

1336/2012/JP, 2-4 Barry Road, Kellyville

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA00	Cover Sheet	Issue 2
DA01	Site Analysis	Issue 2
DA02	Residential Parking – Lower Level	Issue 3
DA03	Basement Plan	Issue 3
DA04	Ground Floor Plan	Issue 4
DA05	Podium Level Plan	Issue 3
DA06	Typical Residential Plan	Issue 2
DA07	Typical Residential Level	Issue 2
DA07A	Typical Residential Level Site 2	Issue 1
DA08	Roof Plan	Issue 2
DA09	Setback Plan	Issue 2
DA10	Site 1 Withers Road Elevation	Issue 3
DA11	Site 1 Barry Road/Prop Road 1 Elevations	Issue 2
DA12	Site 1 Proposed Road 1 Elevation	Issue 2
DA13	Block F1 and F2 External Elevations	Issue 3
DA14	Site 2 Block E External Elevations	Issue 2
DA15	External Elevations Site 1	Issue 2
DA16	External Elevations Site 2	Issue 2
DA20	Site 1 Section Looking South	Issue 2
DA21	Site 1 Section Looking South	Issue 2
DA22	Site 1 Section Looking East/West	Issue 2
DA23	Site 1 Section Block B, C1, C2	Issue 2
DA24	Site 1 Section Block A2,D	Issue 2
DA25	Site 2 Sections Block E	Issue 2
DA26	Site 2 Section Block F1 and F2	Issue 2
DA50	Typical Apartments	Issue 2
DA51	Typical Accessible Apartments	Issue 2
DA52	Typical Driveway and Ramps	Issue 2
DA53	Typical Loading Dock	Issue 2
DA100	Shadow Analysis – Winter Solstice Sheet 1	Issue 2
DA101	Shadow Analysis – Winter Solstice Sheet 2	Issue 2
DA102	Shadow Analysis – Winter Solstice Sheet 3	Issue 2
DA103	Shadow Analysis – Winter Solstice Sheet 4	Issue 2
DA104	Shadow Analysis – Winter Solstice Sheet 5	Issue 2
DA110	Staging Diagrams	Issue 2
DA120	Perspective Views	Issue 2
---	Plan of Detail and Levels	Sheet 1 of 2 Sheets
---	Plan of Detail and Levels	Sheet 2 of 2 Sheets
001	Landscape Masterplan	Issue D
100	Landscape Masterplan Ground Level	Issue F

101	Landscape Detail Plan Ground Level	Issue F
200	Landscape Masterplan Podium Level	Issue E
201	Landscape Detail Plan Podium Level	Issue E
202	Landscape Detail Plan Podium Level	Issue E
502	Landscape Masterplan	Issue B
501	Landscape Masterplan	Issue C
601	Landscape Cross Sections Roadway Types	Issue D

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. Staging of Works

The proposed works will be staged as follows in accordance with the approved 'staging diagrams':

- Stage 1 – subdivision, services and infrastructure, public park, road and drainage works;
- Stage 2 – all site 1 works with the exception of apartment blocks C1, C2 and D;
- Stage 3 – site 1 apartment blocks C1, C2 and D; and
- Stage 4 – all site 2 works.

3. Provision of Parking Spaces and Use

The development is required to be provided with 930 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These spaces are to comprise:

- 688 spaces for Site 1, including one accessible parking space per accessible residential unit (15 accessible units).
- 242 spaces for Site 2, including one accessible parking space per accessible residential unit (13 accessible units).
- All spaces within Site 2 are to be allocated for resident parking.
- 53 of the residential visitor spaces within Site 1 are permitted to be used as 'dual use spaces', being spaces which are available for retail parking use during the day and available for residential visitor parking during the evening and overnight.

4. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

5. Supermarket Tenancy

Approval is granted for the use of the supermarket tenancy.

6. Separate Development Application for Occupations

A separate Development Application is required for the first use and occupation of the approved tenancies (not including the supermarket). This application is required to provide assessment against:

- Local Environmental Plan 2012; and
- Baulkham Hills Development Control Plan 2011.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation (Upon receipt of individual applications, these hours of operation may be varied)

- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

7. External Finishes

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

8. 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.

9. 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.

10. Separate Application for Subdivision

A separate application must be submitted for the subdivision of the approved development.

The subdivision application must provide for the following:

- The new public roads and road widening along Withers Road within the development site must be dedicated to Council at no cost prior to the issuing of an Occupation Certificate.
- The SP2 zoned land at the intersection of Withers Road and Barry Road must be excised and created as a separate lot so that it may be acquired by Council as part of a separate process.
- The RE1 zoned land at the northern part of the site must be excised and created as a separate lot so that it may be acquired by Council as part of a separate process.

The strata subdivision of either building cannot occur as complying development as the individual parking spaces have not been allocated to residential or retail units as part of the subject application. A development application for any proposed strata subdivision of either building is required.

11. 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.

12. 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. 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.

13. 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.

14. Minor Engineering Works

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

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

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

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

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

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

The width of each proposed driveway must be generally consistent with the approved plans. With respect to driveways for service vehicles, compliance with AS/ NZS 2890 based on the largest service vehicle permitted to enter that part of the development is required, as conditioned earlier in this consent. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

15. 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.

16. 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.

17. Street Naming

Street naming must comply with Council's approved road names map. A copy of this map can be accessed from Council's website:

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

18. Street Trees (North Kellyville)

Street trees must be provided for the section of Withers Road, Barry Road, Nullabor Street (proposed road two), Sandbanks Avenue (proposed road one), Indwarra Avenue (proposed road three) and Culgoa Street (minor street adjacent to northern site boundary) within or fronting the development site at a spacing of between 7m and 10m. The location of street trees must compliment driveway locations. Corner lots must have a minimum of two trees. The species and size of all street trees must comply with Council's requirements and Section 3.5 and Appendix B from the North Kellyville DCP. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

19. 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.

20. Recycled Water

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

21. Temporary Turning Heads

A temporary cul-de-sac turning head with a minimum diameter of 19m is required at the termination point in all public roads. Where the cul-de-sac head cannot be accommodated wholly within the road reserve:

- a) Additional adjacent land is to be dedicated as temporary public road; or
- b) An easement for public access and services must be created over an appropriate part of the adjacent land.

A temporary turning head is required at the northern end of Indwarra Avenue (proposed road three) extending into the development site adjacent, not the reserve opposite.

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary cul-de-sac turning head. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. 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 removed, restored and documentary evidence being provided confirming closure of the temporary public road or removal of the easement for public access and services. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary cul-de-sac head, costs will be deducted from the security

bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A temporary turning head is not required where the extension of a proposed road into an adjoining property, as part of a separate development application, is constructed and dedicated concurrently. This will require the concurrent issuing of a Subdivision Certificate and plan registration for both subdivisions.

22. Separate Approval Open Space Works

Written consent from Council is required for any proposed works in the open space or park areas created by this subdivision.

23. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a) The location and type of each WSUD element, including details of its operation and design;
- b) A brief description of the catchment characteristics, such as land uses, areas etc;
- c) Estimated pollutant types, loads and indicative sources;
- d) Intended maintenance responsibility, Council, landowner etc;
- e) Inspection method and estimated frequency;
- f) Adopted design cleaning/ maintenance frequency;
- g) Estimate life-cycle costs;
- h) Site access details, including confirmation of legal access, access limitations etc;
- i) Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j) Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k) Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l) A work method statement;
- m) A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- n) The developer will be responsible for the maintenance of the item for a one year maintenance period.
- o) The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- p) Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- q) A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.
- r) WAE drawings and any required engineering certifications are provided to Council.
- s) Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.

- t) Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

24. 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.

25. Sound Level Output

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

26. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

27. Stockpiles

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

28. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20110663.1/2305A/R2/BW, dated 14 September 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 6: Internal Noise Levels
- Section 7: Mechanical Plant
- Section 9: Loading dock

29. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigation Services Pty Ltd, referenced as E25160Khrpt2, dated November 2011 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- additional sampling is to be carried out in footprints of the existing structures. Appropriate validation is required if any contaminants are found within the soil or surrounding areas.
- submission of a dam dewatering management plan.

30. Fill Material - Prior to the importation and/or placement of any fill material on the subject site

A validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) the Department of Environment and Conservation - Contaminated Sites "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- iv) confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- v) less than 6000m³ - 3 sampling locations,

- vi) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

**Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.*

31. 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.

32. Waste Collection

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

33. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

34. Waste Management- Commercial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

35. Waste Storage and Separation - Construction and Demolition

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

- 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.

36. 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.

37. 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.

38. Domestic Waste Management

Construction of the garbage and recycling bin storage areas is to be in accordance with the "Bin Storage Facility Design Specifications" as attached to this consent. Storage facility is to be provided for a minimum of 35 x 660L bulk garbage bins, 137 recycling bins (fortnightly) and 18 x garden organics (fortnightly).

39. Garbage Collection – Commercial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

40. NSW Police Requirements

The following condition is required by NSW Police or as otherwise agreed by NSW Police and Council in writing:

- a) Natural surveillance is to be maximised and physical barriers installed to secure the property from trespassers.
- b) High resolution CCTV is to be installed to monitor common open spaces and the car park access/egress points, entrances to the unit blocks and loading docks.

- (c) Lighting is required to meet Australian Standards. In particular, lighting is to be installed at the entry and exit points of the buildings, driveways and within the carparking areas.
- (d) All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment. Pedestrian pathways are to be maintained with low landscaping for 3-5m either side to prevent concealment.
- (e) Bicycle parking is to be lockable and covered and be within sight of capable guardians.
- (f) All public access points are to be clearly marked.
- (g) The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.
- (h) The installation of gates or a similar form of access control within the carparking areas to restrict access to the residential carparks and retail/commercial after hours.
- (i) Offenders often target this type of development, including in the construction phase. Security sensor lights and a security company to monitor the site is to be used while construction is in progress.
- (j) The installation of signage at fire exits and stairs to ensure that these exits/stairs are kept closed.
- (k) Avoid the creation of 'natural ladders' such as ledges, capable of supporting hands/feet and use of balustrades that will not provide an anchor point for ropes.
- (l) The use/installation of all measures outlined in Section 7.2.14 of the Statement of Environmental Effects prepared by City Plan Services.

41. Roads and Maritime Services Requirements

The following condition is required by Roads and Maritime Services (RMS) or as otherwise agreed by RMS and Council in writing:

- a. Shared pathways along the frontages of the site should be provided in accordance with Council' requirements.
- b. The provision of off-street car parking shall be provided to the satisfactory of Council.
- c. 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 and/or their agents.
- d. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
- e. All pedestrian crossings on the subject site are to be clearly sign posted and marked on the road to ensure safety for pedestrians.
- f. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.
- g. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

- h. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site and loading area, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- i. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- j. All demolition and construction vehicles are to be contained wholly within the site.
- k. All vehicles are to enter and leave the site in a forward direction.
- l. All work associated with the proposed development is to be at no cost to the RMS or Council.

42. Compliance with 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:

- i. At the commencement of building works and in perpetuity the property around the building shall be managed as follows:

- East up to property boundary as an Inner Protection Area, and
 - North east for a distance of 25 metres as an Inner Protection Area, until the bush fire hazard on the eastern and north eastern aspects of the subject site are removed as part of any future development.
- Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) 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:

- ii. 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 public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- iii. The proposed public access roads shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except the requirement for a perimeter road.

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:

- iv. New construction on the northern and eastern elevations of the proposed Tower Block C1/C2 shall comply with section 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- v. New construction on the southern and western elevations of the proposed Tower Block C1/C2 shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

vi. New construction on the northern, eastern, southern and western elevations of proposed Tower Block D shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' section 5 (BAL 12.5) and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

43. Compliance with NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water requirements attached as Appendix A to this consent and dated 29 November 2012.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

44. Accessibility and Adaptability

- (i) Fifteen adaptable units are required to be provided on Site 1 and thirteen adaptable units on Site 2.
- (ii) Prior to issue of the Construction Certificate, a suitable qualified access consultant is required to confirm that the adaptable dwellings are capable of being modified to comply with the Australian Adaptable housing Standard AS 4299-1995.

45. Fencing

Prior to issue of the Construction Certificate, plans shall be amended to provide the following fencing/screening:

- (i) Front fencing shall be in harmony with the street, consistent in design and style with the building and a maximum of 1m high. Private (ground level) open space areas shall be enclosed with a landscape screen with an effective height of 1.8 metres from the finished ground level.
- (ii) Fences or other boundary treatments from a dwellings private open space facing into communal open space are to have a maximum total height of 1.4m. The solid component of the boundary treatment is to be a maximum of 1m. Above this, boundary treatments are to be at least 50% visually transparent.

46. Bicycle Parking

- (i) The provision and maintenance thereafter of bicycle racks to hold a minimum of 51 bikes within the retail parking area.
- (ii) Each residential unit is to be provided with a minimum of 1 bike rack space within the basement carpark for the exclusive use of that unit.
- (iii) Adjacent to each lobby area, bike racks to hold a minimum 25 bikes are to be provided in the following locations:

Site 1

Block A1 - 3 racks
Block A2 - 2 racks
Block B - 2 racks
Block C1 - 2 racks
Block C - 2 racks
Block D - 3 racks

Site 2

Block E - 4 racks
Block F1 - 3 racks
Block F2 - 4 racks

47. Mail Box Locations

The submission of the following information to the satisfaction of Council's Manager, Forward Planning, prior to issue of the Construction Certificate.

- Detailed information of approved location of mailboxes from Australia Post for all residential units.

- Details of mail delivery points or location of mailboxes for retail units that have frontage to a road.
- Marked plans showing proposed internal unit numbers to all residential units.

Please note the following guidelines in relation to numbering:

- The location of the mailbox will be the primary address for the properties regardless of the location of access to the property;
- There are to be no duplicate unit numbers within the one property address eg. Shop 1 / 2 Barry Road and Unit 1 / 2 Barry Road is not permitted;
- All residential units are to be numbered in sequential order from the ground up within each section of a block;
- Suffixes are to be avoided.

48. Section 94 Contribution –North Kellyville

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development. The following payments are required to be paid prior to the issue of the first Construction Certificate for each stage of the development.

Payments comprise of the following:-

STAGE 2	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 12	No. of 2 Bedroom Units: 39	No. of 3 Bedroom Units: 21	Sum of Units	No. of Credits: 1	Total \$94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.39	\$ 13,908.39	\$ 70,259.52	\$ 399,695.01	\$ 292,076.19	\$ 762,030.72	\$ 13,908.39	\$ 748,122.33
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 10,976.16	\$ 62,441.73	\$ 45,629.01	\$ 119,046.90	\$ 2,172.81	\$ 116,874.09
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 5,553.24	\$ 31,591.17	\$ 23,085.30	\$ 60,229.71	\$ 1,099.30	\$ 59,130.41
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 41,340.60	\$ 235,129.75	\$ 171,857.07	\$ 448,327.42	\$ 8,183.67	\$ 440,143.75
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 10,283.88	\$ 58,503.12	\$ 42,750.96	\$ 111,537.96	\$ 2,035.76	\$ 109,502.20
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 4,519.92	\$ 25,713.09	\$ 18,789.75	\$ 49,022.76	\$ 894.75	\$ 48,128.01
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 2,345.88	\$ 13,345.02	\$ 9,751.98	\$ 25,442.88	\$ 464.38	\$ 24,978.50
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.32	\$ 1,131.32	\$ 5,715.00	\$ 32,511.57	\$ 23,757.72	\$ 61,984.29	\$ 1,131.32	\$ 60,852.97
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 553.80	\$ 3,150.42	\$ 2,302.02	\$ 6,006.24	\$ 109.62	\$ 5,896.62
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 151,548.00	\$ 862,130.88	\$ 630,000.00	\$ 1,643,678.88	\$ 30,000.00	\$ 1,613,678.88

STAGE 3	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 50	No. of 3 Bedroom Units: 19	Sum of Units	No. of Credits: 0	Total \$94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.39	\$ 13,908.39	\$ 52,694.64	\$ 512,429.50	\$ 264,259.41	\$ 829,383.55	\$ -	\$ 829,383.55
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 8,232.12	\$ 80,053.50	\$ 41,283.39	\$ 129,569.01	\$ -	\$ 129,569.01
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 4,164.93	\$ 40,501.50	\$ 20,886.70	\$ 65,553.13	\$ -	\$ 65,553.13
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 31,005.45	\$ 301,512.50	\$ 155,489.73	\$ 488,007.68	\$ -	\$ 488,007.68
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 7,712.91	\$ 75,004.08	\$ 38,679.44	\$ 121,396.35	\$ -	\$ 121,396.35
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 3,889.94	\$ 32,965.50	\$ 17,000.25	\$ 53,855.69	\$ -	\$ 53,855.69
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 1,759.41	\$ 17,109.00	\$ 8,823.22	\$ 27,691.63	\$ -	\$ 27,691.63
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.32	\$ 1,131.32	\$ 4,286.25	\$ 41,681.50	\$ 21,495.08	\$ 67,462.83	\$ -	\$ 67,462.83
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 415.35	\$ 4,039.00	\$ 2,082.78	\$ 6,537.13	\$ -	\$ 6,537.13
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 113,661.00	\$ 1,105,296.00	\$ 570,000.00	\$ 1,788,957.00	\$ -	\$ 1,788,957.00

STAGE 4	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 20	No. of 2 Bedroom Units: 74	No. of 3 Bedroom Units: 30	Sum of Units	No. of Credits: 0	Total \$94
Open Space - Land	\$ 5,854.96	\$ 10,248.59	\$ 13,908.39	\$ 13,908.39	\$ 117,099.20	\$ 758,395.66	\$ 417,251.70	\$ 1,292,746.56	\$ -	\$ 1,292,746.56
Open Space - Capital	\$ 914.68	\$ 1,601.07	\$ 2,172.81	\$ 2,172.81	\$ 18,293.60	\$ 118,479.18	\$ 65,184.30	\$ 201,957.08	\$ -	\$ 201,957.08
Transport Facilities - Land	\$ 462.77	\$ 810.03	\$ 1,099.30	\$ 1,099.30	\$ 9,255.40	\$ 59,242.72	\$ 32,479.00	\$ 102,176.62	\$ -	\$ 102,176.62
Transport Facilities - Capital	\$ 3,445.05	\$ 6,030.25	\$ 8,183.67	\$ 8,183.67	\$ 68,901.00	\$ 446,238.50	\$ 245,510.10	\$ 760,649.60	\$ -	\$ 760,649.60
Water Management - Land	\$ 856.99	\$ 1,500.08	\$ 2,035.76	\$ 2,035.76	\$ 17,139.80	\$ 111,005.92	\$ 61,072.80	\$ 189,218.52	\$ -	\$ 189,218.52
Water Management - Capital	\$ 376.66	\$ 659.31	\$ 894.75	\$ 894.75	\$ 7,533.20	\$ 48,788.94	\$ 26,842.50	\$ 83,164.64	\$ -	\$ 83,164.64
Community Facilities - Land	\$ 195.49	\$ 342.18	\$ 464.38	\$ 464.38	\$ 3,909.80	\$ 25,321.32	\$ 13,931.40	\$ 43,162.52	\$ -	\$ 43,162.52
Community Facilities - Capital	\$ 476.25	\$ 833.63	\$ 1,131.32	\$ 1,131.32	\$ 9,525.00	\$ 61,688.62	\$ 33,939.60	\$ 105,153.22	\$ -	\$ 105,153.22
Administration	\$ 46.15	\$ 80.78	\$ 109.62	\$ 109.62	\$ 923.00	\$ 5,977.72	\$ 3,288.60	\$ 10,189.32	\$ -	\$ 10,189.32
Total	\$ 12,629.00	\$ 22,105.92	\$ 30,000.00	\$ 30,000.00	\$ 252,580.00	\$ 1,635,838.08	\$ 900,000.00	\$ 2,788,418.08	\$ -	\$ 2,788,418.08

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

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

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

49. Landscape Bond

To maintain the public amenity of the streetscape a landscape bond in the amount of \$20,000.00 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.

50. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

51. 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.

52. 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.

53. Stormwater Discharge Acceptance

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

54. 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.

55. 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 \$86,400.00 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 (380m) plus an additional 50m on each side (480m) and the width of the road measured from face of kerb on both sides (6m). 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.

56. 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.

57. Bank Guarantee Requirements (Development)

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 1336/2012/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.

58. 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

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

The engineering works included as part of the development include both "subdivision works" and "building works". These can be separated into three categories:

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 must be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" must 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 must 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 an adjoining private property, that does 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. 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)
Sandbanks Avenue (Proposed Road 1)	Road Type: DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	1 x 10 (7)
Indwarra Avenue (Proposed Road 3)	Road Type: DCP Minor Street w/ Cycleway (Figure 11B) 3.5m/ 8.3m/ 4m/ 2.5m (18.3m total)	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.

The roadside swale must be located on the low (eastern) side of Indwarra Avenue to limit the amount of earthworks associated with this road construction.

The wider (6m) wide verge must be provided on the southern side of Sandbanks Avenue, with the 4m wide verge located on the northern side of this road.

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

ii. Partial Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Nullabor Street	Road Type:	1 x 10 (7)

(Proposed Road 2)	DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	
Culgoa Street (Northern Boundary)	Road Type: DCP Minor Street (Figure 11A) 3.5m/ 8.3m/ 4m/ 2m (17.8m total)	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.

With respect to the partial width construction of Culgoa Street, ~~you are~~ the applicant is responsible for the triangular section of this road located within the development site as shown on the DCP pre-planned road layout map. Where partial width construction already exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the preparation of a detailed design for this road between Barry Road and Indwarra Avenue. The tendered cost of these works must be calculated and submitted to Council for checking. A bond for these works must be submitted before a Construction Certificate is issued, with the bond amount determined using 150% of the tendered cost (determined above).

The roadside swale must be located on the low (southern) side of Culgoa Street to limit the amount of earthworks associated with this road construction.

With respect to the partial width construction of Nullabor Street, the wider (6m) wide verge must be provided on the western side of Nullabor Street, within the development site, with the 4m wide verge located on the eastern side of this road within the adjoining property.

Where partial width construction does not exist opposite, you are responsible for the construction of the 6m wide footpath verge and 7.7m of road pavement, being half the eventual 15.4m wide carriageway, resulting in a total road reserve width of 13.7m within the subject site. The remaining 11.7m is to be provided once the adjoining property to the east is developed. Where partial width construction already exists opposite, the completed road must comply with the overall requirements outlined in the table above. Within the 7.7m wide carriageway, you must provide a low level retaining wall at the property boundary to address the level difference between the existing topography and the design for this road, generally as shown on the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

Until such time as the remainder of Nullabor Street has been constructed, this road is to operate in one direction only, namely in a northerly direction between Withers Road Sandbanks Avenue. This one way arrangement will have to extend west along Sandbanks Avenue to the intersection between Sandbanks Avenue/ Indwarra Street so that vehicles travelling east along Sandbanks Avenue are not directed to a dead end at the intersection of Sandbanks Avenue/ Nullabor Street. A detailed traffic management plan, including details of all proposed line-marking and regulatory signage, must be submitted with the detailed design. This one way circulation arrangement must be approved, in writing, by Council's Manager – Infrastructure and Transport Planning before being implemented. The tendered cost of removing this line-marking and regulatory signage must be calculated and submitted to Council for checking. A bond to ensure these works are carried out must be submitted before a Construction Certificate is issued, with the bond amount determined using 150% of the tendered cost (determined above).

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

Any requirements relating to partial width road construction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

iii. Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Barry Road	Road Type: DCP Collector Road (Figure 7) 3.5m/ 12m/ 4.5m (20m total)	1 x 10 (6)
Withers Road	Road Type: DCP Town Centre Street (Figure 8) 4m/ 15.4m/ 6m (25.4m total)	1 x 10 (7)

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

With respect to the partial width reconstruction of Barry Road, the wider (4.5m) wide verge must be provided on the eastern side of this road fronting the subject site. Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the 4.5m wide footpath verge, kerb and gutter and the reconstruction of 6m of road pavement (minimum). This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this overall carriageway width.

The existing Barry Road reserve is 20.115m wide, wider than the DCP overall road reserve width of 20m (see above). Accordingly, there is no additional widening required to be provided, aside from the SP2 zoned land at the intersection of Barry Road/ Withers Road. The additional 115mm is to be evenly distributed on either side to provide for a slightly wider verge.

With respect to the partial width reconstruction of Withers Road, the wider (6m) wide verge must be provided on the southern side of this road opposite the subject site, with the 4m wide verge provided across the site's frontage to this road. Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the 4m wide footpath verge, kerb and gutter and the reconstruction of 7.7m of road pavement (minimum). This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this overall carriageway width.

The longitudinal gradient of Withers Road fronting the site must comply with the longitudinal section prepared by Henry and Hymas (as amended) and approved by Council.

The existing Withers Road reserve is 20.115m wide, whereas the DCP requires an overall road reserve width of 25.4m (see above). Accordingly, 2.6425m of road widening is required on either side of Withers Road (5.285m in total) across the site's frontage.

These works must be carried out generally in accordance with the concept design detail prepared by Henry and Hymas (as amended) submitted with the development application.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

iv. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of Culgoa Street in accordance with the DCP and the above documents. Where Culgoa Street is not constructed as part of this development, the bond provided (see above) must cover these works also.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the western side of Indwarra Avenue in accordance with the DCP and the above documents.

The western (6m wide) footpath verge in Nullabor Street, the northern (4m wide) footpath verge in Withers Road and the footpath verge on both sides (6m and 4m) of Sandbanks Avenue must be concreted, including access ramps at all intersections, in accordance with the DCP and the above documents.

v. Concrete Cycleway

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

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

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

ix. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of bio-retention swales in Indwarra Avenue and Culgoa Street and proprietary stormwater quality treatment products, detention storage and rainwater reuse tanks within the development site, are required generally in accordance with the plans and information prepared by Henry and Hymas (as amended) and submitted with the development application.

Detailed plans for the water sensitive urban design elements must be submitted to Council 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. The modelling must demonstrate a reduction in

annual average pollution export loads from the development site in line with the environmental targets prescribed in the North Kellyville DCP.

All model parameters and data outputs are to be provided to Council.

The following additional requirements apply:

1. The bio-retention swales in roads must be 4m wide and yield a detention volume of 0.75m³ per linear metre.

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>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

x. Local Pavement Widening – Right Turning Vehicles

The existing road pavement in the vicinity of Sandbanks Avenue, Culgoa Street and Nullabor Street must be widened to account for vehicles turning right into the subdivision from Barry Road or Withers Road and to minimise inconvenience to through traffic.

xi. Local Pavement Widening – Deceleration Lane

The existing road pavement in the vicinity of Sandbanks Avenue, Culgoa Street and Nullabor Street must be widened to account for vehicles turning left into the subdivision from Barry Road or Withers Road and to minimise inconvenience to through traffic.

xii. Temporary Turning Head

A temporary cul-de-sac turning head must be provided at the northern end of Indwarra Avenue (proposed road three). The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

xiii. Footpath Verge Formation

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

xiv. Stormwater Drainage

The temporary stormwater outlet (or outlets) within the future public reserve must be designed and constructed in accordance with the requirements of both Council and the NSW Office of Water.

xv. Stormwater Drainage – Temporary Management

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

xvi. Stormwater Drainage – Temporary Discharge

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

xvii. Pedestrian Crossing Thresholds

No pedestrian crossings or thresholds are to be constructed without separate written approval from Council's Local Traffic Committee via Council's Manager – Infrastructure and Transport Planning. The design and construction of any such pedestrian crossing thresholds must comply with the above documents, AS 1742.13:1991 and AUSTRROADS Part 13. The design must consider signage, line marking, parking restrictions and night time visibility.

59. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

60. Detailed Geotechnical Report

Before a Construction Certificate is issued, a detailed geotechnical report must be prepared and submitted. This report must outline all construction stage requirements relating to the proposed excavation works along with any remedial actions necessary post construction. The report must specifically address the impacts, if any, of these works on adjoining properties, including the need for owner's consent where these works encroach beyond the property boundary.

61. 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.

62. Construction Management Plan

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

PRIOR TO WORK COMMENCING ON THE SITE

63. Principal Certifying Authority

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

64. 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.

65. Management of Building Sites – Builder's Details

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

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

66. 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.

67. 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).

68. 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.

69. Separate WSUD Detailed Design Approval

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

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: 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 the 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 hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos

licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

77. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

78. Resubmit Waste Management Details

Prior to work commencing on site the Waste Management Plan in relation to the demolition and construction stages of the development must be resubmitted to and approved by Council. The Plan shall readdress the following;

1. Waste contractor information;
2. Address of recycling outlet(s) and/or landfill site(s).

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au.

DURING CONSTRUCTION

79. Compliance with BASIX Certificates

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 Nos. 432548M, 432633M, 432645M, 432626M, 432636M and 432655M be complied with.

80. 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.

81. 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.

82. Roof Water Drainage

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

83. 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.

84. 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.

85. 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.

86. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

87. 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.

88. Demolition of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

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

89. 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. Alternate water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's Stormwater Management Plan
- b) Environmental Protection Authority's *Environment Protection Authority Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

90. 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.

91. Breaching and Filling of Dam

- (a) Polluted water from the dam shall not be discharged to any watercourse. Council's Environmental Health Team shall be notified forty-eight (48) hours prior to the breaching of the dam of the proposed disposal method of waters and silt.
- (b) All fill must be Virgin Excavated Natural Material (VENM), non-saline and must not contain contaminants such as demolition material or organic wastes. Details of the source of the material are to be obtained and provided to Council.
- (c) An appropriately qualified fauna ecologist (licensed by NSW National Parks and Wildlife Service) is to be present on-site for the duration of dewatering of the dam. Should any fauna species be observed, the fauna ecologist is to ensure that appropriate action is taken with regard to rescue, care and relocation and destruction (where appropriate).
 - i. Native fauna – relocate fauna rescued to an appropriate location. In choosing relocation sites the ecologist is to consider the effects of overcrowding in other local dams and attempt relocating individuals over a few sites rather than one where it is deemed appropriate.
 - ii. Introduced fauna – euthanize introduced species in a manner that is consistent with animal welfare regulations including those administered by NSW Industry and Investment. Facts sheets for appropriate methods are located on this website.
 - iii. Further care needs to be taken when draining the dam that water is not discharged in creeks/rivers which may potentially introduce fish species/eggs (including but not limited to Common carp-*Cyprinus carpio* and Mosquito fish-*Gambusia holbrooki*) into that creek.

- iv. The fauna ecologist is to submit a report to Council following the dam works and associated actions taken relating to the development. The report is to include a description of the relocation site/s and a species list of fauna utilising the dam, their numbers and condition. The report should also detail whether introduced species were destroyed and by which means.
 - v. The ecologist is advised to contact the NSW National Parks and Wildlife Service Wildlife Licensing Unit well prior to undertaking dam works/habitat disruption to ensure that they have the appropriate wildlife licenses.
- (d) The earth dam is to be breached in accordance with the requirements of the Department of Environment Climate Change and Water (DECCW).
- (e) All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

92. Landscaping Prior to Issue of Occupation Certificate

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

93. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

94. 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.

95. 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.

96. Dedication of Public Road

An Occupation Certificate must not be issued until Culgoa Street, Indwarra Avenue, Nullabor Street and Sandbanks Avenue, as covered by this approval, 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.

97. Dedication of Road Widening

An Occupation Certificate must not be issued until the road widening along the site's frontage to Withers Road, covered by this approval, has been dedicated at no cost to Council, requiring a separate application or road dedication plan. This dedication must occur at no cost to Council.

98. 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.

99. 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. 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.

vi. 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 or subsequent Section 96 applications. 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.

100. 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.

101. 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.

102. 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.

103. 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.

104. 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).

105. 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.

106. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Noise Impact Assessment prepared by Acoustic Logic Pty Ltd dated 14 September 2012.

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

107. Inspection of Bin Bay Storage Areas

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

THE USE OF THE SITE

108. Hours of Operation

The hours of operation of the supermarket are limited to:

7am – 12 midnight Monday – Saturday; and
8am – midnight Sunday.

The hours of operation of the specialty tenancies, which are subject to a further Development Application, will be limited to:

8.30am – 6pm Monday – Wednesday, Friday and Saturday;
8.30am – 9pm Thursday; and
10am – 4pm Sunday.

109. Hours of Operation for the Loading Docks

The hours of operation for the loading docks are 7am and 10pm.

110. Use of the 'Retail Street'

The use of the 'retail street' is to be for civic and community purposes including activities such as displays, community and similar events. The retail street is not to be used for the general retail sale of goods/items. Two kiosks are permitted within the retail street with a maximum area of 2.5m x 3m each. Other kiosks, temporary sale events and other retail purposes are not permitted without the further Development Consent of Council.

The retail street is to be available for use as a pedestrian thoroughfare during the opening hours of the centre.

111. 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*.

112. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

113. Waste Storage and Collection

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

114. 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.

115. Waste

The bins are required to be positioned on the eastern side of the Proposed Road 3 until such time as Road 3 is built. The bins are permitted to be relocated to the western side upon completion of Road 3 being built.