	\$ 176.69		\$ 1,060.14	\$ 1,060.14
Community Facilities - Capital	\$ 1,529.64		\$ 9,177.84	\$ 9,177.84
Studies and Administration	\$ 235.22		\$ 1,411.32	\$ 1,411.32
Roadworks - Land	\$ 1,350.94		\$ 8,105.64	\$ 8,105.64
Roadworks - Capital	\$ 3,211.85		\$ 19,271.10	\$ 19,271.10
Total	\$ 18,075.91		\$ 108,455.46	\$ 108,455.46

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 8. The CPI at time of consent was 179.5 Qtr 1 2012 (July-September).

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.